

SECTION B

Responsibility for Council (Non-Executive) Functions

To discharge non-executive functions which are not reserved to full Council, the Council has established the following committees, sub-committees and panels:

- Licensing & Safety Committee
- Sub-committees of the Licensing & Safety Committee:
 - Regulatory Panels
 - Licensing Panels
- Appeals Panels
- Corporate Governance & Audit Committee
- Statutory Officer Dismissal Committee
- Strategic Planning Committee
- Sub-committees of the Strategic Planning Committee:
 - Planning (Heavy Woollen) Area Sub-committee
 - Planning (Huddersfield) Area Sub-committee
 - Neighbourhoods Committee
- Personnel Committee
- Sub-committees of the Personnel Committee:
 - Appointment Panels
 - Employee Relations Sub-Committee
- Standards Committee
 - Standards Sub-Committee

The terms of reference of these committees, sub-committees and panels and their delegated powers are set out in the following pages.

Many of the functions referred to below are further delegated to officers as set out in Section F of this Part of the Constitution.

Licensing and Safety Committee

Membership

15 Members of the Council

Terms of Reference

This Committee constitutes the Licensing Committee for the purposes of the Licensing Act 2003 and the Gambling Act 2005 and has delegated authority in respect of all the Council's functions under those Acts or regulations made under them which may be delegated, including (2003 Act) licensing of premises and persons and (2005 Act) licensing of premises and other licences, permits etc. in respect of gambling and connected activities set out in the Act. This includes but is not limited to:-

1. To recommend to the Executive/Council a Statement of Licensing Policy, or any revisions to such Policy, in accordance with the Licensing Act 2003.
2. To recommend to the Executive/Council a three year Licensing Policy or any revisions to such policy in accordance with the Gambling Act 2005.
3. To exercise all licensing functions under the Licensing Act 2003 including determining and dealing with applications for licences, certificates, temporary events and other notices and all variations, transfers, withdrawals and reviews of such matters.
4. To exercise all licensing and related functions allocated to the local licensing authority under the Gambling Act 2005, including determining and dealing with applications for licenses, certificates, permits, registration, temporary use of premises and other notices and all variations, transfers, surrenders, revocations, reviews of such matters (but not including the power to pass a resolution not to issue casino licences under section 166 of the 2005 Act).
5. To establish the Licensing Panels, consisting of three Members, and arrange for the discharge of all or some of the functions under the 2003 and 2005 Acts to be exercised by the Panels.
6. To make arrangements for authorised persons of the Council to discharge those functions which may be delegated to an Officer under the terms of the 2003 or 2005 Act.
7. To consider and determine any other functions which may properly be referred to this Committee by the Council under the terms of the 2003 or the 2005 Act, including the setting of fees and the initiation of prosecution for offences.
8. To receive reports from the Licensing Panels as required.

9. To determine all applications referred to the Committee by either the Licensing Panels or Officers.
10. To consider all policy matters under the terms of the 2003 and 2005 Acts with the referral of appropriate recommendations to Council for adoption.

Delegated authority in respect of all other licensing and registration functions which are not, by virtue of any legislation, present or future, the responsibility of the Executive and which are not specifically delegated to any other Committee or required by legislation to be carried out by the full Council. This includes:-

1. To establish Regulatory Panels to carry out such licensing and registration functions other than the 2003 and 2005 Acts functions as the Committee may delegate.
2. All the Council's functions relating to the power of designating alcohol control zones under sections 12 – 15 of the Criminal Justice and Police Act 2001.
3. All the Council's functions relating to smoke free legislation under the Health Act 2006 and associated regulations.

Delegated authority in respect of functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Regulatory Panels

(Sub-committees of the Licensing & Safety Committee)

Membership

Any five members of the Licensing and Safety Committee selected by the Service Director – Legal, Governance and Commissioning.

Terms of Reference

1. Power to issue cinema and cinema club licences.
2. Power to issue theatre licences.
3. Power to issue licences to sexual entertainment venues.
4. Power to license sex shops and sex cinemas.
5. Power to license performances of hypnotism.
6. Power to register premises for acupuncture, tattooing, ear-piercing, and electrolysis.
7. Power to license pleasure boats and pleasure vessels.
8. Power to license market and street trading.
9. Power to license dealers in game and the killing and selling of game.
10. Power to license scrap yards.
11. Power to issue, amend, or replace, safety certificates (whether general or special) for sports grounds.
12. Power to issue, cancel, amend, or replace, safety certificates for regulated stands at sports grounds.
13. Power to issue fire certificates.
14. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:-
 - (a) an exchange of lands affected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981 (c.67) or
 - (b) an order under section 147 of the Inclosure Act 1845 (c.8 and 9 Vict. C118).

15. Power to register variation of rights of common.
16. Power to sanction persons to collect for charitable and other causes.
17. Power to license agencies for the supply of nurses.
18. Power to sanction use of parts of buildings for storage of celluloid.
19. Power to make, vary or revoke closing orders with respect to take-away food shops.
20. Power to register premises or stalls for sale of goods by way of competitive bidding.
21. Power to license premises for the breeding of dogs.
22. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
23. Power to register animal trainers and exhibitors.
24. Power to license zoos
25. Power to license dangerous wild animals.
26. Power to license knackers' yards.
27. Power to grant consent for the operation of a loudspeaker.
28. Power to issue licences for the movement of pigs.
29. Power to license the sale of pigs.
30. Power to license collecting centres for the movement of pigs.
31. Power to issue a licence to move cattle from a market.
32. Power to approve meat products premises.
33. Power to approve premises for the production of minced meat or meat preparations.
34. Power to approve dairy products establishments.
35. Power to approve egg products establishments.
36. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.

37. Power to approve fishery products premises.
38. Power to approve dispatch or purification centres.
39. Power to register food business premises.
40. Power to license the employment of children.
41. Power to approve premises for the solemnisation of marriages.
42. Power to revoke/refuse to grant permits under the Pollution, Prevention and Control (England and Wales) Regulations 2000 and authorisations under the Environmental Protection Act 1990.
43. Power to approve the commencement of proceedings in the High Court in respect of offences under the Environmental Protection Act 1990 and the Pollution, Prevention and Control (England and Wales) Regulations 2000.

Delegated authority in respect of functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Licensing Panels

(Sub-committees of the Licensing & Safety Committee)

Membership

Any three Members of the Licensing and Safety Committee selected by the Service Director – Legal, Governance and Commissioning.

Terms of Reference

1. To exercise all licensing functions under the Licensing Act 2003 including determination and dealing with applications for licences, certificates, temporary events and other notices and all variations, transfers, withdrawals and reviews of such matters.
2. To exercise all licensing and related functions allocated to the local licensing authority under the Gambling Act 2005, including determining and dealing with applications for licenses, certificates, permits, registration, temporary use of premises and other notices and all variations, transfers, surrenders, revocations, reviews of such matters.
3. To consider and determine any other functions referred to the Panel by the Council or the Licensing and Safety Committee under the terms of the Licensing Act 2003 or the Gambling Act 2005.
4. Power to register pool promoters.
5. Power to grant track betting licences.
6. Power to license inter-track betting schemes.
7. Power to grant permits in respect of premises with amusement machines.
8. Power to register societies wishing to promote lotteries.
9. Power to grant permits in respect of premises where amusements with prizes are provided.
10. To provide feedback reports to the Licensing and Safety Committee, as necessary, on any matters determined under these Terms of Reference.
11. To refer any matter, if necessary, for determination to the Licensing and Safety Committee.

Appeals Panel

Membership

Any 3 members of the Council selected by the Service Director –Governance, Commissioning and Legal from a panel of 15.

Terms of Reference

To determine any appeal or application which is at any time to be determined by a Council Committee, but not specifically delegated or referred to any other Committee, including:-

1. Appeals against decisions on education discretionary awards;
2. Appeals arising in connection with the allocation of free school transport;
3. Appeals against decisions of the Director for Children & Young People's Service regarding applications for boarding education, and such other matters as may relate to preferential treatment being accorded to individual children;
4. To review the decision of the Director for Communities & Well-Being on the details of any registered complaint, at the request of the complainant, in accordance with the Directorates complaints procedure;
5. To resolve disagreements, etc. between the Directorate for Communities and Well-Being and organisations involved in the provision of care services in accordance with the Community Care Disagreement Procedures established as a result of the NHS and Community Care Act 1990;
6. Appeals from applicants to the Housing Register in respect of officer decisions on:-
 - (a) access to the Housing Register;
 - (b) determination of homelessness status;
 - (c) elements of housing need taken into account when making assessments;
 - (d) offers of accommodation.

Corporate Governance and Audit Committee

Membership

Seven members, plus the following four ex-officio members with rights to speak but not vote:

- Member of the Cabinet with responsibility for Corporate Governance
- The Chair of the Overview & Scrutiny Management Committee,
- The Chair of the Standards Committee
- Person having specialist knowledge of treasury management (to be appointed and attend as required).

No leaders of any group shall be a member of the Committee

Terms of Reference

Delegated authority in respect of all powers and duties set out below and all other Council functions not required to be determined by the full Council and not delegated to any other committee:

1. To be responsible for:
 - 1.1. Monitoring the operation of the Council's Constitution and keeping its terms under review, including all procedure rules
 - 1.2. Making recommendations to the Council for any change or additions to the procedure rules or Articles of the Constitution or executive arrangements
2. To determine all matters relating to the adoption and operation of the Members' Allowances Scheme including recommendation to the Council of the adoption of or amendment to any such Scheme
3. To keep under review the portfolios of the Cabinet and the terms of reference and delegations of Council functions to committees and formally appointed bodies and officers
4. To consider the Council's arrangement relating to accounts including
 - (a) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors
 - (b) to keep under review the Council's financial and management accounts and financial information as it sees fit
5. To consider the Council's arrangements relating to the external audit

requirements including:

- (a) the receipt of the external audit reports so as to;
 - (i) inform the operation of the Council's current or future audit arrangements
 - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts
6. To consider the Council's arrangements relating to internal audit requirements including:
 - (a) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein
 - (b) monitoring the performance of internal audit
 - (c) agreeing and reviewing the nature and scope of the Annual Audit Plan
7. To review the adequacy of the Council's Corporate Governance arrangements. This will include (but not be limited to) the following:
 - 7.1. Internal control and risk management;
 - 7.2. Oversight of whistleblowing and the Council's whistleblowing policy;
 - 7.3. Oversight of the complaints process and the role of the Local Government Ombudsman;
 - 7.4. Oversight of Information Governance and the role of the ICO;
 - 7.5. To review and approve the annual statement of Corporate Governance.
8. To agree and update regularly the Council's Code of Corporate Governance, monitoring its operation and compliance with it, and using it as a benchmark against performance for the annual Statement of Corporate Governance.
9. To designate the Head of Paid Service, the Monitoring Officer and all statutory "proper officers".
10. To approve payments or provide other benefits in cases of maladministration as required and make recommendations arising from any review of a report of the Local Government and Social Care Ombudsman
11. Following a decision of Council to undertake a community governance review to agree the terms of reference for and conduct such a review, making recommendations to Council who will determine the outcome of such reviews.
12. Functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it)
13. Charities and charitable trusts (so far as not the responsibility of Cabinet).

14. Responsibility for reviewing and challenging all treasury management activities.
15. To determine appointments of individuals to outside bodies (except school governing bodies) and revocation of such appointments.
16. To determine nominations for charitable trustees in cases where there has been failure reach agreement.
17. To receive updates and monitor compliance with the Council's Regulation of Investigatory Powers Act (RIPA) policy.

Statutory Officer Dismissal Committee

Membership

5 Members of the Council (One to be a member of Cabinet) and two independent persons

Terms of Reference

Delegated responsibility in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 for the following:

1. To give advice, express its views and make recommendations to full Council as to the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief of Finance Officer.
2. To keep under review the suspension of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

Strategic Planning Committee (Major Planning Applications)

Membership

7 Members of the Council Including the Chairperson (4:2:1)

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreements regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers. 18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
19. Power to require proper maintenance of land.
20. Power to determine application for listed building consent, and related powers.
21. Duties relating to applications for listed building consent
22. Power to serve a building preservation notice, and related powers.
23. Power to issue an enforcement notice in relation to demolition of listed building in conservation area.

24. Powers to acquire a listed building in need of repair and to serve a repairs notice.
25. Power to apply for an injunction in relation to a listed building.
26. Power to execute urgent works.
27. Powers relating to the protection of important hedgerows.
28. Powers relating to the preservation of trees.
29. Powers relating to complaints about high hedges.

Additional Notes and Interpretation – Strategic Planning Committee

1. The Strategic Planning Committee (Major Planning Applications) will generally only deal with full and outline planning applications for Major development proposals as set out in the Scheme of Delegation 2023. All Major Planning Applications are delegated decisions unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan Local Plan 2019 (or any future updates). Any reduction in S106 obligations from Local Plan 2019 (or any future updates) requirements will also be reported to Strategic Planning Committee for determination.
2. Ward Members' rights to refer planning applications to the District Wide Planning Committee (Minor and Other planning applications) remain unaffected (subject to the Chair's confirmation that the reasons are valid).
3. Ward members' rights to refer Planning Applications either to the Strategic Planning Committee (Major Planning Applications) or the District Wide Planning Committee (Minor and Other planning applications) for determination will not, in the normal course of events, extend to discharges of planning conditions or applications under section 96A of the Town and Country Planning Act 1990 (non-material amendments to planning permissions). The reason for this is that the statutory timescales within which decisions relating to these submissions must be made by the LPA are too short to allow for Committee determinations. Officers will continue to notify relevant ward members of such applications through the 'weekly lists' and will take into account comments made before making their final decisions.
5. It is good practice to carry out site visits for planning applications. Site visits will be carried out upon planning application at a Committee unless discretion is exercised. The chair in consultation with officers will decide whether to exercise this discretion.

Highways and Transportation

1. Power to permit deposit of builder's skip on highway.
2. Power to license planting, retention, and maintenance of trees, etc. in part of highway.
3. Power to authorise erection of stiles, etc. on footpaths or bridleways.
4. Power to license works in relation to buildings, etc. which obstruct the highway.
5. Power to consent to temporary deposits or excavations in streets.
6. Power to dispense with obligation to erect hoarding or fence.

7. Power to restrict the placing of rails, beams, etc. over highways.
8. Power to consent to construction of cellars, etc. under street.
9. Power to consent to the making of openings into cellars, etc. under streets, and pavement lights, and ventilators.
10. Power to create footpath, bridleway or restricted byway by agreement.
11. Power to create footpaths, bridleways or restricted byways
12. Duty to keep register of information with respect to maps, statements, and declarations.
13. Power to stop up footpaths, bridleways or restricted byways
14. Power to determine application for public path extinguishment order.
15. Power to make a rail crossing extinguishment order.
16. Power to make a special extinguishment order.
17. Power to divert footpaths, bridleways or restricted byways
18. Power to make a public path diversion order.
19. Power to make a rail crossing diversion order.
20. Power to make a special diversion order.
21. Power to require applicant for order to enter into agreement.
22. Power to make an SSSI diversion order. Revised April 2023
23. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
24. Power to decline to determine certain applications.
25. Duty to assert and protect the rights of the public to use and enjoyment of highways.
26. Duty to serve notice of proposed action in relation to obstruction.
27. Power to apply for variation of order under section 130B of the Highways Act 1980.
28. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.
29. Power temporarily to divert footpath, bridleway or restricted byway
30. Functions relating to the making good of damage and the removal of obstructions.
31. Powers relating to the removal of things so deposited on highways as to be a nuisance.
32. Power to extinguish certain public rights of way.
33. Duty to keep definitive map and statement under review.
34. Power to include modifications in other orders.
35. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.
36. Power to prepare map and statement by way of consolidation of definitive map and statement.
37. Power to designate footpath as cycle track.
38. Power to extinguish public right of way over land acquired for clearance.
39. Power to authorise stopping-up or diversion of highway (including Section 247 of the Town & Country Planning Act 1990).
40. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway
41. Power to extinguish public rights of way over land held for planning purposes.
42. Power to enter into agreements with respect to means of access. Revised April 2023
43. Power to provide access in absence of agreement.

44. Power to grant a street works licence.
45. Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highways and related powers.
46. Duty to publish notice in respect of proposals to grant such permission under Section 115E of the Highways Act 1980.

New District-Wide Planning Committee Terms of Reference

District-Wide Planning Committee (Minor and Other planning applications)

Membership

9 Members of the Council including Chairperson (5:3:1)

Terms of Reference

Delegated authority in respect of all Planning, Development Management and Highways functions which are not by virtue of any legislation present or future, the responsibility of the Executive and are not required by legislation to be carried out in the full Council.

This includes:

Planning and Development Management

1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreements regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice Revised April 2023
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
19. Power to require proper maintenance of land.
20. Power to determine application for listed building consent, and related powers.
21. Duties relating to applications for listed building consent

22. Power to serve a building preservation notice, and related powers.
23. Power to issue an enforcement notice in relation to demolition of listed building in conservation area.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.
25. Power to apply for an injunction in relation to a listed building.
26. Power to execute urgent works.
27. Powers relating to the protection of important hedgerows.
28. Powers relating to the preservation of trees.

Additional Notes and Interpretation – District-Wide Planning Committee

1. The District-Wide Committee (Minor and Other applications) will generally only determine Full and Outline planning applications for Minor and Other scale development proposals set out in the Scheme of Delegation 2023.
2. All Minor and Other planning applications are delegated decisions unless the relevant Chair considers otherwise or ward members exercise their right of referral with the Chairs agreement or if significant representations against the Officers recommended decision are received or if the application is a significant Departure from the Development Plan Local Plan 2019 (or any future updates).

Highways and Transportation

1. Power to permit deposit of builder's skip on highway.
2. Power to license planting, retention, and maintenance of trees, etc. in part of highway.
3. Power to authorise erection of stiles, etc. on footpaths or bridleways.
4. Power to license works in relation to buildings, etc. which obstruct the highway.
5. Power to consent to temporary deposits or excavations in streets.
6. Power to dispense with obligation to erect hoarding or fence.
7. Power to restrict the placing of rails, beams, etc. over highways.
8. Power to consent to construction of cellars, etc. under street.
9. Power to consent to the making of openings into cellars, etc. under streets, and pavement lights, and ventilators.
10. Power to create footpath, bridleway or restricted byway by agreement.
11. Power to create footpaths, bridleways or restricted byways
12. Duty to keep register of information with respect to maps, statements, and declarations.
13. Power to stop up footpaths, bridleways or restricted byways
14. Power to determine application for public path extinguishment order.
15. Power to make a rail crossing extinguishment order.
16. Power to make a special extinguishment order.
17. Power to divert footpaths, bridleways or restricted byways
18. Power to make a public path diversion order.
19. Power to make a rail crossing diversion order.
20. Power to make a special diversion order.
21. Power to require applicant for order to enter into agreement.
22. Power to make an SSSI diversion order. Revised April 2023

23. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
24. Power to decline to determine certain applications.
25. Duty to assert and protect the rights of the public to use and enjoyment of highways.
26. Duty to serve notice of proposed action in relation to obstruction.
27. Power to apply for variation of order under section 130B of the Highways Act 1980.
28. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.
29. Power temporarily to divert footpath, bridleway or restricted byway
30. Functions relating to the making good of damage and the removal of obstructions.
31. Powers relating to the removal of things so deposited on highways as to be a nuisance.
32. Power to extinguish certain public rights of way.
33. Duty to keep definitive map and statement under review.
34. Power to include modifications in other orders.
35. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.
36. Power to prepare map and statement by way of consolidation of definitive map and statement.
37. Power to designate footpath as cycle track.
38. Power to extinguish public right of way over land acquired for clearance.
39. Power to authorise stopping-up or diversion of highway (including Section 247 of the Town & Country Planning Act 1990).
40. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway
41. Power to extinguish public rights of way over land held for planning purposes.
42. Power to enter into agreements with respect to means of access. Revised April 2023
43. Power to provide access in absence of agreement.
44. Power to grant a street works licence.
45. Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highways and related powers.
46. Duty to publish notice in respect of proposals to grant such permission under Section 115E of the Highways Act 1980.

Neighbourhoods Committee

Membership

6 Members of the Council on a ratio of 2:2:1:1

Terms of Reference

- (i) To process all applications that are submitted to the Authority for the making of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders in accordance with the requirements of Part 6 Chapter 3 and Schedules 9, 10, 11 and 12 of the Localism Act 2011 and all applicable subordinate legislation, including:
 - Receiving and responding to consultation
 - Appointing an independent examiner, making necessary arrangements for holding an examination and participating in the examination
 - Determining content of representation at examination
 - Considering the recommendations of the examiner
 - Confirming that draft proposals meet all necessary requirements including general conformity with strategic policies contained in the core strategy
 - Making decisions whether to decline to consider the proposals, refuse the proposals or initiate a referendum
 - Extending the area in which a referendum will take place as considered appropriate
- (ii) To process all applications for the designation of a Neighbourhood Forum in accordance with the requirements of Part 6 Chapter 3 and Schedule 9 of the Localism Act 2011 and all applicable subordinate legislation and to make decisions to designate or refuse to designate those Forums and to withdraw an organisation or body's designation as a Neighbourhood Forum in appropriate circumstances.
- (iii) To process all applications for the designation of Neighbourhood Areas in accordance with the requirements of Part 6 Chapter 3 and Schedule 9 of the Localism Act 2011 and all applicable subordinate legislation and to make decisions to designate or refuse to designate those Areas.

Personnel Committee

Membership

9 Members of the Council

Terms of Reference

Delegated responsibility for:-

1. Appointment of staff and determination of their terms and conditions of appointment, including disciplinary procedures and including negotiations and consultation with trade unions over issues relating to terms and conditions [N.B. all appointments below Service Director level are required to be delegated to officers];
 2. To establish at the appropriate time sub-committees of members to act as appointment panels for the appointments of the Chief Executive, Chief Officers, and designated Deputy Chief Officers (as defined in Section 2(8) of the Local Government and Housing Act 1989).
 3. To determine which Deputy Chief Officer posts should be designated to be appointed by a sub-committee of members.
 4. To determine the mode of appointment to the post of Chief Executive, Deputy Chief Executives and Strategic Directors.
- N.B. There are statutory requirements relating to delegation of and procedures for appointment of staff. These are set out in the Officer Employment Procedure Rules in Part 4 of the Constitution.

Appointment Panels (if not specifically appointed by the Personnel Committee)
(Sub-committees of the Personnel Committee)

Membership

The Leader or the Leader's nominee, together with at least two other members of the Council selected by the Service Director – Legal, Governance and Commissioning in consultation with the Chair of the Personnel Committee. The Chair of Overview and Scrutiny may select a representative to attend as observer.

Terms of Reference

To select in accordance with agreed procedures the individual for appointment to a specific post.

Employee Relations Sub-Committee

(Sub-Committee of the Personnel Committee)

Membership

8 members of the Council on a ratio of 3:3:2.

Quorum

3 members (providing that these are not all from the same political group).

Terms of Reference

Delegated responsibility for:

1. Following a referral from the Assistant Director Support Services, to review decisions of an Officer Appeal Panel relating to employment matters in situations where it is alleged that:
 - (a) The findings of an Officer Appeal Panel are based on a judgement that is considered perverse ie the rationale for the decision of the panel is not supported by the evidence submitted and there is evidence that is contrary to the findings; or
 - (b) Due process has not been followed.
2. Following the review, to make one of the following recommendations:
 - (a) To confirm that the process followed by the panel and/or the judgement reached by the panel was appropriate and reasonable and that the final decision should stand;
 - (b) To determine that the process followed by the panel and/or the judgement reached by the panel was not appropriate and that either:
 - (i) The panel should reconsider its findings in the light of the comments of the Sub Committee; or
 - (ii) A new Officer Appeal Panel should be convened to re-hear the appeal.
 - (c) To determine whether the process followed and/or judgement of the original service hearing was inappropriate and/or unreasonable and whether this had been taken into consideration by the Officer Appeal Panel and, if so:
 - (i) To ask the panel to reconsider the case taking these views

into account; or

(ii) If feasible, ask for the case to be re-investigated/re-heard with a new commissioning manager etc.

3. To hear disputes that have previously been presented to the Central Negotiating Team and which result in either or both parties disagreeing with the outcome.

Standards Committee

The membership and role and function of this committee and the Standards Sub-Committee are set out in Article 9 of Part 2 of this Constitution.