

4 Terms of Reference of Council Committees

- Standards Committee
- Planning Committee
- Licensing and Regulatory Committee
- Employment Committee
- Appeals Panel
- Audit Committee
- Governance and Business Committee
- Health and Wellbeing Board

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STANDARDS COMMITTEE

The Standards Committee is authorised to discharge the following functions.

1. To advise the Council on promoting and maintaining high standards of conduct by Councillors and Co-opted members.
2. To advise the Council on the adoption or revision of the Code of Conduct for Members.
3. To monitor and advise the Council about the operation of the Code of Conduct for Members in the light of best practice and changes in the law.
4. To assist Councillors and Co-opted Members to observe the Code of Conduct for Members.
5. To advise, train or arrange to train Councillors and Co-opted members on matters relating to the Code of Conduct for Members.
6. To grant dispensations to Councillors and Co-opted members in accordance with regulations relating to the disclosure and registration of Members' interests.
7. Other functions relating to standards of conduct of Members under any relevant provision of or regulations made under the Local Government Act or the Localism Act 2011.
8. To deal with any reports from the Monitoring Officer on any matter relating to the standards of conduct of Councillors and Co-opted members.
9. To appoint sub committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breaches of the Code of Conduct for Members.
10. The functions set out in paragraph 8 above in relation to Town/Parish Councils.
11. To make recommendations to the Council on any amendments to the Members' Allowance Scheme.

The Hearings Panel is authorised to discharge the following function:-

To consider and determine complaints of breaches of the Code of Conduct for Members referred for consideration by the Monitoring Officer or at the request of either the complainant or the Member against whom the allegation has been made.

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PLANNING COMMITTEE

The Planning Committee is authorised to discharge the following functions:-

1. The consideration of the formulation of, or changes to, development control policies, objectives and standards for recommendation to the Cabinet.
2. The following town and country planning and development control functions:-
 - 2.1 The determination of applications following a written request to the Corporate Lead, Planning by a Councillor concerning an application within their ward, that an application be referred to the Planning Committee. The request must be made to the Corporate Lead, Planning and must include reason(s) for the requested referral based on material planning considerations. Applications may be determined after the conclusion of the 21 day statutory public notification period.
 - 2.2 The determination of applications for development that would constitute a significant departure from the Development Plan, including a significant departure from any Local Development Framework currently in force.
 - 2.3 The determination of applications for development that would be materially different from any supplementary planning guidance or planning brief approved by or on behalf of the Council.
 - 2.4 The determination of applications for major development which would have significant impacts on local communities.
 - 2.5 The approval of applications, where approval would reverse a previous decision taken by the Planning Committee.
 - 2.6 The approval of applications, where approval would conflict with an objection raised by a statutory technical consultee or internal professional advice.
 - 2.7 The approval of plans for applications previously determined by the Planning Committee.
 - 2.8 Where the Corporate Lead, Planning considers that the application should be referred to the Planning Committee for determination because of the significance, impact or sensitivity of the proposal.
 - 2.9 The determination of applications submitted in a personal capacity by or on behalf of Councillors, the Council's Chief Officers as described in Article 12 of the Constitution, or any officer who carries out development control functions, or any legal entity in which any of the above have a controlling interest.

3. The following hedgerows and trees functions:
 - 3.1 The determination of applications to fell where there are unresolved objections.
4. The expression of a view on the validity or otherwise of planning permission in connection with the consideration of applications to the Environment Agency for Waste Management licences under the Environmental Protection Act 1990.
5. The service of notices under Section 215 of the Town and Country Planning Act 1990.
6. The expression of an opinion on proposals to seek consent to demolish Council owned listed buildings.

LICENSING AND REGULATORY COMMITTEE

The Licensing and Regulatory Committee is authorised to discharge the following functions:-

1. To consider and determine applications for licences, permits, consents certificates and registrations in relation to :-
 - (a) Hackney carriage and private hire services,
 - (b) Betting, gaming, lotteries and amusements,
 - (c) Public entertainments, cinemas and theatres,
 - (d) Hypnotism, acupuncture, tattooing, ear-piercing, electrolysis, cosmetic piercing and skin-colouring
 - (e) Night cafes,
 - (f) Charitable collections,
 - (g) Marriage premises,
 - (h) Nurses agencies,
 - (i) The employment of children,
 - (j) Loud speakers,
 - (k) Caravans and moveable dwellings,
 - (l) Premises for food preparation / meat, dairy and egg production, retail butchers shops and fish product premises, food business premises and Closing Orders for take-away food shops
 - (m) Auction and wholesale markets,
 - (n) Dealers in game,
 - (o) Pet shops and animal establishments, animal trainers and exhibitions and zoos,
 - (p) Breeding of dogs,
 - (q) Breeding of dangerous wild animals,
 - (r) Movement and sale of pigs or cattle,
 - (s) Scrap and Knackers yards,
 - (t) Street trading,
 - (u) Motor Salvage Operations,
 - (v) Sexual establishment venue licences (including variation and revocation).
2. To consider and determine the applications for licences, permits, consents, certificates and registrations under the Licensing Act 2003.
3. To consider and determine applications for licences, permits, consents, certificates and registrations under the Gambling Act 2005.
4. To consider and determine applications for the grant and varying of, and suspension or revocation of, licences issued under the Scrap Metal Dealers Act 2013.
5. To consider and determine applications for consents and certificates in relation to Safety at Sports Grounds.

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Reference:

Section 13, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) Regulations

Chapter 5, DETR Guidance on New Council Constitutions

6. To consider and determine applications for registration of a town or village green.
7. To consider and determine applications for the registration of common land.
8. To consider and determine matters relating to the regulation and use of highways (including footpaths and bridleways) specified in the Local Authorities (Functions and Responsibilities) Regulations 2000.
9. To consider and determine matters relating to Health and Safety which are the functions of the Council other than in the capacity of the Council as an employer.
10. To review and approve fees and charges in relation to any of the functions within the remit of the Committee.
11. To review and approve terms and conditions (where appropriate) of any licence, permit, registration, consent or in relation to certificate any of the functions within the remit of the Committee.
12. To hear and determine appeals against a decision of an officer under delegated powers to refuse, modify, suspend or revoke any licence, permit, registration, consent or certificate where there is no right of appeal to another body.
13. To consider and recommend to the Council, the making, amendment and revocation of Byelaws.

The Licensing Sub Committee is authorised to discharge the following functions:-

1. To consider and determine applications under the Licensing Act 2003:
 - (a) for personal licences where there are unspent convictions or where relevant Police representations have been made;
 - (b) for the variation of a designated personal licence holder where relevant Police representations have been made;
 - (c) for the transfer of a premises licence where relevant Police representations have been made;
 - (d) for premises licences/club premises certificates, provisional statements and the variation of premises licences/club premises certificates where relevant representations have been made;
 - (e) to review a premises licence/club premises certificate;
 - (f) for determination of a Police representation to a temporary event notice;

- (g) for a provisional statement where relevant representations have been made;
 - (h) for interim authorities where relevant Police representations have been made;
 - (i) made by the Chief Officer of Police for a summary review in serious cases of crime or disorder under Section 53(A) of the Licensing Act 2003;
 - (j) referred to the Sub Committee by the Head of Customer Services for determination.
2. To consider and determine applications and give decisions under the Gambling Act 2005:
- (a) for a premises licence where relevant representations have been received and not withdrawn;
 - (b) for a variation to a premises licence where relevant representations have been received and not withdrawn;
 - (c) for a provisional statement where relevant representations have been received and not withdrawn;
 - (d) for club/gaming machine permits where objections have been received and not withdrawn;
 - (e) the cancellation of club/gaming machine permits;
 - (f) to give a counter notice to a temporary use notice;
 - (g) to attach/exclude a condition under Section 169(i)(a) or (b) of the Act where the consent of the applicant or interested party who has made relevant representations has not been given;
 - (h) for small lottery registrations where objections have been made and not withdrawn;
 - (i) for other permits where objections have been made and not withdrawn;
 - (j) referred to the Sub Committee by the Assistant Director, Customer Services for determination.

EMPLOYMENT COMMITTEE

The Employment Committee is authorised to discharge the following functions in accordance with the Officer Employment Procedure Rules.

1. To recommend to the Council the appointment of the Head of Paid Service.
2. To appoint other Chief Officers. In the case of the Director of Public Health, the recruitment and appointment process shall be undertaken as required by legislation and statutory guidance.
3. To recommend to the Council the dismissal of the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer.
4. To take disciplinary action including dismissal in relation to other Chief Officers.
5. To consider and determine appeals by Chief Officers in relation to salary grading assessments.
6. To approve departures from the Council's Pay Policy Statement to address Chief Officer Recruitment and Retention issues.

APPEALS PANEL

The Appeals Panel is authorised to discharge the following functions.

1. In relation to employees of the Council (excluding employees who are the responsibility of School Governing Bodies but including centrally based teachers and lecturers and, at schools where delegation has been removed, teachers and non-teaching staff):-
 - (a) to consider and determine in accordance with the appropriate Conditions of Service, appeals against disciplinary action and against grading assessments;
 - (b) to consider and determine appeals under the Council's Redundancy Appeals Procedure; and
 - (c) to consider and determine appeals in relation to grievances required to be settled under the Council's Grievance Procedure (excluding Equal Pay Grievance Appeals) and appeals relating to car allowances.
2. To consider and determine appeals against any decision made by or on behalf of the Authority but excluding any matter where an appeal is provided for elsewhere in Part 3 of this Constitution or where there exists a statutory right of appeal to a body outside the Authority.

AUDIT COMMITTEE

The Audit Committee is authorised to discharge the following functions:

1. To consider issues relating to audit matters, both internal and external.
2. To review and consider amendments to the Local Code of Corporate Governance on an annual basis for recommendation to Council.
3. To review the arrangements in place with regard to the Calderdale Assurance Model in order to support the systems of internal control and governance arrangements in place within the organisation as a whole.
4. To consider and approve the Annual Governance Statement on an annual basis.
5. To consider and approve the annual Statement of Accounts.
6. To consider the effectiveness of the Risk Management Strategy throughout the Authority and to receive a Risk Management Report.
7. To receive and consider two reports per annum on the work of internal audit.
8. To consider and approve the Annual Internal Audit Plan.
9. To receive and consider the External Audit Plan.
10. To receive and consider all reports from External Audit, including value for money reports, systems and final accounts audit as set out within the Annual Audit letter.
11. To review and monitor the Anti-Fraud and Corruption Strategy and all associated policies and standards.
12. To review and monitor the Whistleblowing Policy.
13. To review on an annual basis the findings of the annual review on the effectiveness of the system of internal audit.
14. To monitor Treasury Management performance
15. To provide an annual report to the Council on the work and performance of the Audit Committee.

GOVERNANCE AND BUSINESS COMMITTEE

The Governance and Business Committee is authorised to discharge the following functions:

1. To keep the Council's governance and constitutional arrangements under review.
2. To keep the Council's Policy Framework under review.
3. To monitor the operation of the Council's Constitution and make recommendations to the Council on changes as appropriate.
4. To review the arrangements for Council meetings and make recommendations to the Council on changes as appropriate.
5. To make recommendations to the Council as to the conferment of honorary freemen/women and honorary aldermen/women.
6. To be responsible for all other civic and ceremonial matters.
7. To be responsible for all aspects of support and development for Members.
8. To consider the discharge of the Council's various electoral duties under the Representation of the People Acts for recommendation to the Council.
9. To consider matters relating to the Council's functions with regard to parishes and parish councils for recommendation to the Council.
10. To consider matters relating to boundary reviews and alterations for recommendation to the Council.
11. To consider matters relating to referendums regarding an Elected Mayor for recommendation to the Council.
12. To consider the annual pay policy statement for staff for recommendation to the Council.
13. To be responsible for the arrangements for appeals and reviews which fall to the Council to arrange where these are not delegated to another Committee or a Chief Officer.
14. To be responsible for all employment and staffing matters and determination of terms and conditions of service, other than those in relation to Chief Officers delegated to the Employment Committee.
15. To discharge the Council's functions relating to pensions under the Superannuation Act.

16. Overview of the arrangements for complaints handling and Ombudsman investigations and to authorise the making of payments under Section 92 of the Local Government Act 2000 in relation to maladministration.
17. The appointment of Councillors to Member Champion positions established from time to time by the Council.

HEALTH AND WELLBEING BOARD

The Health and Wellbeing Board is a statutory Committee of the Council.

The Board is an important part of the governance structures for health and wellbeing across Calderdale and West Yorkshire.

It is the main strategic partnership in Calderdale that brings together the NHS, the Council and partners to

- set the strategic direction for improving the health and wellbeing of Calderdale people
- reduce health inequalities, and
- promote co-operation and the integration of services.

The Health and Wellbeing Board is authorised to discharge the following functions:

- 1 To improve health and wellbeing outcomes through driving transformational change in services, commissioning and resource allocation;
- 2 To provide collective leadership so that integrated and jointly commissioned services are developed which best meet the health and social care needs of individual people and communities;
- 3 To connect local authority and NHS activity with all public sector spending in the Borough to improve the health and wellbeing of local communities;
- 4 To ensure the Council, the NHS and communities, service users and the public all work together to improve health and wellbeing and to reduce health inequalities ;
- 5 To prepare and agree a Joint Strategic Needs Assessment to provide a shared understanding of the health and social care needs of the local community and to inform the planning and development of health and social care services;
- 6 To prepare and agree a Health and Wellbeing Strategy informed by the needs identified in the Joint Strategic Needs Assessment that includes the key priorities for improving the health and wellbeing of the population. To oversee and monitor the implementation of the Strategy. To work with other partners and partnerships to deliver the Strategy;
- 7 To assess whether the local authority is discharging its duty to have regard to the JSNA and the Wellbeing Strategy and to report that assessment to Council;
- 8 To contribute to preparing, or significantly revising the plans of the West Yorkshire Health and Care Partnership and the Calderdale Cares Partnership Board;

Reference:

Section 13, Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) Regulations

Chapter 5, DETR Guidance on New Council Constitutions

Section 194, Health and Social Care Act 2012

- 9 To contribute to preparing, or significantly revising, the public health commissioning plans of the local authority and any other appropriate commissioning plans of the local authority;
- 10 To provide an opinion to NHS England on whether the West Yorkshire Health and Care Partnership commissioning plans have taken proper account of Calderdale's Health and Wellbeing Strategy;
- 11 To publish and update a statement of the needs for pharmaceutical services of the population of Calderdale;
- 12 To review the Board's terms of reference from time to time and make recommendations on any proposed changes to Council..

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