



Oversight and Governance

Chief Executive's Department
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AUDIT AND GOVERNANCE COMMITTEE

Tuesday 16 January 2024
12.30 pm
Warspite Room, Council House

Members:

Councillor Allen, Chair

Councillor Finn, Vice Chair

Councillors Dr Mahony, Raynsford and Stevens and Independent Member Mrs Benny.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee

Chief Executive

Audit and Governance Committee

Agenda

1. Apologies

To receive apologies for non-attendance submitted by Committee Members.

2. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this Agenda.

3. Minutes

(Pages 1 - 10)

To confirm the minutes of the meeting held on 28 November 2023.

4. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. Constitutional Review Update:

(Pages 11 - 60)

6. 2019/20 Audit Update:

(Verbal Report)

7. External Audit - Update:

(Verbal Report)

8. Electoral Cycle Consultation Arrangements:

(To Follow)

9. Work Programme:

(Pages 61 - 66)

10. Tracking Decisions:

(Pages 67 - 68)

Audit and Governance Committee

Tuesday 28 November 2023

PRESENT:

Councillor Allen, in the Chair.

Councillor Finn, Vice Chair.

Councillors Dr Mahony, Raynsford, Stevens and Independent Member Annette Benny.

Also in attendance: Louise Clapton (Audit Manager), Alison Critchfield (Senior Lawyer), Paul Dossett (Partner, Grant Thornton (online)), Wendy Eldridge (Lead Accountancy Manager for Capital and Treasury Management), Carolyn Haynes (Head of Finance), Ross Jago (Head of Governance, Performance and Risk), Ken Johnson (Counter Fraud Services Manager), David Northey (Interim Section 151 Officer), Giles Perritt (Assistant Chief Executive), Tony Rose (Head of Devon Audit Partnership) and Hannah Whiting (Democratic Advisor).

The meeting started at 12.30 pm and finished at 2.37 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

33. **Declarations of Interest**

No declarations of interest were made.

34. **Minutes**

In relation to Minute 26b of the minutes of the meeting held on 26 September 2023:

- a) Councillor Alison Raynsford asked if more detail would be provided in relation to Minute 26b of the minutes of the meeting held on 26 September 2023;
- b) David Northey (Interim Section 151 Officer) explained that the minute related to providing more detail in the next report of its kind to come to the Committee, and that work was underway.

The Committee agreed the minutes of the meetings held on 5 September 2023 and 26 September 2023 (including confidential minutes) as an accurate record.

35. **Chair's Urgent Business**

The Chair asked David Northey (Interim Section 151 Officer) to provide an update on the transaction that had caused the 2020/21 audit to not yet be signed off:

- a) Plymouth City Council was working with Grant Thornton to resolve the issue;

- b) David had sent all information requested to DLUHC, was waiting for their response and was due to meet them after that week for an update;
- c) It was important to try and reach a conclusion before setting the budget for 2024/25;
- d) He would update the Committee as soon as he could with any developments.

36. **Counter Fraud Half Year Report**

Ken Johnson (Counter Fraud Services Manager) introduced the report and highlighted:

- a) Savings being generated through counter fraud activity were increasing and anticipated that this would continue as data accuracy and NFI (National Fraud Initiative) specialisations were used, because the team were able to be more flexible and deal with more cases;
- b) Continued to provide training to teams in the council, most recently the Low Carbon Energy Team, in relation to a new grant system;
- c) Best practice responses to counter fraud work that was expected of local authorities and the team would be aiming to a deeper understanding of the risks;
- d) Was to provide a more integrated approach to assurance;
- e) Pleasing to see response from Council departments to the latest NFI from the Cabinet Office;
- f) Was able to look into the possibility of Plymouth City Council overpaying VAT, and were able to say that was not the case;
- g) A new offence was being brought forward – failure to prevent fraud – he would update the Committee when it became law;
- h) Continued to work with teams across the Council very well, in particular the Digital and Customer Experience Team, Strategic Planning and Infrastructure Team and Finance Teams in response to NFI matches.

The Committee agreed to note the report.

37. **Internal Audit Half Year Report**

Louise Clapton (Audit Manager) introduced the report highlighted the following points:

- a) The Public Sector Internal Audit Standards required the Head of Internal Audit to prepare an annual report, providing an opinion that could be used by the organisation to inform its annual governance statement;
- b) The report provided members with a mid-year position on work carried out up to the end of September 2023 and provided a position statement on the progress towards the annual audit assurance opinion;

- c) The mid-year assurance option was 'reasonable assurance', which meant that there was a generally sound system of governance, risk management, and control in place across the organisation;
- d) Some reports, that had been included in an appendix to the report, had been finalised since publication, and had limited assurance, which would affect the chart shown on Page 17 of the agenda pack for the meeting, but overall the outcome would still have been 'reasonable assurance';
- e) Management were required to provide a response to the audit observation and to agree an action plan to address any risk or control issues, but this had not been received in relation to the special guardianship orders when the papers for the meeting had been published, but it had been received since;
- f) The team were in the process of reviewing the audit plan for the remainder of 2023/24, and were planning for 2024/25.

In response to questions it was further explained:

- g) A draft report that had been issued to the Section 151 Officer, what was found in work on 22/23 was there was an issue when debt recovery reaches a point where no further action was taken, so good recovery is automatically in place, but once those avenues were exhausted, there were limited resources within the debtors team to continue with the debt recovery;
- h) Would be using the limited assurance audit reports to determine the audit plan for Q4 and for 2024/25, and the team would follow up on management actions and it would influence audit work in other areas where the risk would continue, or was similar, and the team were trying to link in better with finance and risk management at the Council to be more transparent across the board in what the risks were;
- i) The identified risks did triangulate and all involved were trying to improve how risk and audit worked together, as part of the compliance process, so they were all on the 'same page' and where risk was in the authority;
- j) Debt recovery for business rates worked well and was high overall, but there were a small amount where resources had been exhausted and had then been lacking, but action had been taken to put more resource into those areas and a business case was in progress to address the shortfalls, which would put 6 people into the team, and would be paid for by the collection of additional debt.

The Committee agreed to:

1. Note the mid-year assurance opinion statement within this report;
2. Note the findings within the report.

38. **Treasury Management Strategy**

Wendy Eldridge (Lead Accountancy Manager) provided a summary of the report and highlighted:

- a) The key objectives of the Treasury Management Strategy were to ensure that the organisation had sufficient funds to meet its short term and long term obligations, minimizing financing costs and maximising return on investment;
- b) Treasury management encompassed a wide range of activities including cash management, funding and investment management, risk management and working capital management;
- c) As part of the budget setting assumptions for 2024/25, the forecast for the average rate of return on investments would be 5%;
- d) The forecast for capital expenditure for 2024/25 was £147 million, but the capital programme was under continual review;
- e) The Council budget assumption for 2024/25 borrowing was 5.5%;
- f) The Bank of England interest rate was 5.25%, and the forecast was that there would be a slow reduction in interests rates, with the rate to be around 3% by early 2026;
- g) Short-term borrowing was favourable while interest rates were high;
- h) Where possible, reviews were being undertaken on long-term fixed rate loans;
- i) The Council had protected itself with its PWLB borrowing across 50 years to secure rates between 1.37% and 2.54%, and a rate swap agreement had protected a further £75 million against the risk with interest rates.

In response to questions, it was further explained:

- a) The rate swap agreement was very likely to not be impacted by the outcome of the outstanding issue of the transaction that was holding up the sign off of the 2019/20 accounts;
- b) With regards to making provision to repay debt, throughout the year, if the Council held higher balances it would be used to repay short-term borrowing in advance of taking out further short term;
- c) The minimum revenue provision that was made each year, circa £20 million, was used to reduce the requirement for borrowing;
- d) Drop in borrowing was as a result of schemes where re-profiling had been done and, significant factor would have been Freeport;
- e) The significant increase in grants and contributions for 2025/26 was due to an assumption that the Manadon Road Network project would secure additional funding;
- f) The significant drop in borrowing was a result of significant re-profiling, and in some cases borrowing would be funded by developments

- g) With interest rates at their highest for a long time, the Council was cautious over new projects, but also took the forecasted drop in interest rates into consideration;
- h) The borrowing was increasing and driven by an ambitious capital programme, and would continue to do so, if no programs were added from 2026/27 then it would decrease, but was being driven by high borrowing to support investment to date;
- i) Borrowing would become 'too much' when the revenue budget being set could not support the pay back of the borrowing requirement for the capital programme and an upper boundary was set;
- j) The purpose of the report was to highlight the forecast, but all projects in the capital programme would be subject to the capital governance process;
- k) An overall debt ceiling would be driven by the number of the capital programme and the requirements to support development within the city, it would need to be a wider conversation if one was to be discussed.

The Committee agreed to:

- l. Recommend the Treasury Management Strategy 2024/25, that incorporated the authorised limits, operational boundaries and prudential indicators, to Council for approval.

39. **Treasury Management Mid-Year Review**

Wendy Eldridge (Lead Accountancy Manager for Capital and Treasury Management) introduced the report and highlighted the following points:

- a) Net borrowing was £559 million on 31 March 2023, offset by reserves and working capital;
- b) Although the Council had been negatively impacted by higher interest rates with regards to borrowing, the Council was also benefitting through investments;
- c) It was forecast that the treasury management budgets would delivery just under £500,000 worth of savings in 2023/24 as a result of the benefits of the rate swap and ongoing benefits of interest rates being linked to longer term investments, reducing the exposure to risk.

In response to questions, it was explained:

- d) The upper limit of fixed rate interest exposure was at 77%, with a maximum of 80%, and could become in risk of breach in the future if there was a change in fixed rates that the Council wanted to take advantage of, but if it were to the benefit of the Council, it would just need to be acknowledge as to why it had happened;
- e) Some of the 2023/24 actuals were getting close to the boundaries set, but there was room for recovery within them.

The Committee agreed to note the report.

40. **Capital Finance Strategy**

Wendy Eldridge (Lead Accountancy Manager for Capital and Treasury Management) introduced the report and highlighted the following points:

- a) Additions to the Capital programme over £200,000, were added via Executive Decision, and was subject to a call-in period;
- b) The five year programme at 30 September 2023, set out a programme totalling £373,765,000 and a breakdown of funding across various sources;
- c) The programme was mostly funded through borrowing, which did carry risk due to high interest rates, and would be incorporate within the treasury management revenue budget as part of the budget setting process to ensure affordability.

In response to questions, it was added:

- d) Each individual project would have an element of inflation built into the affordability of the project, and it would be the project officers role to review the affordability of the project throughout and identify any additional funding that might be needed to complete the project;
- e) Work was being undertaken on the capital programme to look for opportunities to hold projects for years when interest rates would be lower, if they could be delivered at another time;
- f) Although rates were often achieved below 6%, all business cases had to be able to cover 6%;
- g) Councillor Stevens stated that the Council was doing very well given the difficult economic times;
- h) Each project had limitations, and when a contract was negotiated or procured, there would be a review of the project affordability, and if there were any issues, they followed the governance route.

The Committee agreed to:

- I. Recommend the Capital Financing Strategy to Council for approval.

41. **Risk and Opportunity Management Strategy 2023-2025**

Ross Jago (Head of Governance, Performance and Risk) introduced the report and highlighted:

- a) The main focus of this year's review was to make progress against recommendations from the external review of the risk management that took place in 2022, which suggested that the risk controls were working but were exposed to further degradation and that risk management was embedded at a strategic level, but there was improvement needed around operational risk;

- b) Work had been done to make it clearer for staff to identify and analyse risks, and what to do to mitigate them, with a concentration on Team Plymouth, moving away from risk champions, as inconsistencies had occurred as people moved roles;
- c) A new process had been instigated for collation and amendments which would utilise Office365 to minimise bureaucracy;
- d) A SharePoint site had been developed to enable staff to access information on risk scoring and training;
- e) He would be working with Chris Squire (Service Director for HR) to support managers with compliance activities;
- f) He was working closely with Kirstie Spencer (Head of Health and Safety) to ensure health and safety risks were reflected within the risk register;
- g) Discussions would be taking place with departmental management teams about risk appetite and risk tolerance, how much was willing to be tolerated;
- h) In future, the Committee would receive a Microsoft Power Bi dashboard giving an overview of the strategic risks that Plymouth City Council was facing.

In response to questions:

- i) Risks would be recorded by 3rd tier managers, chosen because they held regular 1:1's, led service discussions and team meetings, where conversations around risk were being encouraged;
- j) There was a sense that the authority and its staff were very risk aware and were risk averse frequently, but needed to empower managers to work with some risk;
- k) On SharePoint, the risk pages made it clear that if staff had concern how they could access whistleblowing policies, and the adequate signposting was in place to ensure concerns were dealt with in the correct way;
- l) Risks would be set against risk appetite and tolerance to enable it to be seen where immediate changes needed to be made.

The Committee agreed to note:

- I. The Risk and Opportunity Management Strategy 2023-2025.

42. **Risk Management Monitoring Report – November 2023**

Ross Jago (Head of Governance, Performance and Risk) introduced the report and highlighted:

- a) The risk dashboard gave a graphical view of the overall risk status of the organisation;

- b) The status at the time of the meeting was 'Orange – Severe' because any risk with a score of 5 would mean it would be at this level;
- c) There were two risks rated at 5, and those risks were updated on a regular basis through the dashboard;
- d) The interactive elements of the dashboard were hard to difficult to see as it was printed, but a SharePoint page could be set up where members of the Committee could access the dashboard;
- e) High level risks were across several areas of the Council;
- f) Since the publication of the agenda pack, the total number of strategic risks being managed had reduced from 19 to 15, and the number scored as severe had reduced from 4 to 2;
- g) There had been a reduction in risk probability against Council expenditure exceeding resources following the approval of the medium term financial strategy;
- h) Costs relating to SUDS had been of concern, but the risk had been reduced whilst waiting for legislation from Government on the matter;
- i) There had been a considerable rise in demand in relation to homelessness, and mitigation had included the Homelessness Recovery Plan, which would be published in the following weeks;
- j) The overall risk around adult social care workforce had been reduced and it was making a recovery overall;
- k) Housing delivery risk had been reduced following mitigation by the service but would continue to be monitored at a departmental level;
- l) The viability of commercial bus operators risk had been removed from the strategic risk register following the endorsement of the BSIP, but this would also continue to be monitored at a departmental level.

In response to questions and queries it was explained;

- m) When members had access to a SharePoint page to view the dashboard, the data would not be truly live, but would be very close;
- n) Mrs Benny thanked Ross for the new way the data was being presented as it was much easier to understand.

The Committee agreed to:

- I. Note the current position with regards to the Strategic Risk Register.

43. **External Audit - Progress Report**

Paul Dossett (Partner, Grant Thornton) introduced the report and highlighted the following:

- a) Although the audit sign off for 2019/20 had been delayed, work had continued on subsequent years, so when the issue resolved, work would be virtually up to date;
- b) As of September 2023, there was a local government audit backlog of 913 and it was expected that Government would announced that March 2024 would become the 'backstop' for all audits in order to address the backlog.

In response to questions, it was explained:

- c) The only outstanding issue of concern was the pension transaction from 2019/20;
- d) There was the wider issue of the financial sustainability of local authorities, as some with sound finances and investments etc. were issuing I14 notices, but there was nothing for Plymouth City Council that he was particularly concerned about.

44. **Work Programme**

Following a short discussion, the Committee agreed to add the following to the work programme for the meeting in January 2024:

- 1. Electoral Cycle Consultation Arrangements;
- 2. Constitutional Review Update.

45. **Tracking Decisions**

Hannah Whiting (Democratic Advisor) advised that the third item on the tracking decisions document had been completed since publication.

The Committee agreed to note the tracking decisions document.

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Audit and Governance Committee



Date of meeting:	16 January 2024
Title of Report:	Stage Two – Constitutional Changes
Lead Member:	Sarah Allen (Chair of Audit and Governance Committee)
Lead Strategic Director:	Giles Perritt (Assistant Chief Executive)
Author:	Ross Jago, Head of Governance Performance and Risk
Contact Email:	Ross.jago@plymouth.gov.uk
Your Reference:	Const2.23/25
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of Report

1.1. Following agreement at the June 2023 meeting of the Audit and Governance Committee, a small working group has continued the review of the constitution, specifically –

- Petition Scheme / Guidance (as a result of Council Referral)
- Standards Committee (New)
- Part E of the constitution
- Rules of Debate (New)

1.2. These documents were reviewed by officers, and Councillors considered revisions at informal sessions held in October and December 2023.

2. Summary of Changes

2.1. Amended and new parts of the constitution are appended to the report, and changes are as follows –

Petition Scheme - E-Petitions

2.2. Members who moved the amendment concerning third party websites were invited to make representations at the working group, which were that –

- *Third Party E-Petitions should be accepted.*
 - *This is because other Councils accept e-petitions and some third party e-petitions systems will provide the required information to validate the petitions.*

2.3. The working group rejected the proposal as, given the wide variety of online e-petition platforms, it could not be guaranteed that required data for validation of a petition would be available. In addition, the UK Parliament does not accept petitions hosted on external websites and it was felt that the Council should reflect that practice.

- *Clarity*
 - *The proposed drafting states “that e-petitions may not be accepted by the council”.*

2.4. The working group agreed that this was not clear and have amended the proposal to “E-petitions created or submitted through third party websites will not be accepted.”

2.5. The full scheme is appended to the report.

Standards Committee

2.6. The working group considered draft terms of reference for a new Standards Committee both in October and December 2023. The terms of reference were in line with the recently approved arrangements for standards, however the group considered that councillors who were the subject of a complaint should have the right to make representations when the committee considered a complaint.

2.7. Amendments have been made to reflect the discussion and a draft terms of reference is included at appendix B.

Part E: Committees, joint committees, committee procedure rules and other statutory functions

2.8. Part E of the constitution was discussed both in October and December 2023 and several changes are proposed.

2.9. *Heart of the South West Joint Committee* – This committee is recommended for removal from the constitution following the issuing of a notice to dissolve the Joint Committee, which was agreed by the Council at its November 2023 meeting

2.10. *Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee* - The abolition of LEPs in 2024 for which the scrutiny committee was established will remove the requirement for this Committee. Its terms of reference will be removed at the appropriate time under delegation to the Monitoring Officer.

2.11. *Audit and Governance Committee* - The group recognised that the terms of reference have only been recently revised but proposed the additions for clarity and to provide flexibility on Committee Size.

2.12. *Licensing Committees* - The group wished to ensure that the size of the licensing committees reflected the minimum quorum set out in legislation and have proposed a maximum size rather than a defined size to ensure flexibility in committee allocation. Licensing (main) Committee is proposed to have a maximum size of 15 members and retain the current sub-committee quorum of three. Taxi Licensing will have a maximum of 7 members.

2.13. *Mount Edgcumbe Joint Committee* - This is a committee of Cabinet as the management of the Mount Edgcumbe is an executive function. It is therefore not a committee of the council and should be removed from the constitution. The Terms of Reference will be added as an appendix to the Scheme of Delegation.

2.14. *Devon and Cornwall Police and Crime Panel* – The panel is an outside body and not a committee of council and therefore it is proposed it is removed from the constitution.

2.15. *General rules applying to committees* – This section has been amended to reflect current practice, the law and changes agreed but not yet made.

2.16. The Planning Committee and Code of Probity in Planning are currently being reviewed by officers and any proposals for change will be discussed at the next working group.

3. Rules of Debate

3.1. Following the Council meeting in November 2023 it was identified that greater clarity was required in the Rules of Debate.

3.2. In December 2023 the group reviewed amended rules of debate. A new rules of debate is appended to the report. It is broadly the same as previous versions with proposed changes intended to –

- Clarify expectations of respect for the Lord Mayor and their rulings
- Clarify what is a motion on notice and a motion without notice
- Clarify what is an amendment and what is a closure motion
- Clarify the speaking order and when councillors may speak again on a motion

Recommendations and Reasons

That Audit and Governance Committee recommends to full council for approval –

1. Amended Part E and Petition Scheme/Guidance;
2. New Rules of Debate and Standards Committee terms of reference.

Reason: Changes to the constitution are recommended by Audit and Governance Committee to Full Council to address immediate changes to improve the efficiency of Council meetings and the clarity of procedure.

Alternative options considered and rejected

None – the review of the constitution is a response to issues identified through the municipal year/ 2022/23

Relevance to the Corporate Plan and/or the Plymouth Plan

Effective decision and good governance impacts upon all aspects of the Corporate Plan. Proposed changes to the constitution will ensure efficient governance processes in support of the Corporate Plan.

Implications for the Medium Term Financial Plan and Resource Implications:

None as a result of this report.

Financial Risks

None as a result of this report.

Carbon Footprint (Environmental) Implications:

None as a result of this report.

Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

N/A

Appendices

*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
		1	2	3	4	5	6	7
A	Proposed Petition Scheme							
B	Draft Standards Committee Terms of Reference							
C	Part E (other committees)							
D	Rules of Debate							

Background papers:

*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Giles Perritt, Assistant Chief Executive											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 22/12/2023											

PLYMOUTH CITY COUNCIL

PETITION SCHEME

1. SUBMITTING A PETITION TO THE COUNCIL

- 1.1. Plymouth City Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.2. Paper petitions are those prepared in the traditional way: a petition organiser creates a paper document that includes a proposed action. Residents physically write their name, address and signature on this document to show their support of the proposed action.
- 1.3. To help you organise paper petition, the Council has prepared a template which is available on our website.
- 1.4. Paper petitions can be sent to the Democratic Services Team.
- 1.5. e-Petitions are created, signed, and submitted entirely online. **E-petitions created or submitted through third party websites will not be accepted.** If you wish to start an e-petition, please use the Council e-petition system¹.

2. GUIDELINES FOR SUBMITTING A PETITION

2.1. Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.
- The names and signatures of each person supporting the petition, together with the full addresses (including postcode) at which they live, work or study in Plymouth, regardless of age.
- Contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be published.
- If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

3. Scope of Petition

3.1. The Monitoring Officer may reject a petition if it:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is defamatory, discriminatory, frivolous; offensive; vexatious, abusive or otherwise inappropriate;
- is substantially the same as a petition which has been put at a meeting of the Council in the previous 6 months;
- requires the disclosure of confidential or exempt information; or

¹ Link made will be made available subject to Council approval

- seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
- 3.2. In addition, there are some circumstances where petitions will not be dealt with under this Scheme. These include any matters relating to planning or licensing applications; where a separate consultation process is active; or other circumstances which, in the opinion of the Monitoring Officer would mean the petitions would better be dealt with using a different Council procedure.
 - 3.3. The Council may seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.
 - 3.4. In the period immediately before an election or referendum, when certain legal restrictions apply, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
 - 3.5. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

4. ACTION BY THE COUNCIL ON RECEIPT OF A PETITION

- 4.1. An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to receive a formal response to it. If the petition needs more investigation, we will tell the petition organiser the steps we plan to take.
- 4.2. If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
- 4.3. All petitions submitted with 25 or more signatures will receive a formal response from the relevant Director within 28 days of receipt. This will usually be the quickest way of addressing the issue.
- 4.4. If however, the petition meets the requirements to be debated at a meeting of Councillors under the provisions of this scheme, the petition will receive a formal response within 28 days from the meeting. If you request this option, the relevant Director may still write to you. You may choose not to proceed with presentation at a meeting if you feel their response resolves the matter.
- 4.5. The acknowledgment will confirm when and how your response will be sent and tell you when and where the meeting will take place (if applicable and if known at that stage).
- 4.6. To ensure that people know what we are doing in response to the petitions we receive, the details of all petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

5. DEBATE BY ELECTED COUNCILLORS

5.1. Subject to your petition containing sufficient signatures as set out below the petition will be presented to a meeting of Councillors at your request. There are several ways in which this can be done.

Debate at a Council Meeting

5.2. If your petition includes the names, addresses and signatures of 5000 persons who live, work or study in Plymouth a debate will be held about the petition at a full Council meeting.

Officer evidence to the Overview and Scrutiny Committee

5.3. If your petition includes the names, addresses and signatures of at least 2500 persons who live, work or study in Plymouth, you may request that a relevant senior officer give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees.

5.4. For example, you may request that a senior officer explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Directors).

5.5. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee will also call the relevant Cabinet Member(s) to attend the meeting. Committee members will ask the questions at this meeting.

General guidance on requesting your petition be debated

5.6. When determining whether a petition has met or exceeded a threshold set out in this scheme, the Council will only count signatories for which a local connection (i.e. that the signatory either lives, works or studies in Plymouth) can be evidenced from the information supplied. There is a risk that petitions created and/or submitted via third party e-petition websites may not satisfy this criterion so it is strongly recommended that e-petitions are created via the Council's own e-petition facility [\[link\]](#)

5.7. Similar petitions: In the event that 2 or more petitions which are substantially the same are received from different petition organisers, the Monitoring Officer may aggregate the number of valid signatures in each petition for the purpose of determining whether the threshold to trigger a Council debate of the matters raised has been reached if that is the wish of the petition organisers.

6. PETITIONS ON NON-COUNCIL FUNCTIONS

6.1. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it is unlikely you will be able to present it to a Council meeting, but we will consider making representations on behalf of the

community to the relevant body. The council works with a large number of local partners and where possible may liaise with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

- 6.2. If your petition is about something that a different authority is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other authority, but could involve other steps. In any event we will notify you of the action we have taken.

STANDARDS COMMITTEE

I. GENERAL

I.1. Definitions:

- “Complainant” - the party who has made an allegation that a Member has failed to comply with the Members’ Code of Conduct.
- “Independent Person” - a person who is not a Member, co-opted Member or officer of the Council and who has been appointed to the role of Independent Person and whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage of the investigation, or by a Member or co-opted Member against whom an allegation has been made.
- “Investigator” - the person appointed by the Monitoring Officer to undertake the investigation. The investigation officer may be the Monitoring Officer, another officer of the Council, an officer of another authority or an external investigator.
- “Subject Member” - the Member against whom the allegation has been made of a failure to comply with the Code of Conduct.

3. PURPOSE

- 3.1. To hear cases in accordance with the Council’s procedure for dealing with complaints about Member’s and co-opted members’ conduct.
- 3.2. To decide whether to uphold complaints made against Members having first considered the views of the Independent Person.
- 3.3. To determine what action to take based upon the outcome of the hearing.

4. MEMBERSHIP

- 4.1. All members of the Committee will adhere to the general rules of the Committee.
- 4.2. There are five members of the Committee including the Chair and Vice Chair.

5. PROPORTIONALITY

- 5.1. The Standards Committee is a proportional committee of council, allocation of seats will be determined through the proportionality calculations.

6. CHAIR

- 6.1. The Chair will be from the group in administration.

7. VICE CHAIR

- 7.1. The Vice Chair will be from a group in opposition.

8. MATTERS TO BE CONSIDERED AT THE COMMITTEE

8.1. The Monitoring Officer may refer a matter to the Standards Committee where they consider that the matter is one or more of the following:

- very serious;
- a conflict of interest has arisen;
- the matter is particularly complex;
- the matter is potentially going to attract a high level of public interest;
- the matter is politically sensitive.

9. REFERRAL OF THE MATTER TO COMMITTEE

9.1. Where the Monitoring Officer considers a standards matter should be referred to the Standards Committee (“Committee”) for determination they will convene a meeting of the Committee as soon as reasonably practicable.

9.2. The Monitoring Officer shall prepare a summary report for the Committee detailing:

1. The complaint and information supporting it.
2. The provisions of the code engaged by the allegations.
3. Any comments of the Subject Member.
4. A summary of the findings of the investigation report.
5. A summary of the views of the Independent Person.
6. Details of any efforts made to resolve the matter informally.

9.3. The Independent Person is invited to attend all meetings of the Committee.

9.4. The Committee will consider directions to enable the matter to proceed to a final hearing.

10. Procedure

10.1. The Investigator will attend the Standards Committee to present his/her investigation report and may invite the Complainant to appear as a witness or call other witnesses.

10.2. The following people¹ will also be invited to attend the Standards Committee:

- The Complainant;
- The Subject Member;
- The Independent Person;
- Any witnesses; or

¹ No person shall sit on a full hearing if they have previously considered any element of the complaint in order to avoid any potential conflict of interest.

- Any other person as determined by the Chair of the Committee and/or the Monitoring Officer.
 - The Subject Member may bring witnesses (of a number the Committee considers is reasonable), in which case written statements from the witnesses must be lodged with the Monitoring Officer at least 10 working days before the hearing. “Character witnesses” who cannot provide evidence on the matter complained about will not be permitted. The cost of any attendance/representation must be borne by the party concerned.
- 10.3. All written evidence must be provided to the Monitoring Officer at least 5 working days before the hearing so it can be circulated to the Committee, the Independent Person, the Investigator, the Subject Member and the Complainant.
 - 10.4. Written statements will not be read out at the hearing as it will be assumed all those present are already familiar with their contents.
 - 10.5. The Monitoring Officer can speak at any time to advise the Committee on technical matters or ask questions of any party.
 - 10.6. The Chair of the Committee will introduce the members of the Committee, the Independent Person, officers, the Subject Member, the Investigator and the Complainant, if present.
 - 10.7. The Chair will explain the reason for the meeting and outline the procedure to be followed. The Chair may choose to vary this procedure in any particular instance where they are of the opinion that such a variation is necessary in the interests of fairness.
 - 10.8. The Chair will also explain that the hearing will normally be held in public unless the Committee exercises its discretion for the matter to be considered in private in accordance with the provisions of Rule 10 of the Access to Information Procedure Rules relating to exempt information. If the meeting is to be held in private the press and public will be excluded².
 - 10.9. The Chair will then confirm that all those involved understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the hearing begins.
 - 10.10. If any procedural issues are raised, the Committee will hear representations on them before determining them.
 - 10.11. If the Subject Member is not present at the start of the hearing, the Committee will consider any reasons given by them for their non-attendance. If the Committee is satisfied that there is good reason for their non-attendance, it may adjourn to another date, or proceed on the request of the Subject Member.

² The Committee may invite people to remain in the meeting if it is considered that they could provide information relevant to the complaint.

- 10.12. If the Committee is not satisfied that there is good reason for the Subject Member's non-attendance, or if the Subject Member has failed to give any reason for their non-attendance, the Committee can decide to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the Hearing to another date.
- 10.13. The Investigator will be invited to summarise their report and findings and make any representations about the written pre-hearing submission of the Subject Member. The Investigator may call any witnesses, including the Complainant.
- 10.14. The Committee will identify the areas of disagreement between the Investigator and the Subject Member on the Investigation report's facts or conclusions.
- 10.15. The Subject Member will then be invited to make representations in support of the fact(s) concerned and whether the evidence gives rise to a breach or breaches of the Code of Conduct.
- 10.16. The Committee and/or the Independent Person may also ask questions of anyone present at the meeting in order to reach a conclusion on the complaint.
- 10.17. The Subject Member and the Investigator/Complainant will be given the opportunity to make closing statements if they wish to do so.
- 10.18. Before reaching a final decision on the complaint, the Committee must seek, and take account of, the view of the Independent Person in relation to the complaint.
- 10.19. The Committee and the Independent Person will retire to consider what they have heard in private accompanied only by the clerk and legal advisor, who will advise them when required.
- 10.20. If the Committee is unable to reach a conclusion on the complaint on the basis of the information before it, it may adjourn the meeting and request that the Monitoring Officer seeks the further information required. However, when doing so the Committee should consider whether the information will be readily available to the Monitoring Officer.

11. DECISION

- 11.1. Once the Committee is satisfied with the information before it, it must decide the following issues:
 - Whether the Subject Member has failed to comply with the Members' Code of Conduct;
 - Whether further action is warranted; and
 - What form of action might be appropriate.

- 11.2. The Chair will then announce to all present at the Hearing the Committee's decision whether the Subject Member has failed to comply with the Code of Conduct, whilst setting out the facts upon which the conclusions have been reached.
- 11.3. If the Committee decides that the Subject Member has not failed to follow the Code of Conduct, the Committee will then consider whether it should make any recommendations to the Council.
- 11.4. If the Committee concludes that, on the balance of probabilities, the Subject Member did not fail to comply with the Members' Code of Conduct, this will conclude the complaints process. In such cases no further action will be taken in respect of the complaint, although the Committee may still wish to consider making a recommendation to the authority with a view to promoting and maintaining high standards of conduct in general.
- 11.5. If the Committee concludes that, on the balance of probabilities, the Subject Member has failed to comply with the Members' Code of Conduct, the Committee must go on to consider whether action should be recommended in respect of the Subject Member, and what form of action might be appropriate. Before doing so, the Committee may hear further representations from the Subject Member and the Independent Person. Such recommendations may include proposed changes to internal procedures and practices or training for Members in general.
- 11.6. The recommendations available to the Committee include³ but are not limited to:
- Recommend to the Council that it should make a motion of censure in relation to the Subject Member's conduct; or
 - Recommend to the leader of the Subject Member's political group (where the Subject Member is a member of a political group or otherwise to the Council) that the Subject Member be removed from any or all Committees or Sub-Committees of the Council (subject to statutory and constitutional requirements).
 - In the case of a Cabinet Member recommend to the Leader of the Council that the Subject Member be removed from the Cabinet.
 - In the case of the Leader recommend to the Council that the Subject Member be replaced as Executive Leader;
 - Recommend to full Council or Cabinet that the Subject Member be removed from all outside appointments to which the Subject Member has been appointed or nominated by the Council.
- 11.7. Furthermore the Committee may –
- Send a formal letter to the Subject Member from the Chair of the Standards Committee;
 - Reprimand the Subject Member;
 - Request the Subject Member remove any social media content which led to the complaint;
 - Request that the Subject Member be required to make an apology at full Council;

³ The committee may not decide to disqualify or suspend the Subject Member as a councillor.

- Publish its findings in respect of the Subject Member's conduct;
 - Report its findings to full Council for information and noting;
 - Instruct the Monitoring Officer to arrange training for the Subject Member, which the Subject Member is obliged to attend;
 - Exclude the Subject Member from the Council's offices or other premises (if reasonable in response to the acts complained of and provided it does not prevent the Subject Member from carrying out their duties as a councillor), with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 11.8. The Committee has no power to suspend or disqualify the Subject Member or to withdraw Members' or special responsibility allowances.
- 11.9. The Committee may make a recommendation in relation to one or more of the above sanctions to full Council or, if appropriate, the Group Whip.
- 11.10. The Committee may also make general recommendations to the authority with a view to promoting and maintaining high standards of conduct within the authority. As stated above, such recommendations may include proposed changes to internal procedures and practices or training for Members in general. The Monitoring Officer will be responsible for communicating such recommendations to the relevant Committee or officer for consideration.
- 11.11. Within five working days of the meeting the Chair of the Committee will write to the complainant and the Subject Member explaining the final decision of the Committee and detailing any recommendations made.
- 11.12. There is no right of appeal against a decision of the Committee.

**PART E: COMMITTEES,
JOINT COMMITTEES,
COMMITTEE
PROCEDURE RULES
AND OTHER
STATUTORY
FUNCTIONS**

Audit and Governance Committee Terms of Reference

1. **Statement of purpose**

- 1.1. Our Audit and Governance Committee is a key component of Plymouth City Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- 1.2. The purpose of our Audit and Governance Committee is to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of Plymouth City Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes.
- 1.3. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Membership, Chair and Quorum

The Audit Committee will have a minimum of seven members which will include two independent members.

Substitute Members are permitted, subject they have met the training requirements.

The committee is politically balanced and appointment to the Committee, Chair and Vice are made by Council.

The quorum for the committee is three members.

2. **Committee Responsibilities**

2.1. **Governance, risk and control**

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- To review the Annual Governance Statement prior to approval 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.
- To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

- To monitor the effective development and operation of risk management in the council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- To monitor the counter-fraud strategy, actions and resources.
- To review the governance and assurance arrangements for significant partnerships or collaborations.
- To approve and oversee the Council's strategic objectives across the Plymouth City Council family of companies and to support the development of companies in line with the Council's regulations and values.

2.2. Internal Audit

- To approve the internal audit charter.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 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.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - regular reports on the results of the Quality Assurance and Improvement Program
 - reports on instances where the internal audit function does not conform to the Public sector internal audit standards (PSIAS) and local government application note (LGAN), considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
- To consider the head of internal audit's annual report:

- The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
- 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.
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of 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.
- To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations
- To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

2.3. External audit

- 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 Public Sector Audit Appointments or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

2.4. Financial reporting

- To review 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.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

2.5. Accountability arrangements

- 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.

- To report to full 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.
- To publish an annual report on the work of the committee.

2.6. Ethical Framework

- To promote and maintain high standards of conduct by Councillors and co-opted Members.
- To assist the Councillors and co-opted Members to observe the Members' Code of Conduct.
- To advise the Council on the adoption or revision of the Members' Code of Conduct.
- To receive reports on the operation of the Members' Code of Conduct from the relevant sub-committee.
- To advise on training arrangements for Councillors and co-opted Members on matters relating to the Members' Code of Conduct.
- To grant dispensations, subject to other delegations, to Councillors and co-opted Members on requirements relating to interests set out in the Members' Code of Conduct.
- To ensure arrangements are in place under which allegations of misconduct in respect of the Members' Code of Conduct can be investigated and to review such arrangements where appropriate.
- To receive an annual report from the Monitoring Officer on local and national issues relating to ethical standards and to bring to the attention of Members any complaints.

Taxi Licensing and The Taxi Licensing Committee

I FUNCTIONS

- 1.1 To carry out all the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and in the Plymouth City Council Act 1975.
- 1.2 Policy - Council sets policies on taxi and private hire and other vehicle licensing on the recommendation of the Cabinet.

2 MATTERS DELEGATED TO THE TAXI LICENSING COMMITTEE

The Taxi Licensing Committee will:

- 2.1 Determine and review licence fees and terms and conditions of licences for taxis, private hire vehicles and other vehicles and operators;
- 2.2 Determine applications for taxi and private hire and other vehicle, driver and operator licences, when it has received any objections to the licence, permit or registration;
- 2.3 To determine applications for taxi and private hire and other vehicle, driver and operator licences when the applicant has a conviction and the Strategic Director of Public Health has concerns about the nature of the offence; or the applicant or vehicle may be unsuitable for some other reason;
- 2.4 Determine whether to withdraw or suspend licences for taxis and private hire and other vehicles and their drivers and operators
- 2.5 To review and where necessary amend the conditions and guidance to the taxi licensing policy set out in the Hackney Carriage Vehicle Specifications and Conditions, Private Hire Vehicle (and Special Event Vehicles) Specifications and Conditions, Private Hire Drivers and Operators conditions, CTV guidance, the Code of Good Conduct, the Guidance on relevance of Convictions and Conduct, Penalty Points Scheme, Spoken English Assessment Test procedure, and Wheelchair and Assistance Dogs Exemption Guidelines.

3 MATTERS DELEGATED TO OFFICERS

- 3.1 The Strategic Director of Public Health is authorised to carry out all other non-executive functions in respect of taxi licensing in accordance with the officer scheme of delegation of functions.

4 GENERAL

- 4.1 The Council's Taxi Licensing Committee is comprised of a maximum of seven Councillors who have received the appropriate training.

Licensing and The Licensing Committee

I. FUNCTIONS

I.1. The Council's licensing functions are:

- (a) All the responsibilities set out in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to licensing, registration and gambling apart from those relating to taxis, private hire vehicles, other vehicles and operators; common land and village greens; highways, new roads, and street works.
- (b) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making a closure order with respect to take away food shop (see Section 4 of the Local Government (Miscellaneous Provisions) Act 1982).
- (c) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making an order identifying a place as a designated public place in connection with police powers about alcohol consumption (see Section 13(2) of the Criminal Justice and Police Act 2001).
- (d) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making or revoking an order designating a locality as an alcohol disorder zone (see Section 16 of the Violent Crime Reduction Act 2006).

I.2. Council sets policies in respect of Licensing and Gambling on the recommendation of Cabinet.

2. MATTERS SPECIFICALLY DELEGATED TO THE LICENSING COMMITTEE

2.1. The Licensing Committee will:

- (a) Make orders identifying a place as a designated public place in connection with police powers about alcohol consumption;
- (b) Make or revoke orders designating a locality as an alcohol disorder zone;
- (c) Set the terms and conditions of licences, permits or registrations payable under the Licensing Act 2003;
- (d) Set the terms and conditions of licences, permits or registrations in connection with sex shops and sex cinemas;
- (e) Set fees for licences and permits issued under the Gambling Act 2005;
- (f) Set fees payable in connection with Street Trading;
- (g) Deal with any matter that is referred to it by an officer.

3. THE LICENSING SUB-COMMITTEE

4. The Licensing Committee appoints a sub-committee (the Licensing Sub-committee). Licensing Sub Committee will:
 - (a) decide applications made under the Licensing Act 2003 and Gambling Act 2005 where relevant representations are received within the timescale set out in the Act. When doing this the sub-committee follows the regulations and procedures under the Licensing Act 2003 or the Gambling Act 2005;
 - (b) decide whether to grant any other type of registration licence or permit when there are objections;
 - (c) determine all matters set out in section 10 of the Licensing Act 2003;
 - (d) determine all matters set out in section 154(4)(a) of the Gambling Act 2005;
 - (e) determine applications for club gaming or club machine permits and cancellation of such permits when there are objections;
 - (f) determine applications for prize gaming permits when there are police objections or officers would want to refuse them;
 - (g) determine applications for ice cream consents;
 - (h) set the terms and conditions of licences, permits or registrations and any fees or charges in connection with any of its responsibilities if they are referred to the sub-committee by an officer.
 - (i) Determine anything else which needs a hearing or which cannot legally be delegated to officers.

5. MATTERS DELEGATED TO OFFICERS

- 5.1. The Strategic Director for Place is authorised to carry out all other licensing functions in relation to Safety Certificates for sports grounds and regulated stands in accordance with the officer scheme of delegation of functions.
- 5.2. The Strategic Director for Place is authorised to carry out all other licensing functions in relation to Street Trading and market licensing in accordance with the officer scheme of delegation of functions.
- 5.3. The Strategic Director for Customer and Corporate is authorised to carry out all other licensing responsibilities in relation to premises for the solemnisation of marriage in accordance with the officer scheme of delegation of functions.
- 5.4. The Strategic Director for People deals with all other licensing responsibilities in relation to the employment of children. The Strategic Director for People is authorised to carry out all other licensing responsibilities in relation to the employment of children in accordance with the officer scheme of delegation of functions.
- 5.5. The Strategic Director for People is authorised to carry out all other licensing responsibilities in relation to houses in multiple occupation in accordance with the officer scheme of delegation of functions.

5.6. The Strategic Director of Public Health is authorised to carry out all other licensing responsibilities in accordance with the officer scheme of delegation of functions.

6. GENERAL

6.1. The Council's Licensing Committee is comprised of a maximum of 15 members.

6.2. The Licensing Committee must comprise members who have received the relevant training.

7. PROCEDURES

7.1. When an application under the Licensing Act 2003 and the Gambling Act 2005 is being dealt with the procedure followed shall be as set out in the Regulations issued under the Acts.

7.2. When any other licensing application is being dealt with the Council Rules of Procedure apply to meetings of this committee.

8. Quorum

8.1. The quorum of the Licensing Committee shall be no less than one third of the members of the full Committee and the Sub-Committee quorum shall be three members

9. Appointment of Substitute Members

9.1. No substitute members are allowed to sit on the Licensing Committee and Members appointed must have completed the Council's prescribed licensing training course. The Sub-Committee(s) will be made up of three members drawn from the members of the Licensing Committee.

Planning and the Planning Committee

I. FUNCTIONS

The relevant functions of the Council are:

I.1 Planning and Conservation

- A** All the Council's functions in relation to Town and Country Planning and Development Control as specified in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

Commons registration

- B** All the Council's functions in relation to common land or town and village greens or unclaimed common land, or unlawful works on common land and to register the variation of rights of common as set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

Highways Use and Regulation

- C** All the Council's functions in relation to the regulation of the use of highways set out in Schedule I to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

High Hedges

- D** All the Council's functions in relation to applications and complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003.

Trees

- E** The powers to preserve trees under Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 and to protect important hedgerows under the Hedgerows Regulations 1997.

I.2 Policy

The Council decides whether to adopt the Development Plan, on the recommendation of Cabinet.

2 MATTERS SPECIFICALLY DELEGATED TO THE PLANNING COMMITTEE

- 2.1 In relation to policies and strategies the Committee will:**

Advise the Cabinet on the implementation of the Development Plan and other planning policies and strategies.

2.2 Within the policies laid down by the Council, the Committee will

2.2.1. Determine applications relating to town and country planning, commons registration, the making or confirmation of Tree Preservation Orders where there are objections that cannot be resolved and the use or regulation of highways that would have a significant impact on two or more wards of the Council.

2.2.2 Determine town and village green applications where the matter is referred to the Committee by the Service Director for Strategic Planning and Infrastructure or a Member of the Council whose ward the town or village green is located in. Any referral by a Member of the Council must be made within 21 days from the date of notification of the recommendation.

2.2.3 Determine individual applications for planning permission and any other application made under planning legislation where:

- a) it is an application for 10 or more dwellings or non-residential floor space of 1000 sq m or more and more than 15 written representations have been received within the statutory public consultation period raising valid planning considerations that are contrary to officer recommendation, either objecting when the officer recommendation is for approval, or supporting when the officer recommendation is for refusal.
- b) the application is substantively contrary to a Development Plan site allocation policy or a policy that safeguards a site from inappropriate development and the officer recommendation is to approve;
- c) the application is submitted by an employee or Member of the Council, or a close relative of an employee or Member of the Council living in the same property (see paragraph 4.3 for definition of a close relative);
- d) a Member of the Council has a legal interest in the land for which the application relates
- e) a Member of Council whose ward boundary falls within the 'red line' of a planning application site or other application (or at the discretion of the Chair, an adjacent ward immediately affected by the development) has directed the application be dealt with by the Committee by completing the prescribed member referral form in full and submitting it to the Service Director for Strategic Planning and Infrastructure within the

published public consultation period. All such forms must include what recommendation the member would find acceptable to enable the application to be dealt with as a delegated decision. Please note referrals cannot be made by a Member who has a disclosable pecuniary interest.

- f) the matter is referred to the Committee by the Service Director for Strategic Planning and Infrastructure under one of the following criteria:
- there are finely balanced policy or precedent issues;
 - there are probity issues or public interest reasons for the matter to be determined by the Committee;
 - the matter is an unusual response to a particular set of issues that warrants debate by the Committee.

- 2.2.4 Approve any substantive changes to the terms of planning agreements that have been specifically agreed by the Planning Committee on a previous occasion.

In relation to Highways Matters the Committee will:

2.3.1. Determine applications for Orders to create divert or stop up footpaths or bridleways and applications to modify the definitive map that are either referred by the Service Director of Strategic Planning or Street Services or a Member of the Council whose ward boundary falls within the area covered by the Order. Any referral by a Member of the Council must be made within 21 days from the date of notification of the recommendation.

2.3.2. Determine applications that are referred by either the Service Director for Strategic Planning and Infrastructure or Service Director for Street Services.

3. MATTERS DELEGATED TO OFFICERS

- 3.1 All other non executive functions in respect of planning highways and transport have been specifically delegated to the Director for Place

4. GENERAL

4.1. Substitute Members

Any Member of the Council may act as substitute provided they have undergone the Council's prescribed Member planning training course (as specified in the Planning Committee Code of Good Practice).

- 4.2 Planning Committee Procedures are found in the Planning Committee's Code of Good Practice.

- 4.3** For the purposes of the Planning Committee functions a close relative is defined as: a husband or wife (or civil partner), a son or daughter, a father or mother; or a brother or sister.

Chief Officer Appointments, Appeals and Disciplinary Committees

1. Functions

- 1.1 Undertaking the selection process for the appointment, and formulating recommendations to the Council in relation to:
- (a) the appointment and dismissal of the Head of the Paid Service;
 - (b) the designation of an officer to act as Monitoring Officer and Responsible Finance Officer (Section 151 Officer);
 - (c) the appointment/dismissal of Monitoring Officer and Responsible Finance Officer;

in accordance with legislation, Council policies, conditions of service and the appropriate procedures set out in the employment standing orders;

- 1.2 Undertaking the selection, appointment and dismissal processes for any staff where so required by law;

(It should be noted that the Chief Executive as head of paid service, or a person nominated by him/her, has powers to appoint all other staff).

- 1.3. Hearing and determining any appeals by staff under the Council's approved Human Resources policies and procedures including through any appointed Sub-Committee.
- 1.4 Determining terms and conditions for staff employed on the JNC terms and conditions for Chief Officers.

2. Procedures

- 2.1 The Committees shall be politically balanced and include the relevant Cabinet member when required. The majority of members on the Committee cannot be members of the Cabinet.

When acting as a Disciplinary Committee in respect of a proposal to dismiss the Chief Executive or Section 151 Officer or Monitoring Officer for reasons other than ill health retirement or redundancy the Committee will also include two Designated Independent Persons appointed for this purpose.

- 2.2 A Committee which hears an appeal will not include members of the Committee which made the original decision.

Appointment of substitute members

- 2.3 Any member of the Council may act as substitute on a Committee provided that they have completed the Council's relevant human resources training/briefing.

3 General

The Committees are convened from time to time as required.

Independent Remuneration Panel

I. Functions

The Panel carries out the Council's responsibilities under the Local Authorities (Members Allowances) Regulation 2003 as amended to convene an Independent Panel to make recommendations to the Council about the level of Members Allowances.

Specific Responsibilities

- 2.1 Overall, to recommend the level of allowances to be paid to Members, including special responsibility allowances, pension rights for elected Members and allowances payable to co-opted members.
- 2.2 The Panel will recommend:
 - (a) The amount of basic allowance that should be payable to elected Members;
 - (b) The categories of Members who should receive special responsibility allowances and the amount of such an allowance;
 - (c) The travel and subsistence scheme, the amount of the allowance and how it should be paid;
 - (d) The payment of an allowance for co-opted members and the amount of that allowance;
 - (e) The payment of an allowance in respect of arranging for the care of Members' children and other dependants, the amount of this allowance and the means by which it should be determined;
 - (f) Whether the allowances should be backdated to the beginning of the municipal year;
 - (g) Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run;

Tamar Bridge and Torpoint Ferry and Joint Committee**I FUNCTIONS**

- I.1. Plymouth City Council and Cornwall Council undertake the functions in relation to the Bridge and Ferry that are required by law to be carried out by the two authorities. Any revenue and capital expenditure incurred is to be defrayed and income shared by the two constituent Councils in equal portions.
- I.1 A joint committee of the Authorities has been appointed under the provisions of the Local Government Act of 1972 relating to joint committees:
- I.2 The Councils of the constituent authorities, acting together, are responsible for all the responsibilities for the Tamar Bridge and Torpoint Ferry as set out in the Tamar Bridge Acts 1957, 1979, 1998 which cannot by law be delegated to the Joint Committee. These principally are.
- (a) all matters relating to the discharge of the functions of the Authorities under the Tamar Bridge Act 1957 to 1998 shall stand referred to such joint committee for consideration; those relating to the acquisition, appropriation, leasing or disposal of land;
 - (b) there shall be delegated to such joint committee all the powers of the Tamar Bridge Act conferred upon the Authorities except: those relating to the ceasing to demand and take and recover tolls and those relating to resuming the demanding, taking and recovering of tolls
 - (c) those contained in Part VI (Finance) of the Tamar Bridge Act
- I.3 The Councils of the constituent authorities acting together may make byelaws to:
- (a) prevent injury and damage to the bridge
 - (b) regulate the conduct of all persons using the bridge
 - (c) regulate the traffic along over and under the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages vehicles and animals or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed
 - (d) prohibit the conveyance upon the bridge of any goods which may in the opinion of the Authorities be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the passenger and other traffic carried thereon
 - (e) regulate to the issue and inspection of tickets and collection of tolls

- (f) regulate and control the use of the bridge

2 MATTERS SPECIFICALLY DELEGATED TO EACH COUNCIL

2.1 Each Council will:

- agree the annual budget for the Tamar Bridge and Torpoint Ferry;
- agree any extra spending outside the budget; and
- take decisions to stop demanding tolls or to reinstate the demand for tolls should they have been previously ceased

3 MATTERS SPECIFICALLY DELEGATED TO EACH CABINET:

3.1 Each Cabinet will:

- recommend the annual business plan and budget to Council as part of the budget process;
- recommend extra spending outside the agreed budget to Council;
- appoint a Cabinet members with responsibility, amongst other things, for the Tamar Bridge and Torpoint Ferry;
- take any decisions about the acquisition/disposal of land for the undertaking; and
- approve major items of capital expenditure (as defined by the authorities from time to time) as part of the capital programme in Plymouth and in Cornwall.

4 MATTERS SPECIFICALLY DELEGATED TO THE JOINT COMMITTEE

4.1 The Tamar Bridge and Torpoint Ferry Joint Committee will:

- propose a business plan to Cabinet as part of the annual budget setting process;
- monitor performance of the undertaking against the business plan and recommend variations to the business plan to the Cabinet Members;
- monitor performance of the undertaking to ensure value for money is achieved;
- ensure the management of the Bridge and Ferry accords with proper financial and legal practice appropriate to local authorities;
- make sure proper audit and risk management procedures are in place;
- make sure an appropriate inspection of the Bridge and Ferry takes place on an annual basis; and
- undertake appropriate consultation with key stakeholders.

5 MATTERS SPECIFICALLY DELEGATED TO OFFICERS

5.1 The Strategic Director for Place in Plymouth is authorised to carry out all

other functions in respect of the Tamar Bridge and Torpoint Ferry in accordance with the officer scheme of delegation of functions and in conjunction with the Director for Environment, Planning and Economy in Cornwall.

6. **PROCEDURES**

6.1 The Tamar Bridge and Torpoint Ferry Joint Committee procedures will apply.

Devon Audit Partnership and Joint Committee

1. FUNCTIONS

- 1.1 The Devon Audit Partnership comprises Plymouth City Council Devon County Council and Torbay Council.
- 1.2 The Audit Partnership provides an internal audit function for the three Councils.

2 RESPONSIBILITIES OF THE DEVON AUDIT PARTNERSHIP JOINT COMMITTEE

The Joint Committee will:

- Receive and consider reports from the management board, the head of the internal audit partnership, external audit and the host Council
- Approve the annual accounts of the partnership
- Approve the budget in respect of the audit partnership functions
- Approve the annual work programme in respect of the audit partnership functions
- Approve the appointment and dismissal or removal of the head of the internal audit partnership
- Approve changes to the partnership client base, trading agreements, charging policies and other necessary matters pertaining to the future operations of the partnership
- Resolve any disputes that are still unresolved after reference to the Partnership's management board.

3 MATTERS SPECIFICALLY DELEGATED TO OFFICERS

The Service Director of Finance is authorised to carry out all other functions in respect of the Devon Audit Partnership in accordance with the officer scheme of delegation of functions.

4 PROCEDURES

The Devon County Council procedures apply to meetings of the Committee.

South West Devon Waste Partnership Joint Committee

1 FUNCTIONS

- 1.1 The South West Devon Waste Partnership comprises Plymouth City Council, Devon County Council and Torbay Council.
- 1.2 The purpose of the three authorities in establishing the Joint Committee is to facilitate the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities arising under Section 51 of the Environmental Protection Act 1990.
- 1.3 The functions of the Committee are set out in full in the Committee's Joint working Agreement. (The Joint working Agreement is available on request).

2. DELEGATION TO THE JOINT COMMITTEE

- 2.1 The responsibilities of the Committee are set out in full in the Committee's Joint Working Agreement which is available on request.
- 2.2 The key responsibilities of the Joint Committee are:
All executive functions and powers of each authority as may be necessary, calculated to facilitate, incidental or conducive to the discharge of the joint procurement of, and the subsequent operation and management of, facilities for the treatment and disposal of residual waste in pursuance of the waste disposal functions of the three authorities arising under Section 51 of the Environmental Protection Act 1990.
- 2.3 The South West Devon Waste Partnership has delegated authority from each of the partners to:
 - take any decision where the Lead Officer of any of the appointing authorities has notified the Chair to the Waste Project Executive in writing of that authority's formal objection to the proposed decision of the Chair of the Waste Private Finance Initiative (PFI) project executive in accordance with clause 8.2.7 of Schedule C of the Joint Working Agreement
 - agree all evaluation criteria relating to the project
 - select the preferred bidder

3. MATTERS SPECIFICALLY DELEGATED TO OFFICERS

The Chief Executive of Plymouth City Council in his/her capacity as chair of the Waste PFI project executive is authorised to deal with all other executive functions relating to the partnership in accordance with the officer scheme of delegation of functions.

4. PROCEDURES

- 4.1 Schedule C of the Committee's Joint Working Agreement apply. (The Joint Working Agreement is available upon request)
- 4.2 Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules
- 4.3 The Joint Committee shall operate under the Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules of Plymouth City Council.
- 4.4 **Quorum**

The quorum of the South West Devon Waste Partnership Joint Committee will be no less than three Members.

Health and Well Being Board

I. FUNCTIONS

The council's function relating to its Health and Wellbeing Board under Part 5 of the Health and Social Care Act 2012 as amended (2.2 below).

2. RESPONSIBILITIES OF HEALTH AND WELLBEING BOARD

- 2.1 The purpose of the Board is to promote the health and wellbeing of all citizens in the City of Plymouth. The Board has three principles of working cooperatively which are to:
- Work together with all city partners and with those we serve to take joint ownership of the sustainability agenda
 - Ensure systems and processes will be developed and used to make the best use of limited resources, every time
 - Ensure partners move resources – both fiscal and human to the prevention and health and wellbeing agenda
- 2.2 The Board will identify and develop a shared understanding of the needs and priorities of local communities in Plymouth through the development of the Plymouth Joint Strategic Needs Assessment (JSNA). Specifically, the Board will ensure that:
- A Joint Health and Wellbeing Strategy for Plymouth is prepared and published to ensure that the needs identified in the JSNA are delivered in a planned, coordinated and measurable way.
 - The Plymouth 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
 - The JSNA drives the development of the Joint Plymouth Health and Wellbeing Strategy and influences other key plans and strategies across the city
 - Plymouth City Council, NEW Devon Clinical Commissioning Groups and NHS Commissioning Board Area Teams demonstrate how the JSNA has driven commissioning decisions
- 2.3 The Board will:
- Develop an agreed set of strategic priorities to focus both collective effort and resources across the city
 - Seek assurance that commissioners plans are in place to deliver the Board's strategic priorities and outcomes
 - Review the commissioning plans for healthcare, social care and public health to ensure that they have due regard to the Joint Plymouth Health and Wellbeing Strategy and take appropriate action if they do not

- Ensure that appropriate structures and arrangements are in place to ensure the effective engagement and influence of local people and stakeholders
- Represent Plymouth in relation to health and wellbeing issues across the sub regional and at national level
- Work closely with Plymouth Healthwatch ensuring that appropriate engagement and involvement with existing patient and service user involvement groups takes place
- Retain a strategic overview of the work of commissioners in the city
- Support joint commissioning of NHS, social care and public health services and identify those service areas in Plymouth where additional improvements in joint commissioning could achieve the Board's priority outcomes
- Recommend the development of aligned or pooled budgets and encourage partners to share or integrate services where this would lead to efficiencies and improved service delivery

3. MATTERS DELEGATED TO OFFICERS

- 3.1 The Strategic Director for People is authorised to carry out all other functions in respect of health and wellbeing in accordance with the officer scheme of delegation of functions.

4. GENERAL

Membership

- 4.1 The Council's Health and Wellbeing Board is comprised of:

A core membership being -

- The Cabinet Member responsible for Health and Adult Social Care
- The Cabinet Member responsible for Children and Young People
- The lead opposition member for health
- The Strategic Director of Public Health
- The Strategic Director for People
- The Service Director for Community Connections
- One representative from the Clinical Commissioning Groups
- One representative of the local Healthwatch

Reflecting the approach to engage with customers and other stakeholders over the city's key priorities, the Board will co-opt additional partners which it considers are most likely to be able to work together to deliver the vision. The Board will make recommendations to the city council for appointments to the Board.

- 4.2 The Health and Wellbeing Board is a committee of the council under the Local Government Act 1972. The Local Authority (Public Health,

Health and Wellbeing and Health Scrutiny) Regulations 2013 have dis-applied aspects of the Act which have been incorporated into these terms of reference.

- 4.3 The Board will act in accordance with the council constitution unless this conflicts with law.

4.4 Meetings

The Health and Wellbeing Board will meet four times per year which will be reviewed after 12 months. The date, time and venue of meetings will be fixed in advance by the Board and an annual schedule of meetings will be agreed by council. Additional meetings may be convened at the request of the Chair. Meetings will be webcast and utilise social media tools to allow real time interaction with the meeting.

4.5 Voting

In principle, decisions and recommendations will be reached by consensus. In exceptional circumstances and where decisions cannot be reached by a consensus of opinion and/or there is a need to provide absolute clarity on the will of the Board to executive bodies, voting will take place and decisions will be agreed by a simple majority of all members (councillors and co-opted members) present.

Where there are equal votes the Chair of the meeting will have the casting vote.

4.6 Declaration of Interests

Members of the Health and Wellbeing Board will promote and support high standards of conduct and as such will be subject to the council's code of conduct. Members of the Board must, before the end of 28 days beginning with the day on which they become a member of the Board, notify the authority's monitoring officer of any disclosable pecuniary interests. Notification of changes to declared interests must be made to the authority's monitoring officer within 28 days of the change taking effect.

4.7 Quorum

A quorum of one third of all members will apply for meetings of the Health and Wellbeing Board including at least one elected councillor from Plymouth City Council.

4.8 Access to Information/ Freedom of Information

Health and Wellbeing Board meetings will be regarded as a council committee for Access to Information Act purposes and meetings will

be open to the press/public. Freedom of Information Act provisions shall apply to all business.

4.9 Papers

The agenda and supporting papers will be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at meetings will be kept and circulated to partner organisations as soon as possible and will be published on the city council web site.

4.10 General Rules

The Health and Wellbeing Board will adhere to the Rules of Debate and General Rules Applying to Committees. Where there are gaps in procedure the Chair will decide what to do.

General Rules Applying to Committees

1. THE EXTENT OF THESE RULES

These procedures apply to the:

- Appointments panel
- Employment appeals panel
- Audit and governance committee
- Chief officers committees
- Licensing committee
- Licensing sub-committee
- Taxi licensing sub-committee
- Planning committee
- Scrutiny Committees

2. APPOINTMENT OF COMMITTEES

Council is responsible for appointing and dissolving committees which undertake council functions and for agreeing their membership and roles, unless the law says otherwise.

There must always be at least one scrutiny committee, an independent remuneration panel and a committee which carries out responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

Committees may appoint sub-committees and working groups and stipulate membership requirements.

3. CONDUCT OF DEBATE

The Chair, in line with guidance and protocols, will ensure all members are heard and that the meeting is conducted efficiently.

4. NOTICE OF AND SUMMONS TO MEETINGS

The public will be notified of the time and place of any meeting in accordance with the [Access to Information Rules](#). At least five clear working days before a meeting, Governance Advisors will send a summons electronically to every member of the committee. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

5 CHAIR OF MEETING

The person presiding at a meeting of a Council committee will exercise any power or duty of the Chair.

6. QUORUM AND SUBSTITUTES

- 6.1 Members of the committees can send other Councillors (who must belong to the same political group) to the meeting as substitutes, unless the law doesn't allow it. Substitutes have the powers of an ordinary member of the committee.
- 6.2 Substitutions must be for a whole meeting. A member cannot take over from their substitute or hand over to them part of the way through.
- 6.3 If a member wants to send a substitute, they must tell the Monitoring Officer before the meeting.
- 6.4 Substitutes cannot send substitutes of their own.

Committee	Quorum	Substitutes	Relevant training required?
Audit and Governance Committee	Three,	Any member	✓
Chief Officers Committees	Three	Any member	✓
Licensing committee	Five	None	✓
Licensing sub-committee	Three	Any member of the general licensing committee	✓
Taxi licensing committee	Three	Any member	✓
Planning committee	Three	Any member	✓

Joint committees

Committee	Quorum	Substitutes	Relevant Training required?
South West Devon Waste Partnership	Three (one from each authority)	Any Cabinet member	
Tamar Bridge and Torpoint Ferry Joint	Four (two from each authority)	Named substitutes	

Committee		allowed
Devon Audit Partnership	3 members including one from each partner authority	Any member

VACANCIES ON COMMITTEES

Procedure when a Councillor resigns from a committee

- 7.1 A Councillor can resign from a committee by writing to the Monitoring Officer or their deputy. The political groups can nominate a replacement who will take up their position immediately. Their replacement will be confirmed at the next Council meeting

Procedure when someone stops being a Councillor

- 7.2 If someone stops being a Councillor, the political groups can nominate a replacement who will take up their position immediately. The replacement committee member(s) will be confirmed at the next Council meeting.

8. CHAIR AND VICE-CHAIR

- 8.1 Election of chair and vice-chair

The Council will elect a chair and a vice-chair for each committee at the annual meeting.

- 8.2 Absence of the Chair and Vice Chair

If the chair and vice-chair are absent, a committee can elect another Councillor to chair the meeting. If the chair or vice-chair arrives part of the way through the meeting, the acting chair will finish the item of business being conducted; the Chair or Vice Chair will then conduct the remaining business.

- 8.3 Resignation of the Chair and Vice Chair

If a Councillor wants to resign as chair or vice-chair, they must write to the Monitoring Officer. A new chair or vice-chair will be elected at the next ordinary Council meeting.

9. COMMITTEE MEETINGS

- 9.1 Cancelling a meeting

If a committee has no business at one of its fixed meetings, the Monitoring Officer or their deputy can cancel it after consulting the chair.

9.2 Extraordinary Meetings

The Monitoring Officer or their deputy can arrange a special meeting after consulting the chair. Special meetings will only deal with the business they have been called to deal with.

9.3 Speaking on an agenda item

Where the press and the public are not excluded, any member of the public and any city Councillor can speak on any agenda item for up to five minutes if the chair agrees (unless the law, this constitution, the planning code of practice or the licensing procedure do not allow it).

9.4 Minutes

At the first meeting when the minutes are available, the chair will move that the minutes are correct and sign them. The committee will not discuss anything arising from the minutes.

9.5 Planning Committee

The planning committee has adopted a code of practice which provides details on public speaking and the operation of the committee.

9.6 Licensing committee and licensing sub-committee

These Committees follow the procedures in the Licensing Act 2003 and the Gambling Act 2005, as amended.

9.7 Co-opted members – voting rights

Co- opted members will not normally have voting rights apart from the statutory co- opted members of the Overview and Scrutiny Committees.

9.8 Gaps in these procedures

If there is a gap in these procedures the Chair will decide what to do.

Rules of Debate

The Rules of Debate are designed to facilitate debate during Council in an organised and orderly manner.

1. Respect for Lord Mayor

- 1.1. A Councillor, when speaking, must stand and address the Lord Mayor and direct their speech to the question under discussion.
- 1.2. When the Lord Mayor rises during a debate any member then standing must immediately stop speaking and sit down.
- 1.3. If two or more Councillors rise the Lord Mayor shall call on one to speak.
- 1.4. The Lord Mayor shall decide all questions of order and their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

2. Motion or Amendment – Procedure

What is a Motion?

- 2.1. A motion is a proposal at a meeting that certain action is taken or certain views about a subject are expressed by the Council.
- 2.2. The purpose of a motion is to introduce new business. A motion should be in positive language (ie that the Council does something, not that the Council refrains from doing something) to avoid confusion when voting.
 - Motions require a majority vote to be carried.
 - A motion cannot be proposed when another motion is under consideration.
 - Any motion requires a seconder, can be debated and can be amended.

What is an amendment?

- 2.3. The object of an amendment is to modify a motion in such a way as to increase its acceptability to the Council.
- 2.4. An amendment shall not be discussed unless it has been proposed and seconded by Councillors and written copies, detailing the proposed changes, being provided to the person presiding at least one clear day ahead of the meeting.

Content of Amendment

- 2.5. An amendment must relate to the motion and either:

- Leave out words;
- Leave out words and insert or add others; or
- Insert or add words.

2.6. Any such amendment must not have the effect of negating the original motion.

Debate on amendments

2.7. If an amendment is carried, the amended motion replaces the original motion. Any further amendments will be to the amended motion.

2.8. If an amendment is not carried, any further amendments will be made to the original motion.

3. Closure Motions

3.1. A closure motion is intended to draw to a close the debate currently on the floor of the Chamber. Such motions may be moved without notice.

3.2. A councillor who has not already spoken in the debate may at the conclusion of a speech of another councillor move without comment: -

- that the Council move to the vote on the current debate (after the vote on the closure motion, but before the meeting moves to the vote on the motion or amendment the proposer will be given the opportunity to sum up.)
- that the Council refer the motion to a committee, the mover of the motion will not have the right of reply before this vote.

4. When a Councillor may speak again on a Motion

4.1. Councillor who has already spoken in a debate cannot speak again except to:

- exercise their right of reply
- make a point of order
- make a point of intervention
- speak on an amendment
- move a further amendment.

5. Length of Speech

5.1. No speech shall exceed five minutes, unless agreed by Council.

6. Right of reply

- 6.1. A Councillor who moves a motion has a right of reply (and may take up to five minutes) at the end of the debate immediately before the vote, unless the motion has been referred elsewhere.
- 6.2. If an amendment is moved, the Councillor who moved the amendment has the right to reply at the end of the debate but may not otherwise speak on the amendment.

7. Points of order

- 7.1. A Councillor can make a point of order at any time and the Lord Mayor will hear a point of order immediately.
- 7.2. A point of order must be about the law or Council procedures or rules being broken. The Councillor must say which law or procedures or rules are being broken and how.
- 7.3. The Lord Mayor will consider the Monitoring Officer's advice when deciding on a point of order and the Lord Mayor's decision will be final.
- 7.4. Any member making a point of order may not speak on the matter under discussion during the point of order.

8. Points of intervention

- 8.1. A member may ask a brief question in relation to the speaker's statement if the speaker agrees. No other members shall be allowed to speak. The question, if accepted, is not part of the speaker's time. The answer is part of the speaker's time. No supplementary questions are allowed.

9. Motions that can be moved during debate

- 9.1. When a motion is being debated, no other motions can be moved except for the following procedural motions:
 - that the Council move to the vote on the current debate (if the Council is debating an amendment the Council will move to the vote on the amendment);
 - that the Council refer the motion to another committee
 - to hold a meeting in private (when allowed by the [Access to Information Procedures](#) – see Part F section)
 - to limit or extend the debate (ie that the meeting continues beyond 7:30pm)

10. Motion to overturn a previous decision

- 10.1. A motion or amendment to overturn a decision made by a meeting of the Council within the past six months cannot be moved unless the motion on notice is signed by at least ten members.

11. Motion similar to one previously rejected

- 11.1. A motion or amendment similar to one that has been rejected by a meeting of the Council in the past six months cannot be moved unless the motion on notice or amendment is signed by at least ten members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

DRAFT

Audit and Governance Committee

Work Programme 2023/24



Please note that the work programme is a 'live' document and subject to change at short notice. The information in this work programme is intended to be of strategic relevance.

For general enquiries relating to the Council's Scrutiny function, including this Committee's work programme, please contact Hannah Whiting (Democratic Advisor) on 01752 305155.

Date of meeting	Agenda item	Reason for Consideration	Responsible Cabinet Member /Officer
25 July 2023	Internal Audit End of Year Report	To consider the work undertaken by Devon Audit Partnership during 2022/23, and review the performance and effectiveness of the Internal Audit service and the audit opinion on the adequacy of the Authority's internal control environment.	Brenda Davis
	Internal Audit Charter and Strategy	To consider the Internal Audit Charter and Strategy as part of the requirement of the Public Sector Internal Audit Standards to ensure they are consistent with the Definition of Internal Auditing, the Code of Ethics and the Standards.	Brenda Davis
	Counter Fraud Annual Report	To consider the work carried out during 2022/23 by the Counter Fraud Services Team at Devon Audit Partnership in order to counter fraudulent threats to the Council's budget and reputation.	Ken Johnson
	Annual Governance Statement	To approve the Annual Governance Statement (statutory document required by Accounts and Audit Regulations).	Ross Jago
	Draft Statement of Accounts	The Draft Statement of Accounts 2022/23 are being presented for approval.	Carolyn Haynes

Date of meeting	Agenda item	Reason for Consideration	Responsible Cabinet Member /Officer
	TM Outturn report	To present the Treasury Management Outturn Report.	Wendy Eldridge
	Health, Safety and Wellbeing Annual Report 2022/23	To consider an annual report on Health, Safety and Wellbeing.	Di Saunders-Brewer
	External Audit - Progress Report	To consider the Audit Progress Report from the Council's external auditor, Grant Thornton.	Paul Dossett
	Risk Management Monitoring Report	To provide an update on the Council's Strategic and Operational Risks.	Ross Jago
	Report in the Public Interest – Thurrock Report	To provide a brief update on a report in the public interest – Thurrock Report.	David Northey
	Covid Grants for Business – DLUHC Report	To provide a brief update on the DLUHC response with regards to the covid grants for business.	David Northey
	Constitutional Review – Outline Plan	To present the outline plan.	Ross Jago
5 September 2023	Constitutional Review	To provide feedback from the sub-group to the Committee and to make recommendations onto City Council on 18 September 2023.	Ross Jago
26 September 2023	Internal Audit Progress Report	To note the findings in the report which provides Members with a position statement on audit work carried out.	Louise Clapton
	Annual Information Governance Statement		John Finch

Date of meeting	Agenda item	Reason for Consideration	Responsible Cabinet Member /Officer
	Impact of the Election Act 2022		Giles Perritt/ Glenda Favor-Ankersen
	Audit Actions Review	To provide the Committee with an update on the tracking of Audit recommendations from Grant Thornton and Devon Audit Partnership.	Caroline Haynes
	External Audit – Progress Report	To consider the Audit Progress Report from the Council’s external auditor, Grant Thornton.	Paul Dossett
	Risk Management Strategy		Ross Jago
28 November 2023	Internal Audit Half Year Report	To consider the Council’s Internal Audit Half Year Report.	Louise Clapton
	Counter Fraud Half Year Report	Half-year report to summarise the work carried out during the first 6 months of 2023/24 by the Counter Fraud Services Team.	Ken Johnson
	Treasury Management Strategy	To set out the Treasury Management Strategy and include the Annual Investment Strategy, the Non-Treasury Management Investment Strategy and the Minimum Revenue Provision Statement.	Wendy Eldridge
	Treasury Management Mid-Year Review		Wendy Eldridge

Date of meeting	Agenda item	Reason for Consideration	Responsible Cabinet Member /Officer
	Capital Finance Strategy	To set out the Capital Financing Strategy for 2024/25 (this is a requirement of The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management in Public Services.)	Wendy Eldridge
	Risk and Opportunity Management Strategy 2023-2025		Ross Jago
	Risk Management Monitoring Report November 2023		Ross Jago
	External Audit – Progress Report	To consider the Audit Progress Report from the Council’s external auditor, Grant Thornton.	Paul Dossett
16 January 2024	2019/20 Audit Update (Verbal Update)	Added in agreement with the Chair 6 December 2023	David Northey
	External Audit – Update	To receive an update from the external auditors.	Paul Dossett
	Electoral Cycle Consultation Arrangements	Identified for consideration at the meeting of the Committee in July 2023	Giles Perritt
	Constitutional Review Update	Identified for consideration during the November 2023 meeting.	Ross Jago
12 March 2024	Whistleblowing Policy	To consider the Whistleblowing Policy.	Ken Johnson
	Internal Audit Plan 2024/25		Louise Clapton
	Treasury Management Practices & Procedures	A review produced annually of practices and principles used to conduct TM activities.	Wendy Eldridge

Date of meeting	Agenda item	Reason for Consideration	Responsible Cabinet Member /Officer
	External Audit – Progress Report	To consider the Audit Progress Report from the Council’s external auditor, Grant Thornton.	Paul Dossett
	External Audit - Audit Findings Report 22/23	To consider the Audit Findings Report 22/23 from the Council’s External Auditor – Grant Thornton.	Paul Dossett
	Risk Monitoring Report	Identified for consideration during the November 2023 meeting.	Ross Jago
Items to be scheduled 2023/24			
2023/24			
2023/24			
Items to be scheduled for 2024/25			
2024/25			
2024/25			

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Audit and Governance Committee – Tracking Decisions 2023/24

Minute No.	Resolution	Date Due & Progress
Minute 4 Chair's Urgent Business 25 July 2023	The Committee agreed that officers should consult with Southampton City Council regarding the Electoral Cycle Consultation and Electoral Review and that the consultation is submitted to the Audit and Governance Committee prior to submission to Full Council.	Date Due: September 2023 Progress:
Minute 27u Assessment of the Impact of Voter ID on Plymouth residents and elections team 26 September 2023	A report on the statistics showing the number of people refused a ballot because they had no ID, compared to those who were refused a ballot paper because they brought an invalid type of photo ID would be provided to the Committee.	Date Due: 30 November 2023 Officer Responsible: Glenda Favor-Ankersen Progress: Complete – information circulated to members of the Committee on 21 November 2023.
Minute 42 Risk Management Monitoring Report November 2023 28 November 2023	A SharePoint page would be created for members of the Committee, to see risk management information in near real time.	Date Due: January 2024 Officer Responsible: Ross Jago Progress: Request formally made 1 December 2023.

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