

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

## **Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee - Terms of Reference (This section to removed at the appropriate time)**

### **Purpose**

- I.1. The Joint Scrutiny Committee will provide strategic overview and Scrutiny of the activities of the Heart of the South West (HotSW) Local Enterprise Partnership (LEP) to complement the existing Council's Scrutiny arrangements.

### **Roles, Duties and Responsibilities**

- I.2. In meeting its purpose, the Joint Scrutiny Committee will be specifically charged with:
  - The review of strategic decisions made by the LEP Board;
  - The review of progress of programmes under the management of the LEP to identify barriers to progress, good practice and possible improvements to the LEP's programme management function, notwithstanding the ability of Local Authorities to scrutinise individual programmes of delivery which impact on their communities;
  - Scrutiny of the delivery of the Strategic Economic Plan and the Productivity Strategy; and
  - To review LEP performance and consider any comparative data the Joint Committee deems necessary.

### **Scrutiny Function**

- I.3. The Joint Scrutiny Committee will provide a new joint Scrutiny function and the Joint Committees constituent authorities will be asked to delegate the strategic overview of the LEP functions to the Joint Scrutiny Committee (this will not remove the right of local authorities to scrutinise matters relating to programme delivery that impact on the people within those communities).

### **Membership / Substitute Members**

- I.4. The membership of the Joint Scrutiny Committee will be:
  - Devon County Council (4 Members)
  - Plymouth City Council (2 Members)
  - Torbay Council (2 Members)
  - Somerset County Council (4 Members)
  - Devon Districts (3 Members)
  - Somerset Districts (2 Members)

- I.5. In line with the requirements of the Local Government and Housing Act 1979, political proportionality has been considered and is not considered appropriate to apply to the collective membership of the Joint Scrutiny

Committee. However, where a Council is appointing three or more Members, political proportionality will apply to those appointments in line with the legislation. For less than three, each constituent authority will be free to consider their own political proportionality in making their appointments to the Joint Committee on an annual basis.

- I.6. The level of representation proposed for the County authorities is considered appropriate because of their administrative authority duties in respect of the LEP.
- I.7. Members of the Executive / Cabinet from constituent authorities are precluded from sitting as members of the Joint Scrutiny Committee.
- I.8. District Council representatives should be appointed from authorities not already represented on the HotSW Local Enterprise Partnership Board and also should not be County Councillors.
- I.9. Constituent authorities may make substitutions in accordance with their own procedures where one of their Members is unable to attend any meeting of the Joint Scrutiny Committee. Substitutes do not need to be named, but as a courtesy the administering secretariat should be advised of the name of the substitute at least 24 hours in advance of the meeting.
- I.10. Reflecting the approach to engage with stakeholders across the LEP Area, the Scrutiny Committee will be able to invite to meetings witnesses which it considers will contribute to the delivery of an effective Scrutiny function.

### **Work Programme**

- I.11. The Joint Scrutiny Committee will maintain a work programme of activities.
- I.12. Constituent Authority Scrutiny Committees may ask the Joint Scrutiny Committee to consider matters for inclusion in the work programme. The final decision is a matter for the Joint Scrutiny Committee.
- I.13. District Council Scrutiny Committees not directly represented on the Joint Scrutiny Committee should do this through the District Councils Members appointed to the Committee.

### **Reporting Arrangements**

- I.14. The work and recommendations of the Joint Scrutiny Committee will be regularly reported to the Heart of the South West LEP Board.
- I.15. Members may make reports to their “home” constituent authority in accordance with their own governance procedures.

### **Agendas, reports and minutes**

- 1.16. The agenda and supporting papers will be published and circulated at least five clear working days in advance of meetings.
- 1.17. The minutes of any meetings will be published on the administering secretariat's website and circulated to partner organisations as soon as practicable.
- 1.18. The Committee will operate under the Standing Orders of the administering authority. The HotSW LEP will provide a link to the agendas and minutes of the Joint Scrutiny Committee on its website.

### **Frequency of meetings**

- 1.19. The date, time and venue of meetings will be fixed in advance by the Joint Scrutiny Committee and an annual schedule of meetings agreed.
- 1.20. The Joint Scrutiny Committee will meet three times per year (March, July and November). Dates will be published on the website of the administering authority. Additional meetings may be convened at the request of the Chair.

### **Election of Chair**

- 1.21. The Chair will be elected on an annual basis by Members of the Joint Scrutiny Committee.

### **Quorum**

- 1.22. The quorum of the Committee shall be one quarter of Members, equating to a quorum of 5.

### **Declarations of interest**

- 1.23. Declarations of Interest will be made in accordance with the Government Guidance. Joint Scrutiny Committee Members are subject to the Code of Conduct for Elected Members adopted by the Constituent Authority that nominated them including the requirement to declare relevant interests at formal meetings of the Joint Scrutiny Committee.

### **Voting**

- 1.24. In principle recommendations will be reached by consensus, but if a vote is required it will be by a simple majority of all members present.
- 1.25. Where there are equal votes the Chair of the meeting will have the casting vote.

### **Duty to attend, cooperate and respond**

- 1.26. The Joint Scrutiny Committee may require by invitation the Chair of the LEP Board and the Chief Executive of the LEP to appear before it to explain

(in relation to all aspects of the Committee's work) the performance of the LEP and / or any particular decision or series of decisions. The Chair and Chief Executive have agreed to attend if so required, unless they have a legitimate reason for not doing so.

- I.27. Following each meeting of the Joint Scrutiny Committee, the Committee's recommendations will be submitted to the LEP Board for consideration. The LEP Board will be required to consider those recommendations at its next meeting, and respond to the Joint Scrutiny Committee indicating what (if any) action the LEP Board proposes to take. The response should be made within 28 days of the LEP Board meeting and will be published.

### **Code of conduct**

- I.28. Members of the Joint Scrutiny Committee are expected to observe the "Seven Principles of Public Life" (the 'Nolan' principles) and shall be bound by their own authority's Code of Conduct in their work on the Joint Scrutiny Committee.
- I.29. Members are expected to act in the interests of the Joint Scrutiny Committee, except where this would result in a breach of a statutory or other duty to their Constituent Authority or would be in breach of their Constituent Authority's Code of Conduct.

### **Access to information**

- I.30. Joint Scrutiny Committee meetings are regarded as a Council Committee for the purposes of Access to Information Act.
- I.31. Meetings will be open to the press and public and the Freedom of Information Act provisions shall apply to all business.

## **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.

### **2. Membership, Chair and Quorum**

- 2.1. The Audit Committee will have a minimum of seven members which will include two independent members.
- 2.2. Substitute Members are permitted, subject they have met the training requirements.
- 2.3. The committee is politically balanced and appointment to the Committee, Chair and Vice are made by Council.
- 2.4. The quorum for the committee is four members.

### **3. Committee Responsibilities**

#### **3.1. 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.

### **3.2. 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.

### **3.3. 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.

### **3.4. 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.

### **3.5. 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.

### **3.6. 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 (This section is under review and with any amendments subject to a further report to council)**

**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 them, 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 dependents, 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;

OFFICIAL

## **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	Four	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.