

# Part 3 - Responsibility for Functions - Terms of Reference of Council, Committees and Delegations to Officers

## 1. Council Responsibilities

### Procedural Functions

- (1) To adopt and uphold the Constitution of the Council;
- (2) To agree the roles and responsibilities of all committees and keep them under review and to delegate functions to officers;
- (3) To elect the Mayor and Deputy Mayor of the Council;
- (4) To agree the composition and membership of all committees unless the function has been delegated by the Council;
- (5) To adopt Standing Orders and Financial Procedure Rules (Regulations) for the Council and to keep them under review;
- (6) To adopt a Code of Conduct for Members and any Member/Officer Protocols;
- (7) To consider any report from committees;
- (8) To consider any matters referred to the Council for decision.
- (9) To receive any report by the Chief Executive, Monitoring Officer or Responsible Finance Officer;
- (10) The appointment of representatives to outside bodies unless the appointment has been delegated by the Council

### The Budget and Policy Framework

- (11) Council must exercise the following functions:
  - (a) Approving or adopting the following the plans and strategies including any subsequent amendment, modification, variation or revocation (but subject to the exceptions mentioned in (c) below)
    - The Budget, including:
      - Setting the Council Tax
      - The control of borrowing and investments
      - Capital expenditure
      - Determining the authority's minimum revenue provision and agreeing the Council's capital strategy and asset management plan;
    - Plans and Alterations which together comprise the Local Plan;
    - Crime and Disorder Reduction Strategy;

- Licensing Authority Planning Statement;
  - Gambling Act Statement of Principles
  - Pay Policy Statement
  - Local Transport Plan;
  - Youth Justice Plan.
- (b) The Council must approve any part of the above plans or strategies, whether or not in draft form, which is required to be submitted to the Secretary of State.
- (c) The Council must amend, modify, vary or revoke any of the above plans or strategies, once approved or adopted, unless:
- The amendment etc is required to give effect to requirements made by the Secretary of State or a Minister in relation to a plan or strategy submitted for approval, in whole or in part; OR
  - Council, when approving or adopting the plan or strategy, makes an arrangement for its future amendment.
- (d) The following public health document which the authority is required to prepare and publish, with its partner Integrated Care Board and involving the local Healthwatch and local people living or working in the area:
- Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs Assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the Integrated Care Board. This document will be recommended by the Health and Wellbeing Board to Council for adoption.
- (e) Other plans and strategies, and successor documents, may be adopted, approved, amended modified, varied or revoked by the Committee to which the subject function has been delegated, or the Policy Committee. This provision does not prevent the relevant Committee from recommending a plan or strategy to Council for consideration if it so wishes.
- (12) The Council may set the strategic vision and corporate objectives of the Council;

### **Powers Reserved to the Council**

- (13) To keep under review ward boundaries and to decide the Council's response to any proposals by the Local Government Boundary Commission affecting the authority's electoral boundaries;
- (14) To promote or oppose local, personal, or other Bills of Parliament;
- (15) To determine the Council's Scheme for Members' Allowances after having regard to the Independent Remuneration Panel's report;
- (16) To appoint the Head of Paid Service (Chief Executive); and to designate the Monitoring Officer and section 151 Officer;
- (17) To make, amend, revoke, or re-enact any byelaws to apply within the unitary boundaries;
- (18) Any other matter by law required to be considered or determined by the Council;
- (19) Confirming the dismissal of the Head of Paid Service, Chief Finance Officer, or Monitoring Officer;
- (20) Appointing the external auditors and agreeing the arrangements for their appointment;

- (21) Applications to the Secretary of State in respect of any Housing Land Transfer Housing Land for approval of a programme of disposal of 500 or more properties to a person or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985;
- (22) Applications to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -
  - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or
  - (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118);
- (23) Making referrals to the Secretary of State, the regulator, or the NHS Commissioning Board arising from the exercise of the health scrutiny function of the authority;
- (24) Council may take a decision in respect of any function it has delegated to a committee or officer, in place of that Committee or officer; and a Committee or officer may refer or recommend a decision in respect of a delegated function to be taken by Council.

### **Functions Relating to Elections and the Name and Status of Areas and Individuals**

- (25) To change the name of the council or its wards under Section 74 of the Local Government Act 1972;
- (26) To confer the title of Freedom of the Borough and Honorary Alderman under Section 249 of the Local Government Act 1972;
- (27) To appoint an electoral registration officer under Section 8(2) of the Representation of the People Act 1983;
- (28) To appoint a returning officer for Local Government elections under Section 35 of the Representation of the People Act 1983;
- (29) To divide constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
- (30) To divide wards and parliamentary constituencies into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;
- (31) To declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972;
- (32) To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000;
- (33) To decide whether to carry out governance and/or electoral reviews.

[Note. The balance of the electoral functions are delegated to the Returning Officer/Electoral Registration Officer which is the Assistant Director of Legal and Democratic Services. These include (but are not limited to):

- To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983;
- To exercise all powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983;

- To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983;
- To give public notice of a casual vacancy]

## 2. Standing Committees and Sub-Committees

### POLICY COMMITTEE

- (1) To make recommendations as appropriate on matters reserved to Council for decision, including constitutional matters and the authority's budget and overall strategic direction;
- (2) To set the policy framework for those functions for which the Committee is responsible, and for functions which cut across more than one committee area;
- (3) To be responsible for the authority's corporate assets and resources, in particular the financial, land and property, and information assets and resources;
- (4) To ensure the corporate management of the Council, and the efficient and cost-effective delivery of its services to the public
- (5) To be responsible for making Key Decisions (as defined in paragraph 13.4 of Article 13) for the following functions and services:
  - Appointments to outside bodies
  - Business and financial planning
  - Civic Buildings
  - Compulsory Purchase Orders -The making of CPOs
  - Communication
  - Council Tax, NNDR, Revenues and Benefits
  - Councillor Services
  - Customer Services
  - Economic Development and Regeneration - including town centre management
  - Electoral Services
  - Emergency Planning and Business Continuity
  - Equalities
  - Finance
  - Grants to Voluntary Bodies
  - Health and Safety (internal)
  - Information and Communication Technology (ICT)
  - Land, Property and Asset Management - acquisition, utilisation, facility management and disposal
  - Legal and Democratic Services
  - Local Ombudsman Investigations
  - Markets
  - Open Services and Procurement
  - Performance Management and Service Improvement
  - Public Health
  - Registrars
  - Voluntary sector - support and promotion
- (6) To act as Trustee for the Council in respect of such charities as agreed from time to time.
- (7) To promote health care, health improvement, and the reduction of health inequalities for local people.

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- (8) To be responsible for any joint arrangements and partnership areas, relevant to the functions of the Committee in which the authority is involved.
- (9) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible, and for functions which cut across more than one committee area;
- (10) To exercise Powers for Community Call for Action, Petitions, and scrutiny of other Public Service Providers, as set out in the Local Government and Public Involvement in Health Act 2007 (see also Adult, Social Care, Children's Services & Education Committee below re: Health Scrutiny functions).
- (11) To be responsible for decision-making in matters which cut across the delegation of functions to Committees;
- (12) To act as the shareholder to the Council's wholly owned Housing Company: Homes for Reading Limited.
- (13) To act as sole member/owner of Brighter Futures for Children and to exercise all the Council's responsibilities in relation to this function.
- (14) To act as the shareholder to the Council's wholly owned Company, Reading Transport Limited.
- (15) To exercise the Council's functions and responsibilities, in relation to any other companies not specified in (12), (13) and (14) above, in which the Council holds interests for example as shareholder or sole member. The companies include but are not limited to: Reading Economic Destination Agency (REDA); IESE; Reading-Hampshire Property Partnership.
- (16) To take decisions on operational matters in functions which have been delegated to another Committee but where a decision is required out of that Committee's normal cycle of meetings;
- (17) The Policy Committee may take urgent decisions on behalf of Council, subject to the function not being reserved by statute to Council.
- (18) The Reading Climate Emergency Strategy and the Council's Carbon Plan- To contribute to and adopt the relevant parts of the Strategy and Plan.
- (19) Delegation to Officers
  - (a) The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions which are reserved to this Committee) are delegated to the Executive Directors and Assistant Directors in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - (b) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee. Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
  - (c) The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### Trustees' Sub-Committee

To act as Trustee for the Council and consider and respond to any proposal made by any organisation, including the local authority, which might affect the objectives of the charitable trusts below:

- Mapledurham Playing Fields
- Albert Road Recreation Ground
- Blagrove Recreation Ground
- Cintra Playing Fields
- Grove Road Allotments (Poor's Allotments)
- King George V Gardens (Eldon Square)
- Robert Hewitt Recreation Ground
- Sol Joel Playing Fields
- Victoria Recreation Ground

### ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE

- (1) To be the authority's Education and Social Services Committee.
- (2) To be responsible for and take key-decisions the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
  - a. Adult Social Care
  - b. Children's Services
  - c. Education
  - d. Health

The Health Scrutiny function (see below), except scrutiny of "Quality Accounts" from Acute sector which is delegated to the Health and Wellbeing Board

- (3) To be responsible for oversight of the Reading Borough Council client function of the service delivery contract with Brighter Futures for Children for the delivery of the Council's children's social care, early years and education services covered by the contract, and the governance of the children's company.
- (4) To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
- (5) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
- (6) To undertake the health scrutiny functions of the local authority under Section 244 of the National Health Services Act 2006 as amended by Sections 190 and 191 of the Health & Social Care Act 2012.
- (7) To provide a corporate framework for the scrutiny of Children's Services as set out in the Children Act 2004 and to ensure effective accountability for providing a focus on the needs of children across all services of the Council, and the integration of all public services provided to children by the Council, health, and other partners.
- (8) Reading Climate Emergency Strategy and the Council's Carbon Plan - To contribute to and adopt the relevant parts of the Strategy and Plan.
- (9) Delegation to Officers
  - (a) The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the

officers in the corporate and senior management structure. An officer can only carry out a responsibility if:

- they (or an officer who reports to them) have budgetary or management responsibility for it and
  - the constitution or the law does not require it to be carried out by someone else.
- (b) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee. Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
- (c) The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### **HOUSING, NEIGHBOURHOODS AND LEISURE COMMITTEE**

- (1) Subject to officer delegations, to be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:
- a. Housing
  - b. Neighbourhoods
    - Environmental and public protection
    - Environmental maintenance and cleansing
    - Community Safety
    - Community Capacity Development
  - c. Recreation including allotments, parks and open spaces and sports development
  - d. Arts and Cultural Services
- (2) To be responsible for any joint arrangements and partnerships, relevant to the functions of this Committee, in which the authority is involved.
- (3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
- (4) To undertake the crime and disorder scrutiny functions of the local authority under Section 19 of the Police & Justice Act 2006; and in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, to act as the crime and disorder committee of the Council.
- (5) Reading Climate Emergency Strategy and the Council's Carbon Plan - To contribute to and adopt the relevant parts of the Strategy and Plan.
- (6) Delegations to Officers
- a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - b. Officers' use of delegated powers

- Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
  - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
- c. The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### **STRATEGIC ENVIRONMENT, PLANNING & TRANSPORT COMMITTEE**

- (1) Subject to officer delegations, to be responsible for the statutory and non-statutory functions relating to the services and areas of responsibility listed below, and to set the policy framework for those functions for which the Committee is responsible:
- a. Strategic Environment matters, including:
    - Agenda 21 and biodiversity
    - Air quality, noise, and radiation
    - Contaminated land
    - Flood prevention
    - Recycling and waste disposal (not operational matters - see Housing Neighbourhoods and Leisure Committee)
    - Woodlands Plan
  - b. Planning and Building Control (other than those regulatory functions reserved to the Planning Applications Committee)
  - c. Highways & Transport and Car Parking
- (2) To be responsible for any joint arrangements and partnerships, relevant to the functions of the Committee in which the authority is involved:
- (3) To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible
- (4) To review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000 (as amended by Schedule 2 to the Localism Act 2011)
- (5) Reading Climate Emergency Strategy and the Council's Carbon Plan - To contribute to and adopt the relevant parts of the Strategy and Plan.
- (6) Delegation to Officers
- a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - b. Officers' use of delegated powers



- Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
  - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
- c. The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

## 3. Regulatory Committees

### LICENSING APPLICATIONS COMMITTEE

All members of the Licensing Applications Committee may serve on a Sub-Committee. The Monitoring Officer is delegated to select members to serve on a sub-committee on a case-by-case basis.

1. Subject to officer delegations, to determine the following functions under the Licensing Act 2003 and any regulations or orders made under that Act:
  - a. Application for personal licence where a relevant representation is made by the Responsible Authority (Police);
  - b. Application for premises licence/club premises certificate where a relevant representation is made and not withdrawn;
  - c. Applications to vary designated premises supervisor where a relevant representation is made by the Responsible Authority (Police);
  - d. Application for provisional statement if a relevant representation is made and not withdrawn;
  - e. Application to vary premises licence/club premises certificate if a relevant representation is made and not withdrawn;
  - f. Applications for transfer of premises licence where a relevant representation is received from the Responsible Authority (Police);
  - g. Consideration of an objection from a Responsible Authority (Police) made to an interim authority notice;
  - h. Any application to review premises licence/club premises certificate;
  - i. Decision to give counter notice following Police objection to a temporary event notice;
  - j. Decision to object when Local Authority is a consultee and not the lead authority.
  
2. To determine the following functions under the Gambling Act 2005
  - a. Application for a licence (including for variation and provisional statement) where relevant representations have been made and not withdrawn
  - b. Application for the transfer of a licence where relevant representations have been received from the Gambling Commission;
  - c. Applications for the review of a licence
  - d. Applications for club gaming / club machine permits where the Assistant Director Planning, Transport & Public Protection is minded to refuse;
  - e. The cancellation of club gaming/club machine permits where relevant representations have been received and not withdrawn;
  - f. Decision to give a counter notice to a temporary use notice.
  
3. In relation to Sex Establishments and Sexual Entertainment Venues
  - a. The determination of applications for grant, variation, renewal, or transfer of licences where objections or representations have been received
  - b. The decision to revoke a licence

4. In relation to hackney carriage and private hire licensing:
  - a. In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse to grant or renew, hackney carriage, private hire, and School Transport drivers and operators' licences;
  - b. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local Government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
  - c. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976
5. To approve and monitor all policies relating to the above licensing functions and recommend to the Council changes to those policies where the Committee considers it appropriate to do so or where the matter is reserved to Council to determine.
6. To determine applications for, and revocations of, a scrap metal Site or Collector's licence where a relevant representation is received against a proposal to refuse or revoke.
7. To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval granted under the Marriage Act 1994.
8. To promote equal opportunities, sustainability, and community safety in relation to the provision of the committee's services.
9. Delegations to Officers
  - a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than those reserved to the committee at 1-4 above) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:
    - they (or an officer who reports to them) have budgetary or management responsibility for it and
    - the constitution or the law does not require it to be carried out by someone else.
  - b. Officers' use of delegated powers
    - Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
    - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
  - c. The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### **PLANNING APPLICATIONS COMMITTEE**

1. Subject to officer delegations the determination of:
  - applications for planning permission;
  - approval of reserved matters;

- variations of conditions;
  - variations of legal agreements or planning obligations;
  - advertisement consent;
  - listed building or conservation area consent;
  - works affecting trees covered by tree preservation order.
2. The Committee has reserved the following matters to be determined by the Committee:
- Applications “called-in” by a Councillor, including those in adjacent authorities  
Councillors need to explain why a decision by the Committee is required, in consultation with the Planning Manager and Chair.
  - Planning Applications Committee re-referral  
When Planning Applications Committee has resolved that a matter should be referred back to the Committee.
  - Applications submitted by serving councillors and employees of the Council on Corporate Management Team and any person employed or engaged by Planning and Legal Services or their close family  
Applies to applications for planning permission, approval of reserved matters, variations of conditions, variations of legal agreements or planning obligations, advertisement consent, listed building consent, works affecting trees covered by tree preservation order and certificates of existing or proposed lawful use or development made by serving councillors or their close family and any member of the Corporate Management Team and any person employed or engaged by Planning and Legal Services or their close family.
  - Council developments  
Power to determine an application for planning permission made by the Council alone or jointly with another person under Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (Para 6) and the determination of applications made by the Council for listed building consent.
  - Departures from the Development Plan  
Any development which is considered by the Assistant Director of Planning, Transport and Public Protection Services to be a departure from the provisions of the adopted development plan and recommendation is for approval.
  - ‘Major’ Applications within the Borough where the officer recommendation is to grant planning permission  
Major development, ie: Building or engineering work involving new development or change of use comprising: (i) residential development of 10 or more dwellings or residential development on an application site of 0.5 ha or more, or (ii) in the case of other development those comprising 1,000 sq. m or more of gross floorspace, or an application site of 1ha or more.
  - Listed building consent  
Only when forms part of a proposal that also requires planning permission in any of the above categories.
  - Tree Preservation Orders/Trees in conservation areas  
Where an objection to a Tree Preservation Order has been received or where the proposal has been submitted by or on behalf of the Council.
3. Other decisions to be determined Planning Applications Committee only:
- Additions or removal of properties from the Local List.
  - To serve direct action notices.
  - To approve street names.
4. Delegations to Officers
- a. The responsibilities for making decisions in respect of the matters within the responsibility of this Committee other than those set out in section 2 and 3 above, are delegated to the officers in the corporate and senior management structure.

- b. An officer can only carry out a responsibility if:
- they (or an officer who reports to them) have budgetary or management responsibility for it and
  - the constitution or the law does not require it to be carried out by someone else.
- c. Officers' use of delegated powers
- Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee.
  - Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
  - The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### TRAFFIC MANAGEMENT SUB-COMMITTEE

- (1) To act as a greater Reading consultative body to promote public transport, cycling and walking within Reading;
- (2) To consult with operators of public transport services, cyclists, pedestrians, and users of public transport in Reading, on matters affecting transportation in the Reading area;
- (3) To receive and hear petitions about, and to determine, transport and traffic management schemes which affect the public highway and may require a regulatory process for which the Council as Transport Authority for the area is responsible, in the following areas:
  - Traffic and Transport Schemes such as Local Area Enhancements;
  - Road Safety Schemes;
  - Traffic Management Schemes such as signalised junctions;
  - Safer Routes to School Schemes;
  - Traffic Management elements of Section 106 Agreements;
  - Traffic Regulation Orders;
  - Residents' Parking Schemes;
  - Enforcement of Traffic Regulation Orders
  - On-street and off-street Car Parking.
- (4) To consider and make representations to Committee on transport schemes requiring changes to the public highway resulting from the development of the Reading Transport Strategy, emerging either through the Local Transport Plan process, Local Sustainable Transport Fund Cross-Boundary Councillor Steering Group, or from area or specific consultation exercises;
- (5) To review proposals referred by the Planning Applications Committee to resolve a transport impact generated by a proposed development and, where appropriate, to make recommendations for actions affecting the public highway to be included in such development to either the Planning Applications Committee or another Committee, as appropriate;
- (6) To receive the Minutes of the Cycle Forum.
- (7) To act as the **Discretionary Highway Permits Panel**, in respect of appeals concerning discretionary parking permits, and the use of the highway under Section 115E of the Highways Act 1980. See Article 8.

## **AUDIT AND GOVERNANCE COMMITTEE**

This is set up under Sections 101 and 102 of the Local Government Act 1972. It is the Council's audit committee as recommended by the Audit Commission and CIPFA.

### **Audit Activity**

- (1) To approve (but not direct) Internal Audit's strategy, plan and monitor performance.
- (2) To review Internal Audit reports and the key issues arising and seek assurance that action has been taken where necessary.
- (3) To seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
- (4) To consider reports from the Executive Director of Resources on progress with the implementation of agreed audit recommendations; and require Executive Directors and/or Assistant Directors to attend for the consideration of specific reports.
- (5) To approve the Chief Internal Auditor's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (6) To consider the findings of the review of effectiveness of the systems of internal audit.
- (7) To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- (8) To consider specific reports as agreed with the external auditor.
- (9) To comment on the scope and depth of audit work, to ensure it gives value for money and to make recommendations as appropriate.
- (10) To commission work from internal and external audit, subject to budget provision being available.
- (11) To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

### **Regulatory Framework**

- (12) To maintain an overview of the Constitution in respect of contract procedure rules and financial regulations and to make recommendations to Council as appropriate.
- (13) To complement the work of the Standards Committee in relation to its role in promoting high ethical standards and ensuring adherence to the Code of Conduct for Members and Officers, making recommendations to, and receiving recommendations from it as appropriate.
- (14) To review any issue referred to it by the Council, Chief Executive, Directors, or Service Managers.
- (15) To provide an independent assurance of the adequacy of the Risk Management Strategy and the associated control environment. In particular
  - i) To receive the annual review of internal controls and be satisfied that the Annual Governance Statement accurately reflects the risk environment and any actions required to improve it;
  - ii) To receive six monthly reports covering implementation of the Council's Risk Management Policy and Strategy to determine whether strategic risks are being actively managed;

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- iii) To review and revise as necessary the Risk Management Policy and Strategy on an annual basis.
- (16) To have the knowledge and skills requisite to their role with regard to risk management and to undertake awareness training in respect of Risk Management as and when specific training needs are identified.
- (17) To monitor Council policies on whistle blowing and the anti-fraud and anticorruption strategy and the Council's complaints process.
- (18) To review and agree the Authority's Annual Governance Statement.
- (19) To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- (20) To consider the Council's compliance with its own and other published standards and controls and to make recommendations as appropriate.

### Accounts

- (21) To approve 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.
- (22) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (23) To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- (24) To monitor treasury management decisions to ensure compliance with the approved Treasury Management Strategy.

### Training

- (25) To identify training opportunities for Audit and Governance Committee Members and all Members of the Council in corporate governance issues and to make recommendations as appropriate.

### Governance

- (27) To make recommendations to the Council on:
  - (i) the process for appointing the external auditors and in particular whether to opt-in to auditor appointment by the specified person; and
  - (ii) the appointment of the external auditors.

## 4. Other Committees

### HEALTH AND WELLBEING BOARD

- (1) To discharge the functions of the Health & Wellbeing Boards as set out in Sections 195-196 of the 2012 Act, ie:
  - Duty to encourage integrated working in health and social care under the National Health Service Act 2006
  - Power to encourage closer working in relation to wider determinants of health
  - Power to give its opinion to the authority on whether the authority is discharging its duty to have regard to the Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy for its area
  - Duty to provide an opinion - to its partner Integrated Care Boards and/or the NHS Commissioning Board - about whether the local commissioning plans have taken proper regard of the Joint Health & Wellbeing Strategy
- (2) To discharge any other health functions delegated to it by the authority.
- (3) To ensure that the authority meets its duties as a relevant authority, under Section 16 of the Local Government & Public Involvement in Health Act 2007 (“the 2007 Act”), as amended by Sections 192 and 193 of the Health & Social Care Act 2012:
  - a. to prepare, with its partner Integrated Care Boards, and publish a Joint Strategic Needs Assessment for the area, involving the local Healthwatch and local people living or working in the area;
  - b. to prepare, with its partner Integrated Care Boards, and publish a Joint Health & Wellbeing Strategy to meet the health needs of the area included in the Joint Strategic Needs assessment, relating to the exercise of public health functions by the authority, the NHS Commissioning Board or the Integrated Care Boards, involving the local Healthwatch and local people living or working in the area;
  - c. to ensure that the local authority, and its partner Integrated Care Boards have regard to these documents.
- (4) To promote health care, health improvement and the reduction of health inequalities for all local people, including children and vulnerable adults, and to exercise the following statutory duties on behalf of the authority:
  - a. To improve the health of people in its area under Section 28 of the National Health Service Act 2006, including:
    - any public health functions of the Secretary of State which s/he requires local authorities to discharge on his/her behalf
    - dental health functions of the Council
    - the duty to co-operate with the prison service to secure and maintain the health of prisoners
    - the Council’s duties set out in Schedule 1 of the National Health Service Act 2006, which include medical inspection of pupils, the weighing and measuring of children and sexual health services
    - arrangements for assessing the risks posed by violent and sexual offenders
  - b. To improve public health under Sections 2B and 111 of the National Health Act 2006 (as amended by Section 12 of the Health & Social Care Act 2012), including:
    - (i) Under Section 2B(3):
      - Providing information and advice
      - Providing services or facilities designed to promote healthy living (including helping individuals address behaviour that is detrimental to health or in any other way)
      - Providing services for the prevention, diagnosis, or treatment of illness

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- Providing financial incentives to encourage individuals to adopt healthier lifestyles
  - Providing assistance (including financial) to help individuals minimise any risks to health arising from their accommodation or environment
  - Providing or participating in the provision of training for persons working or seeking to work in the field of health improvement
  - Making available the services of any person or any facilities
- (ii) Under Section 2B(4), providing grants or loans on such terms as the local authority considers appropriate.
- (iii) Under Section 111 and Schedule 1:
- Dental public health (S111)
  - Medical inspection of pupils (Paras 1-7B)
  - Research for any purpose connected with the exercise of the authority's health functions (Para 13)
- (5) To discharge health and social care functions identified by the Government and/or the National Health Service for exercise by the Board, including the integration of health and social care functions within Reading;
- (6) To approve and publish a Pharmaceutical Needs Assessment for Reading;
- (7) To oversee and implement any joint arrangements and partnerships, relevant to the functions of the committee in which the authority is involved;
- (8) To make representations to the Adult Social Care, Children's Services and Education Committee as the authority's health scrutiny committee;
- (9) To scrutinise Quality Accounts on behalf of Adult Social Care, Children's Services and Education Committee.

### Membership

The Council may co-opt additional persons or representatives to be members of the Board as it thinks appropriate, either as voting or non-voting Members, subject to the Council consulting beforehand with the Board.

The membership of the Board, under Section 194(2) of the Health & Social Care Act 2012, is as follows:

- 4 Councillors - ie, the Leader of the Council, and the Lead Councillor for Education & Public Health, Adult Social Care and Children (the Act requires at least 1 Councillor to be on the Board)
  - The Director of Adult Social Care & Health \*
  - The Director of Children, Education & Early Help Services \*
  - Director of Public Health for the Local Authority or his/her representative \*
  - Two representatives from the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (the Act requires a representative of each relevant Integrated Care Board)
  - A representative from the Local Healthwatch organisation
- (\* the Members asterisked will not have voting rights, as explained below)

### Voting rights

Under the provision of Regulations 6 and 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Council, following consultation with the shadow Health & Wellbeing Board, has decided as follows:



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- To disapply the duty to allocate seats to political groups under Sections 15 and 16 of the Local Government & Housing Act 1989
- To treat the following as non-voting members of the Board:
  - The Director of Adult Care & Health Services (or his/her representative)
  - The Director of Children, Education & Early Help Services (or his/her representative)
  - The Director of Public Health (or his/her representative)

The voting membership of the Board must be named by the body they are representing. It will therefore be as follows:

- 4 Councillors by relevant office, ie the Leader of the Council, and the Lead Councillors for Education & Public Health, Adult Social Care, and Children
- 1 named Local Healthwatch representative
- 2 named local Integrated Care Board representatives

The bodies appointing voting Members to the Board may, in addition, appoint named substitute Members who may attend as voting Members in the place of their named Member.

Voting Members will be subject to the Council's local Member Code of Conduct, and will be required, under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to register with the Monitoring Officer, and to declare at meetings, any disclosable pecuniary interest that both they and/or their spouse/partner has in the business of the Board.

### Co-opted Members

The following will be co-opted as non-voting additional members:

- The Chief Executive of Reading Borough Council (or his/her representative)
- A representative from Reading Voluntary Action
- A representative from Thames Valley Police's Reading Local Police Area
- A representative from Royal Berkshire Fire & Rescue Service
- A representative from Royal Berkshire NHS Foundation Trust
- A representative from Berkshire Healthcare NHS Foundation Trust.

### Observers

The following observers may attend and participate but not vote at Board meetings:

- Chair - Local Safeguarding Adults Board
- Chair - Local Safeguarding Children Board
- One relevant shadow Lead Councillor for each opposition group on the Council (up to three in total).
- A named representative of NHS England will join the Board to help in the preparation of the Joint Strategic Needs Assessment or Joint Health and Well-being Strategy.

## **PERSONNEL COMMITTEE**

To be responsible for functions exercised under Section 112 of the Local Government Act 1972 namely:

- (1) Subject to Officer Employment Procedure Rules set out in the constitution:
  - a) to arrange for the appointment of the Council's Head of Paid Service, and make recommendations to Council in this respect;
  - b) to appoint Executive Directors, the Monitoring Officer and Section 151 Officer;
  - c) to dismiss Executive Directors;

- d) to establish a Panel (Sub-Committee) under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer of the authority, in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and which requires the Panel to include at least two independent persons appointed under section 28(7) of the Localism Act 2011;
  - e) to settle all matters relating to the above appointments or dismissals unless the decision on the matter is reserved to Council.
- (2) To take any decisions affecting the remuneration, terms and conditions of service of the Head of Paid Service;
  - (3) To undertake performance appraisals of the Head of Paid Service and to set annual targets against which performance can be measured.
  - (4) To discharge the Council's functions under Section 112 of the Local Government Act 1972, including:
    - (a) determining the terms and conditions on which staff hold office;
    - (b) approving compensation levels in line with the Council's policies and procedures governing redundancy, medical or early retirement as applying from time to time before notice of dismissal is given to staff below Executive Director level.
    - (c) approving matters referred to it by the Local Joint Forum; and resolving matters where it has not been possible to secure agreement at the Local Joint Forum;
    - (d) advising the Council and Committees on:
      - (i) the requirements for, and the availability of, human resources necessary for the fulfilment of the Council's policies;
      - (ii) the promotion of good employee relations in the Council;
      - (iii) matters of general employment and personnel concern to the Council;
      - (iv) the promotion of equal opportunities for all employees of the Council, and in the Council's recruitment and selection procedures, and to monitor the effectiveness of such measures;
  - (5) To receive from the Assistant Director of Human Resources and Organisational Development twice a year a report on all early retirements and redundancies made in the preceding six months.
  - (6) To decide on claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, where the claim and recommendation for consideration are agreed between both management and trades unions.
  - (7) Where appropriate, to convene an Investigatory Committee to examine matters relating to the conduct or capability of Directors and Heads of Service.
  - (8) Delegation to Officers
    - (a) The responsibilities for making decisions in respect of the matters within the responsibility of this Committee (other than key decisions) are delegated to the officers in the corporate and senior management structure. An officer can only carry out a responsibility if:

- they (or an officer who reports to them) have budgetary or management responsibility for it and
  - the constitution or the law does not require it to be carried out by someone else.
- (b) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision or refer the matter to the relevant committee. Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).
- (c) The Committee can at any time take back responsibilities they have delegated or decide to delegate them on certain conditions.

### **MEETING AS AN APPOINTMENTS PANEL, in accordance with the Officer Employment Procedure Rules as set out Part 4 of the Council’s Constitution “Rules of Procedure”**

- (9) Where the Council appoints a Personnel (Appointments) Committee or a Sub-Committee to carry out the function of appointing any officer to the positions referred to in paragraph 2.2 of the Officer Employment Procedure Rules, the membership of the Committee or Sub-Committee shall consist of members nominated by the Group Leaders from the political groups represented on the Personnel Committee and should include the Leader and/or at least one Lead Councillor.

### **Investigating and Disciplinary Committee (Relevant Officers)**

To deal with disciplinary matters relating to the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services) (‘relevant officers’), including the authority:

- To implement sanctions other than dismissal of a ‘relevant officer,’ including suspension;
- To make representations to the Independent Panel in the event the Committee makes a recommendation to dismiss a ‘relevant officer’.

### **Appeals Committee (Relevant Officers)**

To hear appeals from the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services) (‘relevant officers’) in relation to disciplinary matters short of dismissal.

### **Independent Panel (Relevant Officers)**

An Independent Panel, comprising at least two people appointed under section 28 of the Localism Act 2011, to hear from the ‘relevant officer’ and the Chair of the Investigating and Disciplinary Committee (IDC) and advise Council in the event of a recommendation from the IDC to dismiss a ‘relevant officer’ i.e., Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources) and the Monitoring Officer (Assistant Director of Legal and Democratic Services).

(NB: confirming the dismissal of a relevant officer i.e., the Head of Paid Service, Chief Finance Officer and Monitoring Officer is a matter reserved to Council.)

## 5. Appeals Bodies

### Appeals Panel

To provide a pool of trained Councillors to hear individual appeals and complaints, either as part of a statutory complaints process or as part of the Council's own policies and procedures in respect of the areas set out below, on the following bases:

- (a) Where the meeting is part of a statutory process, the Panel will have a quasi-judicial role.
- (b) Where the meeting is not part of a statutory process, the Panel will meet as a Committee of Council.
- (c) the Panel will provide Councillors:
  - (i) to hear individual complaints which reach the third stage of the Council's curriculum complaints process;
  - (ii) to hear appeals against the removal of Early Years Providers from the Council's Directory of Providers.

### Discretionary Highway Permits Panel

This is exercised by the Traffic Management Sub-Committee of the Strategic Environment, Planning and Transport Committee: See also Article 7.

- (1) To consider and determine appeals against decisions made by the AD Planning, Transport and Public Protection to refuse discretionary parking permits, and with the right, in exceptional circumstances, to overturn decisions and grant permits
- (2) To review decisions to refuse applications for the grant of permission for use of the highway under Section 115E of the Highways Act 1980.

### Secure Accommodation Panel

In accordance with the Children Act 1989, to review the position of each young person placed in secure accommodation, within 28 days of the initial placement being made, and quarterly thereafter.

### Social Services Complaints Review Panel

In accordance with the National Health Service and Community Care Act 1990 and Children Act 1989, to hear individual complaints which reach the third stage of the Council's Social Services Complaints process.

Councillors may not serve on the Social Services Complaints Review Panel.

### Education Appeals and Review Panels

To hear and determine:

- (1) School admission appeals
- (2) Individual reviews of decisions of the School's Governing Body to uphold the Head Teacher's decision to exclude pupils permanently from Academies, LEA maintained, voluntary-controlled, and maintained special schools.

Councillors may not serve on Education Appeal and Review Panels.

## 6. Joint Committees

### JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (BUCKINGHAMSHIRE, OXFORDSHIRE, READING, WEST BERKSHIRE, WOKINGHAM)

1. Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority (according to patient flow), the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
2. The NHS Long-Term Plan (published at the beginning of 2019) sets out the vision and ambition for the NHS for the next 10 years. It states - "Every Integrated Care System will need streamlined commissioning arrangements to enable a single set of commissioning decisions at system level." The purpose of the JHOSC would be to hold to account and challenge these commissioning decisions at system level. This function would be new and a different part of local health scrutiny arrangements. The powers and duties of health scrutiny would remain unchanged at Place and Neighbourhood level (see definitions below) - and, in recognition of the slight differences across the ICS footprint, also at Locality level. The creation of a JHOSC to scrutinise system level decisions would strengthen existing scrutiny arrangements.
3. These terms of reference set out the arrangements for Buckinghamshire Council, Oxfordshire County Council, Reading Borough Council, West Berkshire Council, Wokingham Borough Council, to operate a JHOSC in line with the provisions set out in legislation and guidance and to allow it to operate as a mandatory committee.

#### **Terms of Reference**

4. The new JHOSC will operate formally as a mandatory joint committee i.e., where the councils have been required under Regulation 30 (5) Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny to activities delivered at system level (as detailed below) by the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System.

The Kings Fund published a report in April 2020 "Integrated Care Systems explained: making sense of systems, places and neighbourhoods" which says that NHS England and NHS Improvement has adopted the terminology used in some systems to describe a three-tiered model - System, Place and Neighbourhood.

System - typically covering a population of 1-3 million people. Key functions include setting and leading overall strategy, managing collective resources and performance, identifying and sharing best practice to reduce unwarranted variations in care, and leading changes that benefit from working at a larger scale such as digital, estates and workforce transformation.

Place - a town or district within an ICS, typically covering a population of 250-500,000. This is where the majority of changes to clinical services will be designed and delivered and where population health management will be used to target intervention to particular groups. At this level, providers may work together to join up their services through alliances and more formal contractual arrangements.

Neighbourhood - a small area, typically covering a population of 30-50,000 where groups of GPs and community-based services work together to deliver co-ordinated, pro-active care and support, particularly for groups and individuals with the most complex needs. Primary Care Networks and multi-disciplinary community teams form at this level.

Activities at Place, Neighbourhood and Locality would be scrutinised by the relevant local authority through their existing health scrutiny arrangements.

5. The purpose of the mandatory JHOSC across Buckinghamshire, Oxfordshire, Reading, West Berkshire, Wokingham is to:
  - a. make comments on the proposal consulted on
  - b. require the provision of information about the proposal
  - c. gather evidence from key stakeholders, including members of the public
  - d. require the member or employee of the relevant health service to attend before it to answer questions in connection with the consultation.
  - e. Refer to the Secretary of State only on where it is not satisfied that:
    - consultation on any proposal for a substantial change or development has been adequate in relation to content or time allowed (NB. The referral power in these contexts only relates to the consultation with the local authorities, and not consultation with other stakeholders)
    - the proposal would not be in the interests of the health service in the area
    - a decision has been taken without consultation and it is not satisfied that the reasons given for not carrying out consultation are adequate.
6. Notwithstanding point (e) above, Member authorities have the right to refer an issue to the Department of Health if the joint health scrutiny committee does not collectively agree to refer an issue.
7. With the exception of those matters referred to in paragraph [3] above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.
8. The process for determining the appropriate level of scrutiny - i.e.. System or Place/Neighbourhood/Locality will be in accordance with an agreed toolkit which will set out the process for initiating early dialogue between ICS Leads and the Members of the JHOSC. All constituent authorities will be notified of the outcome of those discussions.
9. No matter to be discussed by the Committee shall be considered to be confidential or exempt without the agreement of all Councils and subject to the requirements of Schedule 12A of the Local Government Act 1972.

### **Governance**

10. Meetings of the JHOSC will be conducted under the Standing Orders of the Local Authority hosting and providing democratic services support and subject to these terms of reference.

### **Frequency of meetings**

11. The JHOSC will meet at least twice a year with the Integrated Care System Leads to ensure oversight of key priorities and deliverables at system level.

### **Host authority**

12. The JHOSC would be hosted by one of the named authorities. The role of host authority would be undertaken by the chairing authority for the same time period [24 months].

### **Membership**

13. Membership of the JHOSC will be appointed by the Buckinghamshire, Oxfordshire, Reading, West Berkshire and Wokingham bodies that have responsibility for discharging health scrutiny functions.

14. Appointments to the JHOSC have regard to the proportion of patient flow. The Joint Committee will therefore have 19 members, consisting of 6 from Buckinghamshire, 7 from Oxfordshire, 2 from Reading, 2 from West Berkshire, 2 from Wokingham.
15. Appointments by each authority to the JHOSC will reflect the political balance of that authority.
16. The quorum for meetings will be 6 voting members, comprising at least one member from each authority. Member substitutes from each authority will be accepted.
17. The JHOSC shall reserve the right to consider the appointment of additional temporary co-opted members in order to bring specialist knowledge onto the committee to inform specific work streams or agenda items. Any co-opted member appointed will not have a vote.
18. Healthwatch shall be recognised as a key stakeholder and a standing item will be included on the JHOSC agenda to allow the organisation to report back on patient and public views from across the ICS.

### **Chairman & Vice Chairman**

19. The Chairman of the JHOSC shall be drawn from the members of it and will normally be filled by the member whose authority is hosting the Committee for a period of 24 months.
20. The Vice-Chairman of the JHOSC shall be drawn from members on the Committee and elected every 24 months.

### **Task & Finish Groups**

21. The Committee may appoint such Working Groups of their members as they may determine to undertake and report back to the Committee on specified investigations or reviews as set out in the work programme. Appointments to such Working Groups will be made by the Committee, ensuring political balance as far as possible. Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

### **Committee support**

22. The work of the JHOSC will require support in terms of overall coordination, setting up and clerking of meetings and underpinning policy support and administrative arrangements.
23. Meetings of the committee are to be arranged and held by the host authority.

Should a press statement or press release need to be made by the JHOSC, this will be approved all authorities before being signed off by the Chairman.