

**TERMS OF REFERENCE OF REGULATORY COMMITTEES AND SUB-COMMITTEES**

**1. LICENSING APPLICATIONS COMMITTEE**

1.1 This is the Council's licensing committee under Section 6 of the Licensing Act 2003, to discharge the licensing functions in that Act.

1.2 It is also set up under Sections 101 and 102 of the Local Government Act 1972 to exercise those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of this Committee.

1.3 Under Section 6(1) of the Licensing Act 2003, the Committee must have at least 10, but no more than 15, members.

1.4 Its powers and duties are as follows:

- (1) To exercise any function of a licensing authority under the Licensing Act 2003 and any regulations or orders made under that Act.
- (2) To determine matters in relation to, and to discharge licensing responsibilities under Sections 7 - 8 of, the Licensing Act 2003 (see under Sub-Committees 1-2).
- (3) To exercise those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of this Committee, in accordance with the policies of the Council from time to time (see under Sub-Committee 3).
- (4) To determine matters in relation to the following:
  - Gambling Act 2005
  - Health Act 2006 (smoke-free premises)
- (5) To approve and monitor the policies of the Council relating to all the above licensing functions and recommend to the Council changes to those policies where the Committee considers it appropriate to do so or where it is prescribed by law as a matter reserved to full Council to determine.
- (6) To promote equal opportunities, sustainability and community safety in relation to the provision of the committee's services.
- (7) To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval which has been granted under the Marriage Act 1994.

**1.5 Licensing Applications Sub-Committees 1 and 2**

These Sub-Committees are set up by the Committee under Section 9 of the Licensing Act 2003. They must consist of three members of the Licensing Applications Committee.

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- (1) To discharge any function under the Licensing Act 2003 and any regulations or orders made under that Act, including:
  - Application for personal licence if a relevant representation is made;
  - Any application for a personal licence or its revocation where the applicant has unspent convictions;
  - Application for premises licence/club premises certificate if a relevant representation is made;
  - Applications to vary designated premises supervisor where a Police representation is received;
  - Application for provisional statement if a relevant representation is made;
  - Application to vary premises licence/club premises certificate if a relevant representation is made;
  - Applications for transfer of premises licence where a Police representation is received;
  - Applications for Interim Authorities where a Police representation is received;
  - Any application to review premises licence/club premises certificate;
  - Determination of a Police representation to a temporary event notice;
  - Decision to object when Local Authority is a consultee and not the lead authority.
- (2) To determine an application made in respect of the Gambling Act 2005 where a relevant representation has been made and undertake a review of a licence where the licensing authority has granted an application for a review under s.199 of the Act or has given notice under s.200 of its intention to review the application.
- (3) To determine applications made in respect of the Gambling Act 2005 for club gaming permits and club machine permits, which the Head of Planning, Development and Regulatory Services was minded to refuse.

### 1.6 Licensing Applications Sub-Committee 3

This Sub-Committee is set up by the Committee under Section 101(1) of the Local Government Act 1972.

- (1) To be responsible for those licensing and registration functions specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and indicated in the table at Part 3 of the Constitution as being the responsibility of the Licensing Applications Committee, in accordance with the policies of the Council from time to time, including;
  - Caravan Sites/ Mobile Homes
  - Sex Establishments and Sexual Entertainment Venues
  - Hackney Carriage Licences (including Vehicle and Drivers Licences)
  - Private Hire (including Vehicle, Drivers and Operators Licences and School Transport Drivers' Licences)
  - Scrap Metal Dealers or Motor Salvage Operator
  - Street Trading
  - Approval of recreation and refreshment facilities under Part VIIA of the Highways Act 1980
  - Safety at Sports Grounds

- Functions relating to smoke-free premises (see also Housing, Neighbourhoods and Leisure Committee)
- (2) To approve and monitor the policies of the Council relating to all the above licensing functions and recommend to the Council or Licensing Applications Committee changes to those policies where the Sub-Committee considers it appropriate to do so or where it is prescribed by law as a matter reserved to full Council to determine.
  - (3) To promote equal opportunities, sustainability and community safety in relation to the provision of the committee's services.
  - (4) To determine appeals against a decision taken under delegated powers, to refuse an application for approval of premises, or to revoke any approval which has been granted under the Marriage Act 1994.

## **2. PLANNING APPLICATIONS COMMITTEE**

2.1 This is set up under Sections 101 and 102 of the Local Government Act 1972, to be responsible for all functions relating to town and country planning and development control specified in the Local Authorities (Functions and Responsibilities) Regulations, 2000, and other functions indicated in the table in Part 3 of the Constitution, including:

- development control
- advertisement control
- building control
- conservation matters
- tree preservation orders
- listed buildings
- enforcement
- removal of permitted development rights
- "hybrid" applications or notifications
- street naming
- public rights of way
- control of scaffolding and hoarding

## **3. AUDIT AND GOVERNANCE COMMITTEE**

3.1 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 main 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.

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- (4) To consider reports from the Executive Director of Resources on progress with the implementation of agreed audit recommendations; and require 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 properly 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;
  - iii) To review and revise as necessary the Risk Management Policy and Strategy on an annual basis.

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- (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

- (26) To review and take decisions on functions listed in Schedules 1, 2 and 3 of the Local Authorities (Functions and Responsibilities) Regulations which can be delegated by full Council to be exercised by a Committee.
- (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. HEALTH AND WELLBEING BOARD**

This is set up under Section 194 of the Health & Social Care Act 2012. Under Section 194(11), the Board must be treated as a committee appointed by the authority under Section 102 of the Local Government Act 1972.

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- (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 clinical commissioning groups CCGs 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 116 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 CCGs, 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 CCGs, 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 CCGs, involving the local Healthwatch and local people living or working in the area;
  - (c) to ensure that the local authority, and its partner CCGs, 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

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- (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
    - 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 the following joint arrangement and partnerships in which the authority is involved:
- Berkshire Public Health Joint Arrangement
  - Berkshire Public Health Joint Advisory Board
- (8) To make representations to the Adult Social Care, Children's Services and Education Committee as the authority's health scrutiny committee.
- (9) Climate Change Strategy - To contribute to and adopt the relevant parts of the Climate Change action plan.

### 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:

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- 4 Councillors - ie the Leader of the Council, and the Lead Councillors for Health and Wellbeing, 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's Services \*
- Director of Public Health for the Local Authority or his/her representative \*
- Two representatives from the Berkshire West Clinical Commissioning Group (CCG) (the Act requires a representative of each relevant CCG)
- 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 Board and Health Scrutiny) Regulations 2013, the Council, following consultation with the shadow Health & Wellbeing Board, has decided as follows:

- 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 Social Care & Health (or his/her representative)
  - The Director of Children's 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 Health and Wellbeing, Adult Social Care, and Children
- 1 named Local Healthwatch representative
- 2 named local CCG 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 of Reading Voluntary Action
- A representative from Thames Valley Police's Reading Local Police Area

## 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.

## **5. PERSONNEL COMMITTEE**

5.1 This is set up under Sections 101 and 102 of the Local Government Act 1972 to be responsible for the following functions:

- (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, Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989;
  - c) to dismiss Executive Directors and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989;
  - 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 full 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 Executive Directors; 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;

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- (b) 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;
- (c) 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;
- (6) 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.
- (7) 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.
- (8) Where appropriate, to convene an Investigatory Committee to examine matters relating to the conduct or capability of Corporate Directors and Heads of Service.

### **MEETING AS AN APPEALS PANEL UNDER THE COUNCIL'S DISCIPLINARY OR GRIEVANCE PROCEDURES, in accordance with the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution "Rules of Procedure"**

- (9) To consider and determine appeals by employees concerning any matter of grievance or discipline, in respect of which employees have a right of appeal to the Panel, by virtue of any locally or nationally agreed procedure.
- (10) To consider and determine appeals by employees employed under the terms and conditions of service of the JNC for chief officers, concerning any matter of discipline or capability considered by an Investigating Committee established under the terms of Section III of the JNC conditions of service, and for which there is a right of appeal under Section III.
- (11) To consider and decide upon claims for injury allowance made under the Local Government Superannuation (Amendment) (No. 2) Regulations 1982, in cases where there is not agreement between management and trades unions.

NB - Meetings of the Panel at the appeals stage of the Council's disciplinary or Grievance Procedures are held under the Council's own agreed procedures and are not subject to the provisions of the Access to Information Act 1985.

**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"

- (12) 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.

## **5.2 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'.

## **5.3 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.

## **5.4 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' ie 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 ie the Head of Paid Service, Chief Finance Officer and Monitoring Officer is a matter reserved to Council.)

## **6. STANDARDS COMMITTEE**

- 6.1 This is set up under Sections 101 and 102 of the Local Government Act 1972. Its terms of reference and Standing Orders are set out in Article 9.

## **7. APPEALS BODIES**

### **7.1 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.

### **7.2 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 Head of Highways & Transport 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.

### **7.3 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.

### **7.4 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.

### **7.5 Education Appeal and Review Panels**

To hear and determine:

- (1) School admission appeals

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- (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.