

Terms of Reference of Committees, Tribunals and Panels 2020/21

Council

- adopting and changing the Constitution;
- approving or adopting the Policy Framework and the Budget;
- making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Budget and Policy Framework;
- appointing and removing the Leader;
- agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- appointing the Chairs of the Overview and Scrutiny Committee;
- changing the name of the area or conferring the titles of Honorary Alderman and Freeman of the Borough;
- making or confirming the appointment of the Head of Paid Service;
- adopting an Allowances Scheme;
- making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;
- all Local Choice Functions set out in Section 10 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council; and
- all matters which by law must be reserved to the Council.

The Policy Framework means the following plans and strategies:

1. Those required by law to be adopted by the Council, namely:
 - Council Plan;
 - Community Safety Plan;

- Local Authority Policy Statement under the Gambling Act 2005;
 - Local Development Plan;
 - Statement of Licensing Policy;
2. Those which the Council has chosen to adopt as part of the Policy Framework, namely:
- Asset Management Plan
 - Emergency Planning
 - West Cumbria Sustainable Community Strategy

Any plan or strategy required by law to be sent to a Minister of the Crown for approval.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. The Council shall normally approve, as part of the Budget, the annual Treasury Management Strategy Statement.

Executive

The Executive is appointed to carry out Executive Functions, which are all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

The main Executive functions are:

- to determine how expenditure on services should be undertaken;
- approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which come within the scope and definition of a key decision;
- to agree annual reports;
- to monitor the budget for particular services;
- to make recommendations on the Policy Framework and annual revenue budget and capital programme to the Council;
- to agree strategies and plans at a level below the Policy Framework;

- to take decisions to implement the Council's policies;
- to agree responses to consultation papers when appropriate;
- to make appointments to and the payment of grants to outside bodies within its remit;
- to receive and consider referrals from the Overview and Scrutiny Committee; and
- to publish a Forward Plan of expected Key Decisions.
- to formulate policy, determine fees and applications, and award delegations under the Scrap Metal Dealers Act 2013.

Overview and Scrutiny

Overview and Scrutiny look at the quality of council services, and other issues that affect the lives of people in Allerdale. The Overview and Scrutiny Committee will listen to the concerns of local people to investigate how the council and other organisations are performing, and where necessary seek improvement.

Overview and Scrutiny will:

- review any actions taken in connection with the discharge of any of the council's functions both in relation to individual decisions and performance over time;
- exercise the right of call in of any decision taken by the Executive, or by officers under the executive arrangements, which has not yet been implemented;
- consider any Councillor Call for Action requests, and take any follow up action as required;
- submit reports and/or make recommendations to the Executive, to Council or to any appropriate partnership or external agency on the delivery of public services;
- respond to consultation by the Executive;
- provide assistance with policy development and review, taking an early view on policy issues and providing evidence based recommendations.

Specific duties:

1. Overview and Scrutiny will review policies and contribute to policy development to assist Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues.
2. In carrying out its work, Overview and Scrutiny will:
 - carry out research and consultation with the community, local businesses and other appropriate interest groups in considering different policy options;
 - question members of the Executive, other committee members, officers and other appropriate people to canvass opinion and gather evidence to assist in developing their conclusions, and liaise with external organisations to gather evidence based on wide-ranging views;
 - make recommendations to the Executive, to an appropriate committee or to Council arising from the outcome of the scrutiny process. They may also make recommendations to partner and external organisations as appropriate;
 - invite individual witnesses, other public bodies or partnerships in the Borough to participate in the scrutiny process and question any person (with their consent).
3. Overview and Scrutiny will report at least annually to Council and the chairs will jointly keep scrutiny practices, procedures and work programmes under periodic review.

Development Panel

To consider and decide upon applications under the Planning Acts and related matters within the Borough unless otherwise delegated.

Licensing Committee

To consider and decide upon any necessary changes in licensing policy.

Licensing Panel

To consider and decide upon applications received under the Licensing Act 2003 and the Gambling Act 2005.

Licensing Regulatory Panel

1. To consider and decide upon applications and appeals for licenses for street trading, private hire and hackney carriage vehicles, drivers and operators and any other licence applications (with the exception of Licensing Act 2003 and Gambling Act 2005 applications) unless otherwise delegated.
2. To consider and decide upon suspension and revocation for private hire and hackney carriage vehicles, drivers and operators.
3. To hear appeals in respect of the following legislation:
 - a) Licence for dog breeding establishments under Breeding of Dogs Act 1973 and 1991
 - b) Licence to keep riding establishment under Riding Establishments Act 1964 and 1970
 - c) Licence for animal boarding establishment under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - d) Licence to keep pet shop under Pet Animals Act 1951 (Amendment) Act 1983
 - e) Street Trading Consent under the Local Government (Miscellaneous Provisions) Act 1976
 - f) Licence to keep dangerous wild animals under the Dangerous Wild Animals Act 1982
 - g) Licence for a zoo under the Zoo Licensing Act 1981
 - h) Licence for a caravan site under the Caravan Sites and Control of Development Act 1960
 - i) Registration of premises under Local Government (Miscellaneous Provisions) Act 1982
 - j) Licence to hire pleasure craft under the Public Health Acts Amendment Act 1907 as applied by the Local Government Act 1972 and byelaws made thereunder
 - k) Licence for moveable dwellings under the Public Health Act 1936

Standards Committee

1. The promotion and maintenance of high standards of conduct within the Council:
 - To advise the Council on the adoption or revision of its Code of Conduct
 - To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law and relevant guidance
 - To determine the Arrangements and Guidance for dealing with any Code of Conduct matters
 - To determine any allegations of a breach of such protocols by members in accordance with procedures adopted by the Committee
2. To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code.
3. Other functions:
 - All functions relating to standards of conduct of members under any relevant legislation or Regulations
 - Advising the Council on the adoption or revision of any relevant supporting protocols relating to standards of conduct by members, monitoring the operation of such protocols and providing training for members on them
 - Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct
 - Dealing with reports from the Monitoring Officer
 - Granting exemptions for politically restricted posts.
4. To carry out all the above functions in respect of Parish Councils and their members for which the Borough Council is responsible under any relevant provision of, or Regulations made under the Local Government Act 2000 or any amendment or re-enactment thereof.

Audit Committee

Statement of Purpose

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

Governance, Risk and Control

3. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
7. To monitor the effective development and operation of risk management in the council.
8. To monitor progress in addressing risk-related issues reported to the committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.
12. To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

13. To approve the internal audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
15. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.

17. To make appropriate enquiries of both management and the Assurance, Risk and Audit Manager to determine if there are any inappropriate scope or resource limitations.
18. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Assurance, Risk and Audit Manager. To approve and periodically review safeguards to limit such impairments.
19. To consider reports from the Assurance, Risk and Audit Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - b) regular reports on the results of the QAIP
 - c) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
20. To consider the Assurance, Risk and Audit Manager's annual report:
 - a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
21. To consider summaries of specific internal audit reports as requested.
22. To receive reports outlining the action taken where the Assurance, Risk and Audit Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
23. To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
24. To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations
25. To provide free and unfettered access to the audit committee chair for the Assurance, Risk and Audit Manager, including the opportunity for a private meeting with the committee.

External Audit

26. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA.
27. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
28. To consider specific reports as agreed with the external auditor.
29. To comment on the scope and depth of external audit work and to ensure it gives value for money.
30. To commission work from internal and external audit.
31. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

32. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
33. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability Arrangements

34. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
35. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
36. To publish an annual report on the work of the committee.

Membership

- The Audit Committee is formed of seven councillors and is balanced in relation to political representation
- The members of the Committee are elected annually by Council at the Annual General Meeting
- The Chair is elected at the Annual General Meeting

Meetings

- The Audit Committee will meet at least four times a year. The Chair of Audit may convene additional meetings if necessary.
- A minimum of three members of the Audit Committee will be present for the meeting to be deemed quorate.
- Audit Committee meetings will normally be attended by the Assurance, Risk and Audit Manager and, at least once per year, by a representative of external audit.
- The Audit Committee may ask other officers of the authority to attend to assist with its discussion on any particular matter.
- The Audit Committee may ask any or all of those who attend, but who are not members to withdraw to facilitate open and frank discussion of particular matters exempt under the Local Government Act 1972.
- The Chief Executive may ask the Audit Committee to convene further meetings to discuss particular issues on which their advice is sought.

Chief Officers Employment Panel

- To make recommendations to Council on the appointment of the Head of Paid Service (Chief Executive) and to approve the terms and conditions of that appointment
- To appoint Chief Officers (statutory and non-statutory) and to approve the terms and conditions of those appointments
- Disciplinary action and grievances in relation to the Chief Officers and Statutory Officers
- To make recommendations to the Council on the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer in cases of redundancy, permanent ill health or the expiry of a fixed term contract
- To make decisions in relation to proposed voluntary redundancy/early retirement or severance packages in line with existing policies of the Council. Where a package with a value of £100,000 or more (including any pension strain) is being considered and the Panel has discretion in respect of whether or not to allow such a package, the Committee may decide to refer the matter to Council if it considers this appropriate
- To approve appropriate HR employee policies

Personnel Tribunal

To consider upon appeals and grievances in relation to disciplinary, grading, capability and redeployment following an officer decision and a decision made by the Chief Officers Employment Panel.

Discretionary Housing Payments Tribunal

To consider second stage appeals for discretionary housing payments.