

Committees

1 Audit and Standards Committee

1.1. The Audit and Standards Committee was established at the Annual Council meeting on 24 May 2012. Its role is two-fold:

- a) Audit
 - i) The Committee oversees the Council's Internal Audit and risk functions; receives and approves External Audit reports; scrutinises the Annual Statement of Accounts; makes reports and recommendations to the Cabinet, Committees and the Council as a whole on the adequacy of its corporate governance and risk management arrangements and the associated control environment.
- b) Standards
 - i) The Committee deals with a range of matters including issues concerning Councillors' conduct, provides advice and guidance to the Council, the Cabinet and individual Councillors and advises on the application and review of the Constitution.

1.2. Statement of Purpose

- a) The committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.
- b) The committee has oversight of both Internal and External Audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.
- c) The Terms of Reference of the Audit and Standards Committee are as follows:

1.3. Terms of reference

- a) Maintenance of governance, risk and control arrangements
 - i) Support a comprehensive understanding of governance across the Council and among all those charged with governance, fulfilling the principles of good governance.

- ii) Consider the effectiveness of the Council's risk management arrangements. It should understand the risk profile of the Council and seek assurances that active arrangements are in place on risk-related issues, for both the Council and its collaborative arrangements.
 - iii) Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the Council's exposure to the risks of fraud and corruption.
- b) Financial and governance reporting
- i) Consider the arrangements in place to secure adequate assurance across the Council's full range of operations and collaborations with other entities.
 - ii) In relation to the Council's Internal Audit functions:
 - Oversee its independence, objectivity, performance and conformance to professional standards.
 - Support effective arrangements for Internal Audit.
 - Promote the effective use of Internal Audit within the assurance framework.
 - iii) Consider the opinion, reports and recommendations of External Audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by External Audit.
 - iv) Contribute to the operation of efficient and effective External Audit arrangements, supporting the independence of auditors and promoting audit quality.
 - v) Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.
- c) Standards
- i) Promoting and maintaining high standards of conduct by Councillors and co-opted persons of Committees.
 - ii) Assisting Councillors and co-opted persons of Committees to observe the Code of Conduct.

- iii) Advising the Council on the adoption or revision of the Code of Conduct.
- iv) Monitoring the operation of the Code of Conduct.
- v) Advising and/or censuring and/or imposing a sanction on a Councillor or co-opted person of a Committee (or former Councillor or co-opted person) of the Council.
- vi) Having oversight of all aspects of Councillor development.
- vii) Receiving annual reports in a monitoring and guidance role on whistle blowing, bullying and harassment.
- viii) Being fully involved in any ethical review of the Council or its activities.

1.4. Chairing

- a) Full Council will appoint the Chair and the Vice Chair of the Committee.

1.5. The Audit and Standards Committee has one permanent Sub Committee, the Hearing Sub Committee.

2 Hearing Sub Committee

2.1. The Hearing Sub Committee will undertake hearings in respect of a Councillor (or co-opted person) who it is alleged has failed to comply with the Council's Code of Conduct. Following the hearing, the Sub Committee will report its findings and make recommendations as appropriate.

2.2. Terms of Reference

- a) To conduct a Hearing into an allegation that a Councillor or Co-opted person has breached the Council's Code of Conduct.
- b) Following a Hearing, make one of the following findings:
 - i) that the Councillor/co-opted person has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing.
 - ii) that the Councillor/co-opted person has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing.

- iii) that the Councillor/co-opted person has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
- c) The Sub Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
- d) After making a finding the Sub Committee will, as soon as reasonably practicable, provide written notice of its findings and the reasons for its decision to the Councillor/co-opted person and complainant.

2.3. Chairing

- a) Full Council will appoint the Chair and the Vice Chair of the Sub Committee.

3 Scrutiny Committee

- 3.1. The Council's Scrutiny functions are undertaken by the Scrutiny Committee and the Call In Sub Committee.
- 3.2. The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. The Scrutiny Committee has no decision making powers and cannot scrutinise individual regulatory or quasi-judicial issues. Its function is to raise issues for consideration, to examine and scrutinise matters of community interest, to hold the Cabinet to account, and to represent the interests and views of the public. Where appropriate, joint reviews will be undertaken with other organisations.
- 3.3. Terms of Reference
 - a) To provide the main forum for the Council's internal and external scrutiny work, focusing on activities that improve outcomes for local people.
 - b) To approve an annual overview and scrutiny work programme, including the programme of any task and finish groups appointed so as to ensure that the Committee's and task and finish groups' time is effectively and efficiently utilised.
 - c) To ensure that referrals from the Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
 - d) At the request of the Cabinet to make recommendations about the priority of referrals if the volume of such reports creates difficulty for

the management of Cabinet business or jeopardises the efficient running of Council business.

- e) To receive and action requests from the Cabinet and/or the Council for reports.
- f) To have the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000 (as amended).
- g) To have the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub Committee of the Council as it sees fit.
- h) To provide an annual report to Full Council setting out the work completed by the Committee in the previous year. This report will be considered at the first ordinary Full Council meeting after Annual Council.

3.4. Chairing

- a) Full Council shall appoint the Chair and the Vice Chair of the Committee.
- b) The Chair shall be a member of the Opposition and the Vice Chair a member of the Administration.

3.5. The Scrutiny Committee has one permanent Sub Committee (the Call In Sub Committee) which will carry out the internal scrutiny functions of the Scrutiny Committee. This Sub-Committee will have the same membership as the Scrutiny Committee.

4 Call In Sub Committee

4.1. Terms of Reference

- a) To review and scrutinise decisions made or other action taken, in connection with the discharge of any functions of the Council making recommendations to the Scrutiny Committee.
- b) To call in, review or scrutinise any decision made but not implemented and to recommend that the decision be reconsidered by the person or body who made it.
- c) To have power to require any Harlow Council Councillor and/or Officer to attend before it and to answer questions; it being the duty of any such Councillor or Officer to comply with any such requirement.

- d) To consider matters referred by individual Councillors.

4.2. Chairing

- a) The Chair and Vice Chair will be the same as the Scrutiny Committee.
- b) In the absence of the Chair the Vice Chair will preside.

5 Development Management Committee

5.1. Terms of Reference

- a) Functions relating to town and country planning and development control.

5.2. Terms of Delegation

- a) Town and Country Planning Act 1990 and any related legislation including:
 - i) determination of planning applications (subject to b) below)
 - ii) enforcement of planning control
 - iii) waste land notices, purchase notices, etc.
- b) The only planning matters that are dealt with by the Committee are¹:
 - i) applications on which two or more material planning objections have been received in the stipulated time span, which has not been resolved by negotiation or through the imposition of conditions and which Officers wish to support.
 - ii) applications which any Councillor requests in writing within 21 days of the circulation of the details of the application on the Weekly List, with a valid planning reason for bringing it to the Committee.
 - iii) major planning applications, or contentious applications which Officers, in consultation with the Chair, consider are likely to be of significant public interest.
 - iv) applications submitted by or on behalf of the Council for its own development, except for minor developments, for which no objections have been received.

¹ As agreed by Full Council on 27 September 2012
<http://modern.gov.harlow.gov.uk/CeListDocuments.aspx?CommitteeId=123&MeetingId=216&DF=27%2f09%2f2012&Ver=2>

- v) applications which are notified to Planning Services as being submitted by or on behalf of a Councillor of the Authority, or their relevant person as defined in the Code of Conduct, the MP for the district, or Officers at Assistant Director Level or above.
- c) The following matters may be referred to the Committee by the Assistant Director Planning and Building Control, subject to the criteria in paragraph b) above:
- i) householder development and related applications for listed building and conservation area consent;
 - ii) temporary planning permissions (subject to a maximum 3 year time limit) and related applications for listed building consents;
 - iii) applications for alterations to shop fronts, including the installation of external shutters and ATM's and other related applications;
 - iv) applications for a means of access;
 - v) advertisements, blinds, canopies and related applications for listed building and conservation area consent;
 - vi) all major commercial development;
 - vii) all new residential development.

6 Licensing Committee

6.1. Terms of Reference

- a) Functions relating to statutory licensing and registrable functions and health and safety.²

6.2. Terms of Delegation

² Functions have been delegated in respect of the Licensing Act 2003 in the Statement of Licensing Policy (<https://www.harlow.gov.uk/sites/default/files/documents/Alcohol%20and%20entertainment%20licensing%20policy%20statement.pdf>), the Gambling Act 2005 (<http://moderngov.harlow.gov.uk/documents/s13341/Appendix%20A%20-%20Delegation%20of%20Functions.pdf>), the General Enforcement Policy for Licensing Services (<https://www.harlow.gov.uk/sites/default/files/documents/Taxi%20and%20private%20hire%20general%20enforcement%20policy.pdf>), and the Scrap Metal Dealers Act 2013 (<http://moderngov.harlow.gov.uk/documents/s3553/SMDA%20delegation%20July%202014%20appendix%202.pdf>)

- a) Except in relation to the Statement of Licensing Policy, to discharge all functions conferred upon the Council as a licensing authority under the Licensing Act 2003, including responsibility for licensing the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.
- b) Except in relation to the Statement of Licensing Policy, to discharge all functions conferred upon the Council as a licensing authority under the Gambling Act 2005.
- c) The enforcement of trading requirements relating to the sale of goods and opening hours of shops and other premises and the issue of licences, consents and/or registrations as appropriate.
- d) To progress actions arising from the Crime & Disorder Strategy which may be referred to it for consideration.
- e) The delegation of functions to the statutory Licencing Sub-Committee and/or officers of the Council.
- f) Any other matters relating to the statutory licensing function of the Council acting as the Licensing Authority that may be referred to it or its Sub-Committee.
- g) Any other matters relating to licensing which may be referred to it.

7 Licensing Sub Committee

7.1. Terms of Reference

- a) Function to consider any matters referred to it by the Licensing Committee or Officers in relation to functions conferred upon the Council as The Licensing Authority.

7.2. Terms of Delegation

- a) Except in relation to the Statement of Licensing Policy to discharge all functions conferred upon the Council as The Licensing Authority where:
 - i) Applications on which objections have been received in the stipulated time span, which cannot be resolved through negotiation or the imposition of conditions supported by Officers.
 - ii) Applications submitted by or on behalf of any Councillor, their spouse or partner or any officer of the Council their spouse or partner.

- iii) Any other matter that officers believe should rightly be referred for a decision to be made.
- b) To progress actions arising from the Crime & Disorder Strategy that may be referred to it for consideration.
- c) To report on an annual basis to Full Council decisions taken.
- d) Any other matters relating to the functions of the Licensing Authority that may be referred to it.

7.3. Membership

- a) The membership of each Licensing Sub Committee meeting will comprise of three Members of the Licensing Committee.

8 Regulatory Sub Committee

8.1. Terms of Reference

- a) Functions: relating to licencing and regulatory functions (in so far as not covered by any other Committee or Sub-Committee of the Council).

8.2. Terms of Delegation

- a) To discharge the functions of the Council in regard to its' licensable and registration functions bar those conferred on the Licensing Committee and Sub-Committee [above].
- b) The enforcement of trading requirements relating to the sale of goods, opening hours of premises and/or shops, issue of licences, consents and/or registrations as appropriate including but not limited to the enforcement of the following:
 - i) Hackney carriages and private hire vehicles, including their drivers, operators and vehicle inspections;
 - ii) pet shops, riding establishments, boarding kennels and catteries, dog breeding establishments, zoos and keepers of dangerous wild animals;
 - iii) ear piercing, acupuncture, electrolysis and tattooing;
 - iv) sex establishments;
 - v) street trading;
 - vi) pavement permits (Highways Act 1980);

- vii) charity street collections and house-to-house collections;
 - viii) camping and caravan sites;
 - ix) motor salvage operators and scrap metal dealers; and
 - x) game dealers; and
 - xi) markets.
- c) To progress actions arising from the Crime & Disorder Strategy that may be referred to it for consideration.
 - d) To report on an annual basis to Full Council decisions taken.
 - e) Any other matters relating to licensing which may be referred to it.

8.3. Membership

- a) The membership of each Regulatory Sub Committee meeting will comprise of three Members of the Licensing Committee.

9 Investigatory and Disciplinary Committee (Statutory Officers and Directors) terms of Reference

9.1. Appointed by:

- a) Full Council

9.2. Membership

- a) Five Councillors allocated between political groups in accordance with the rules on political balance set out in the Local Government and Housing Act 1989.
- b) At least one member must be part of the Cabinet.

9.3. Chair/Vice Chair

- a) To be determined by Full Council.

9.4. Terms of Reference

- a) To consider any allegation of misconduct capability or break down of trust against the Head of Paid Service, the Section 151 (Chief Financial Officer), Monitoring Officer (“Statutory Officers”) or Directors (collectively “Officer”).

- b) To authorise an investigation in relation to matters referred to in a) above (with set timescales), including (where appropriate) the appointing of an Independent Person who will consult with the Chair of the Committee.
- c) Decide when the matter can be dealt with by informal resolution or other appropriate procedures of that there is no case to answer and advise the Officer accordingly.
- d) To suspend the Officer, if deemed appropriate, whilst an investigation takes place into alleged misconduct, for a period of up to two (2) months. The Chair will have delegated powers to review the suspension after the two-month period. Where appropriate the suspension may only be extended following consultation with the Independent Person and the consideration of representations by the Officer. The Chair will also have delegated authority to suspend the Officer immediately in an emergency.
- e) To review the outcome of the investigation to consider whether disciplinary action is appropriate, after hearing the Officer under investigation, and report its recommendations to Full Council
- f) To take disciplinary action short of dismissal against the Statutory Officer.
- g) To make a recommendation to the Independent Panel of dismissal against the Statutory Officer.
- h) The Committee will be governed by the provisions contained in Part 5 of the Constitution (Officer Employment Procedure Rules) and guidance from the JNC.