

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Contents

1.0	INTRODUCTION	3
2.0	FULL COUNCIL	Error! Bookmark not defined.
3.0	TERMS OF REFERENCE OF COMMITTEES	7
4.0	SERVICE COMMITTEES	8
4.1	POLICY AND FINANCE COMMITTEE	8
4.2	CORPORATE SUPPORT COMMITTEE	10
4.3	PLANNING POLICY COMMITTEE	12
4.4	HOUSING AND WELLBEING COMMITTEE.....	14
4.5	ENVIRONMENT COMMITTEE	16
4.6	ECONOMY COMMITTEE	17
5.0	REGULATORY COMMITTEES	19
5.1	AUDIT AND GOVERNANCE COMMITTEE	19
5.2	PLANNING COMMITTEE	21
5.3	LICENSING COMMITTEE	24
5.3.1	LICENSING SCHEME OF DELEGATION.....	25
5.4	STANDARDS COMMITTEE.....	26
6.0	SUB-COMMITTEES	28
6.1	LICENSING SUB-COMMITTEE.....	28
7.0	WORKING PARTIES	29
8.0	PANELS	30
8.1	ASSESSMENT PANEL	30
8.2	DISPENSATION PANEL.....	30
8.3	ENFORCEMENT REVIEW PANEL.....	31
8.4	JOINT STAFF CONSULTATIVE PANEL	31
8.5	STAFF APPEALS PANEL.....	33
9	CHIEF EXECUTIVE COMMITTEES AND PANELS	35
9.1	CHIEF EXECUTIVE’S APPRAISAL PANEL	35
9.2	CHIEF EXECUTIVE’S REMUNERATION COMMITTEE.....	36
9.3	CHIEF EXECUTIVE’S RECRUITMENT AND SELECTION PANEL	37
10	STATUTORY OFFICERS COMMITTEES AND PANELS	38
10.1	STATUTORY OFFICERS’ INVESTIGATORY AND DISCIPLINARY COMMITTEE.....	38
10.2	STATUTORY OFFICERS’ INVESTIGATORY AND DISCIPLINARY PANEL	39
11	JOINT AREA COMMITTEES	40

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

1.0 INTRODUCTION

1.1 This part of the constitution explains who takes decisions and sets out the responsibilities of the full council, committees, sub-committees and panels.

1.2 Some functions can only be carried out by the full council. Other functions may be carried out by the full council or may be discharged through a committee, sub-committee or an officer (except where a function is expressly reserved to the council for decision). In addition, the Full council may delegate decision making to a joint committee or another authority as set out in Article 9 of this Constitution.

1.3 These arrangements are confirmed in this part of the constitution at:

Section 2.0	Full Council
Section 3.0	Terms of Reference of Committees
Section 4.0	Service Committees
Section 5.0	Regulatory Committees
Section 6.0	Sub-Committees
Section 7.0	Working Parties
Section 8.0	Panels
Section 9.0	Chief Executive Committees and Panels
Section 10.0	Statutory Officers Committees and Panels
Section 11.0	Joint Area Committees

1.4 The arrangements for the discharge of functions by officers are set out in the Officer Scheme of Delegation at part 4 of this constitution.

1.5 As Arun District Council operates a committee system form of governance, there is no statutory power to delegate the discharge of any function to an individual councillor.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

2.0 FULL COUNCIL

2.1 Only the full council will exercise the following functions:

1. Approving or adopting any plans and strategies that form the council's Policy Framework, as set out in article 4 (The Full Council).
2. Approving or adopting any plan or strategy for the control of the council's borrowing, investments or capital expenditure, or for determining the council's minimum revenue provision.
3. Approving for the purpose of its submission to the Secretary of State or any Minister of the Crown any plan or strategy referred to in 1 and 2 above (whether or not in the form of a draft) of which any part is required to be submitted for approval.
4. Making and changing the Members Allowances Scheme.
5. Making a request for single councillor electoral wards to the Local Government Boundary Commission for England.
6. A resolution to change the council's scheme for elections.
7. Changing the name of the district.
8. Considering any future change to the council's form of governance, subject to statutory provisions.
9. Approving any proposals to the Secretary of State or Local Government Boundary Commission for England on electoral reviews of Arun District Council or West Sussex County Council and any consequential warding proposals for the town/parish councils within the Arun district based on recommendations from the Corporate Support Committee.
10. Making an order giving effect to the recommendations made in a community governance review and other parish council functions that are not otherwise delegated.
11. Adopting and changing the constitution, other than allowed for by article 14 (Review and Revision of the Constitution).
12. Agreeing or amending the committee structure, making changes to the terms of reference and size of committees and sub-committees.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

13. Appointing for the municipal year, or remainder of a municipal year, the Chair and Vice-Chair of the council on receipt of not more than one nomination from each political group.
14. Appointing the Leader of the Council and Deputy Leader.
15. Appointing the Chair and Vice-Chair of committees, sub-committees, working parties and panels.
16. Agreeing the membership of the council's committees, sub-committees, working parties and panels.
17. Appointing the council's representatives to outside bodies unless the appointment has been delegated by the council.
18. Conferring the title of Honorary Alderman.
19. Appointing Independent Persons to the Standards Committee.
20. Confirming the appointment of the Head of Paid Service (Chief Executive) based on the recommendation of the Chief Executive's Recruitment and Selection Panel.
21. Confirming the appointment of a Director based on the recommendation of the Head of Paid Service.
22. Approving the dismissal of the Head of Paid Service (Chief Executive), Directors, Section 151 officer and Monitoring Officer based on a recommendation from the Statutory Officers' Investigatory and Disciplinary Committee.
23. Approving terminations of service of the Head of Paid Service (Chief Executive) and Directors in respect of early/flexible retirement and/or redundancy within the framework of restructuring proposals.
24. Approving settlement agreements of more than £95,000.
25. Approving the Annual Senior Officer Pay Policy Statement.
26. Making compulsory purchase orders (other than under planning grounds).
27. Receiving a direct report requesting approval to a supplementary estimate outside of the budget when referral via the Policy &

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

Finance Committee would cause an unreasonable delay to a project.

28. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills.
29. Debating petitions that contain more than 1,500 signatures in accordance with the council's Petitions Scheme set out in part 8 of this constitution.
30. The functions described in article 9 (Joint Arrangements).
31. All other matters which, by law, must be reserved to the council.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

3.0 TERMS OF REFERENCE OF COMMITTEES

3.1 Committees will work to the following general terms of reference in discharging the specific functions allocated to them:

3.1.1 Each committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do other things that they reasonably consider necessary to inform their deliberations.

3.1.2 Each committee is expected to determine by resolution all matters falling within their purpose and functions with the exception of:

- a) any plans and strategies listed in the Policy Framework at Article 4 of this constitution;
- b) compulsory purchase orders;
- c) limitations set out in the Financial Procedure Rules and Purchasing, Procurement, Contracts & Disposals Rules as set out in part 6 of this constitution; and
- d) any matter which by law must be reserved to the council

which will be recommended to the full council or Policy and Finance Committee, as appropriate.

3.1.3 Where a function does not clearly fall within the remit of one particular service committee, the Policy and Finance Committee shall direct which committee shall deal with the function, or deal with the matter itself.

3.1.4 Each committee is authorised to establish sub-committees and working parties as it considers necessary for the effective conduct of the committee's powers and duties. The establishment of any sub-committees and working parties shall have regard to the overall resource parameters and advice of the Chief Executive and officers.

3.1.5 Each committee is authorised to delegate to officers such further powers as it thinks fit to facilitate the effective management of the council's and the committee's business.

3.1.6 In discharging their functions, committees should have regard to the ongoing requirement to make savings and efficiencies.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

4.0 SERVICE COMMITTEES

4.1 POLICY AND FINANCE COMMITTEE

Membership

9 Members

Purpose

This committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Corporate Policy
- Corporate Performance
- Partnership and Liaison (excluding where this falls within another Service Committee's functions)
- Public Engagement

The committee will lead on the following key plans and strategies:

- Corporate Plan
- Budget preparation and monitoring
- Medium Term Financial Strategy
- Capital Strategy
- Major emergency response
- Climate Change Strategy

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council that fall within its remit:

1. Considering any policies that do not fall within a service committee's remit and approving these where they do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Overseeing the development and monitoring of the corporate plan taking account of the outcomes of performance reviews by the service committees and recommending any areas for change to the full council in line with the policy framework.
3. Overseeing the development and monitoring of the service delivery plans and approving any change taking account of the outcomes of performance reviews by the service committees.
4. Leading on the budget setting process, in consultation with the other service committees, and putting forward a draft budget to the full council for approval.
5. Considering updates on the medium-term financial strategy and providing guidance to the other service committees as necessary.
6. Considering periodic budgetary monitoring and variation reports and making any recommendations to the full council as necessary.
7. Considering the financial outturn report annually.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

8. Considering requests for supplementary estimates outside of the budget and making recommendations to full council based on the limits listed in the Financial Procedure Rules set out in part 6 of this constitution.
9. Overseeing the development of the Climate Change Strategy and any subsequent action plan.
10. Monitoring and considering ombudsman investigation reports and other complaints made.
11. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
12. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
 - a. the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b. virements of expenditure within relevant service area budgets;
 - c. the drawing down of funds; and
 - d. the award of grants to organisations, including discretionary rate relief
13. Providing leadership in the promotion and improvement of the district's economic, social and environmental well-being.
14. Encouraging fair and appropriate levels of community engagement in the council's business.
15. Identifying issues to which the council should attach priority and ensuring that these priorities are given proper effect.
16. Providing a focus for national, regional and sub-regional networking.
17. Clarifying the council's position on issues of importance through appropriate internal and external communications.
18. Considering the minutes and any recommendations from the joint Arun area committees.
19. Council owned companies.

Outside Bodies

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
 - Coast to Capital Local Enterprise Partnership Joint Committee
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:
 - Coast to Capital Local Enterprise Partnership Joint Committee

Urgency sub-committee

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

4.2 CORPORATE SUPPORT COMMITTEE

Membership

11 Members

Purpose

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Finance
- Legal Services
- Human Resources
- Communications
- Design, Print and Postal Services
- ICT and Digital Agenda
- Information Management
- Customer Services
- Committee Services
- Elections and Electoral Reviews

The committee will lead on the following key plans and strategies:

- Digital Agenda Project

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at article 4 of this constitution.
2. Determining matters relating to the acquisition or disposal of land and assets.
3. Receiving reports for decision from the ICT and Digital Agenda Working Party.
4. Monitoring and considering ombudsman investigation reports and other complaints made.
5. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
6. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- c) the drawing down of funds; and the award of grants to organisations, including discretionary rate relief
7. Reviewing and considering electoral matters and making recommendations to the returning officer/electoral registration officer and/or the full council as appropriate.
8. Considering and recommending to the full council proposals by the Chief Executive/Returning Officer for polling districts and polling places within the Arun district as required by the Review of Polling Districts and Polling Places [Parliamentary Elections] Regulations 2006.
9. Considering reports from the Chief Executive/Returning Officer on the ongoing review of polling stations, as required.
10. Considering reports from the Returning Officer on reviews of elections held and registration matters.
11. Considering and recommending to the full council any proposals for an electoral review of Arun District Council.
12. Reviewing and recommending to the full council any proposals from the Local Government Boundary Commission for England on electoral reviews of Arun District Council or West Sussex County Council and any consequential warding proposals for the town/parish councils within the Arun district.
13. Reviewing and submitting comments on behalf of the council on any proposals from the Boundary Commission for England on a review of Parliamentary constituency boundaries affecting the Arun district.
14. Undertaking community governance reviews in accordance with the Local Government and Public Involvement in Health Act 2007 and recommending any proposals for change to the full council.
15. Considering and agreeing a response to consultation documents on electoral matters.
16. Considering reports from the Joint Staff Consultative Panel, as required.

Performance Management

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

Outside Bodies

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

Urgency sub-committee

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

4.3 PLANNING POLICY COMMITTEE

Membership

11 Members

No Member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Growth in consultation with the Chair has been undertaken.

Purpose

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Planning Policy
- Infrastructure

The committee will lead on the following key plans and strategies:

- Local Plan
- Community Infrastructure Levy (CIL)

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Making recommendations on Planning Policy, Community Infrastructure Levy (CIL) documents and Infrastructure Funding Statements to the full council for approval.
3. Authorising public consultation on draft Planning Policy and CIL documents and material produced for public consultation reports.
4. Considering responses from public consultation and amending reports accordingly.
5. Approving any expenditure within agreed budgets for public consultation
6. Approving consultation on certain stages of plans/proposals/the CIL charging schedule.
7. Agreeing supplementary planning documents and background evidence base documents.
8. Approving consultation responses.
9. Monitoring progress against agreed action plans and agreeing any necessary actions.
10. Making recommendations to the full council for approval of the implementation and governance of the CIL charging schedule.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

11. Approving the repayment of money paid to the council under Planning Obligations in these circumstances:
 - Where the money is unallocated for any project
 - Where the money cannot be spent on the previously identified project because the project falls or fails
 - Where the money is paid subject to a condition that it be spent on a specified project within a specified time. Such clauses are usually avoided by the council, but some developers insist that they be included in planning obligations.
12. Considering and monitoring the effectiveness of the council's land use policies in respect of the district's towns, villages and countryside as expressed through the local plan and related land use policy documents.
13. Taking action under relevant legislation in respect of the protection, enhancement and preservation of the physical and natural environment, save where powers have been delegated to the Planning Committee in respect of:
 - Building preservation (particularly those designated as being of special architectural or historic interest)
 - Designation and enhancement of conservation areas
 - Preservation of trees and woodlands.
14. Monitoring and considering ombudsman investigation reports and other complaints made.
15. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
16. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
 - the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - virements of expenditure within relevant service area budgets;
 - the drawing down of funds; and
 - the award of grants to organisations, including discretionary rate relief.

Performance Management

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

Outside Bodies

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
 - West Sussex & Greater Brighton Strategic Planning Board
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- West Sussex & Greater Brighton Strategic Planning Board

Urgency sub-committee

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

4.4 HOUSING AND WELLBEING COMMITTEE

Membership

11 Members

Purpose

The committee has delegated authority to exercise all the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Housing Strategy and Enabling
- Housing Revenue Account (HRA)
- Homelessness
- Revenues and Benefits
- Leisure and Culture
- Community Safety
- Wellbeing
- Safeguarding
- Lifeline

The committee will lead on the following key plans and strategies:

- HRA Business Plan
- Leisure Strategy
- Crime and Disorder Reduction Strategy

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Authorising the disposal of all HRA assets (land and property), outside of Right to Buy, where the value exceeds £500,000 and that the sale proceeds be reinvested back into the HRA account on all occasions.
3. Keeping under review the Council Tax Reduction Scheme and making recommendations to the Policy and Finance Committee where there are any financial consequences.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

4. Approving cases for write-off where the value exceeds £10,000 where the current tenant arrears have accrued up to the point of bankruptcy being declared or the arrears are covered by an Administration Order.
5. Approving write-offs of former tenant arrears, rent arrears and other debts where the value exceeds £10,000.
6. Approving cases for write-off where the value exceeds £5,000 for Council Tax and £10,000 for National Non-Domestic Rates.
7. Approving variations to the terms and conditions of the Dual Use Agreement relating to the Arun Leisure Centre between the council and West Sussex County Council to reflect the asset responsibility matrix submitted as part of the leisure operating contract.
8. Determining any matters that are not delegated to officers arising from the council's statutory responsibilities under the Crime & Disorder Act 1988 and the Anti-Social Behaviour, Crime and Policing Act 2014.
9. Adopting Public Space Protection Orders which fall within the responsibility of this committee.
10. Monitoring and considering ombudsman investigation reports and other complaints made.
11. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
12. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief

Performance Management

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

Outside Bodies

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
 - Sussex Police and Crime Panel
 - Health and Adult Social Care Scrutiny Committee (HASC)
 - Arun Wellbeing and Health Partnership
 - Safer Arun Partnership

- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:
 - Sussex Police and Crime Panel
 - Health and Adult Social Care Scrutiny Committee (HASC)
 - Arun Wellbeing and Health Partnership

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- Safer Arun Partnership

Urgency sub-committee

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

4.5 ENVIRONMENT COMMITTEE

Membership

11 Members

Purpose

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Green Spaces
- Cemeteries
- Waste and Recycling
- Car Parks
- Engineering
- Environmental Health
- Building Control
- Emergency Planning
- Foreshores
- Biodiversity

The committee will lead on the following key plans and strategies:

- Waste and Recycling Strategy

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a Full council decision under the Policy Framework at Article 4 of this constitution.
2. Adopting Public Space Protection Orders which fall within the responsibility of this committee.
3. Monitoring and considering Ombudsman investigation reports and other complaints made.
4. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

5. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
- a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief

Performance Management

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

Outside Bodies

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

Urgency sub-committee

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

4.6 ECONOMY COMMITTEE

Membership

11 Members

Purpose

The committee has delegated authority to exercise the council's functions relating to the delivery, by or on behalf of the council directly or through any sub-committees it establishes, and through partnership arrangements, that fall within the following service areas:

- Economic Policy and Research
- Economic Partnerships
- Commercial Investment
- Commercial Activities
- Town Centre revival
- Business Development
- Tourism
- Property and Estates

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- Land Charges

The committee will lead on the following key plans and strategies:

- General Fund Commercial Strategy
- General Fund Asset Management Plan
- General Fund Property Investment Strategy

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Approving any service area policies where these do not require a full council decision under the Policy Framework at Article 4 of this constitution.
2. Determining matters relating to all functions (acquisition, disposal, declaring as surplus to requirements, repair and maintenance) relating to general fund land assets and property both residential and commercial.
3. Recommending any financial implications beyond agreed budgets from delivery of the commercial strategy to the Policy & Finance Committee.
4. Determining matters relating to terms to let, lease or license land or building or any interest in land or buildings which are or will be under the control of the council where the rent exceeds £100,001 per annum (exclusive of rates) and the term of letting, leasing or licensing exceeds 25 years.
5. Reviewing the operation of any council owned companies.
6. Monitoring and considering ombudsman investigation reports and other complaints made.
7. Considering and awarding compensation in excess of £5,000 in the event that a complaint investigation finds in a complainant's favour.
8. In line with the limits listed in the Financial Procedure Rules set out in part 6 of this constitution approval of:
 - a) the virement of monies received in accordance with the terms of any agreement made under Section 106 Town Country Planning Act 1990;
 - b) virements of expenditure within relevant service area budgets;
 - c) the drawing down of funds; and
 - d) the award of grants to organisations, including discretionary rate relief
9. Making recommendations to the full council in relation to all major regeneration projects, including land and property, affecting the towns and villages within the Arun district.
10. In terms of major regeneration projects, approving the:
 - a) recruitment and engagement of consultants;
 - b) agreement to consult on certain stages of plans/proposals;
 - c) monitoring of progress against agreed action plans and any necessary actions to address problems etc; and

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- d) agreement to the drawing down of funds within the responsibilities of the committee as listed in the Financial Procedure Rules at part 6 of this constitution.

Note

The committee will not encroach on any of the responsibilities of the Planning Committee, Licensing Committee or the Planning Policy Committee.

Performance Management

The committee will have responsibility for monitoring service performance within the corporate plan and service delivery plans across the range of their functions and reporting on the outcomes of their review to the Policy & Finance Committee.

Outside Bodies

- (a) The committee will receive feedback reports from the council's representatives on the following outside bodies and report any issues requiring action to the council as appropriate:
- (b) The council's representative on the following outside bodies will be designated as the Chair or a member of this committee:

Urgency sub-committee

The committee shall appoint an urgency sub-committee to deal with all matters in cases of urgency and emergency. Urgency sub-committees to be composed of the Chair, Vice-Chair and one other member of the committee, one of who would be an opposition member.

5.0 REGULATORY COMMITTEES

5.1 AUDIT AND GOVERNANCE COMMITTEE

Membership

11 Members

No member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Group Head of Finance in consultation with the Chair has been undertaken.

Purpose

The committee has delegated authority to exercise the following functions of the council:

- Corporate Complaints
- Internal Audit
- External Audit

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- Members Allowances
- External scrutiny of partners

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Providing an independent assurance of the adequacy of the governance and risk management frameworks and the associated control environment so as to best protect the council's reputation.
2. Providing independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment.
3. Overseeing the financial reporting process.
4. Overseeing the work of internal and external audit and receive periodic reports on the work of the authority's Governance and Risk Group.
5. Advising the council on:
 - a) Appropriate arrangements for internal audit activity, in line with published standards
 - b) The arrangements for the provision of external audit services
 - c) The effectiveness of anti-fraud measures
 - d) The arrangements for an appropriate regulatory framework
 - e) Corporate Governance including approval of the annual governance statement
 - f) Compliance with contract and financial procedure rules of the constitution
 - g) Matters arising from the review and approval of the annual statement of accounts by the committee
 - h) The authority's treasury management strategy and results
 - i) The policy regarding provisions of the Regulation of Investigatory Powers Act 2010 (RIPA) and the use of such powers by the council
6. Approving arrangements for establishing an Independent Remuneration Panel, in accordance with statutory requirements, and instructing the Chief Executive to make any appointments to the panel in line with their delegated authority at part 3, section 2 of this constitution.
7. Overseeing the work of the Independent Remuneration Panel in its periodic consideration of members allowances.
8. Reviewing and considering the member allowances scheme based on reports from the Independent Remuneration Panel and making recommendations to the full council as required.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

5.2 PLANNING COMMITTEE

Membership

11 Members

No member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Growth in consultation with the Chair has been undertaken.

Purpose

The committee has delegated authority to exercise the following functions of the council:

- Planning applications
- Service performance

Specific Functions

The committee shall also exercise where not expressly delegated to the Planning Policy Committee the following specific functions by or on behalf of the council:

1. Functions relating to Town and Country Planning and Development Control as specified in Schedule 1 of the Town & Country Planning Act 1990 (as amended) and the Planning (Listed Building & Buildings in Conservation Areas) Act 1990 (as amended) and Planning & Compulsory Purchase Act 2004 and Planning Act 2008:
 - 1.1 Power to determine applications for planning permission.
 - 1.2 Power to determine applications to develop land without compliance with conditions previously attached
 - 1.3 Power to grant planning permission for development already carried out
 - 1.4 Power to decline to determine any application for planning permission
 - 1.5 Duties relating to the making of determinations of planning applications
 - 1.6 Power to determine applications for planning permission made by a local authority, alone or jointly with another person
 - 1.7 Power to respond to consultation by neighbouring local planning authorities, other consultees or the Secretary of State
 - 1.8 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights
 - 1.9 Power to determine applications for non-material amendments to a planning permission
 - 1.10 Power to discharge or refuse to discharge planning conditions attached to a planning permission or any other relevant consents
 - 1.11 Power to enter into, vary or modify agreements regulating development or use of land

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- 1.12 Power to issue a certificate of existing or proposed lawful use or development, including those under Listed Building powers
- 1.13 Power to serve a completion notice
- 1.14 Power to grant consent for the display of advertisements
- 1.15 Power to authorise entry onto land
- 1.16 Power to require the discontinuance of a use of land
- 1.17 Power to determine whether it is expedient to take enforcement action in instances where there has been a breach of planning control
- 1.18 Power to serve a planning contravention notice, breach of condition notice, temporary stop notice or a requisition for information or stop notice
- 1.19 Power to issue an enforcement notice and/or community protection notice
- 1.20 Power to apply for an injunction restraining a breach of planning control
- 1.21 Power to determine applications for hazardous substances consent and related powers
- 1.22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject
- 1.23 Power to require proper maintenance of land
- 1.24 Power to determine applications for listed building consent and related powers granted to local authorities pursuant to the Listed Building and Conservation Areas Act 1990
- 1.25 Power to determine applications for permissions in principle and the related technical details consent
- 1.26 Duties relating to applications for listed building consent, conservations areas, listed building heritage partnership agreements, and local listed building consent orders
- 1.27 Power to serve a building preservation notice and related powers
- 1.28 Power to issue enforcement notices and related powers
- 1.29 Power to take action under sections 224 and 225 of the Town and Country Planning Act 1990 – enforcement of control over advertisements, and regulations made under section 220 thereof
- 1.30 Powers to acquire a listed building in need of repair and to serve a repair notice
- 1.31 Power to apply for an injunction in relation to a listed building
- 1.32 Power to execute urgent works and recover costs by any appropriate means
- 1.33 Rights of way functions for which the council is responsible
- 1.34 Protection and preservation of trees and hedgerows, including as necessary the making, confirmation, modification and revocation of tree preservation orders

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- 1.35 Power to determine applications for works and felling of trees covered by a tree preservation order
 - 1.36 Power to determine notifications for works to trees in conservation areas
 - 1.37 To exercise the council's powers with regards to the Hedgerows Regulations 1997
 - 1.38 To exercise the council's powers with regard to the Community Infrastructure Levy Regulations 2010 (as amended)
 - 1.39 Power to determine prior approval notifications and consents
 - 1.40 Power to make screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
 - 1.41 Power to pursue those convicted through the courts of a planning breach under The Proceeds of Crime Act 2002 (or as amended)
 - 1.42 Power to issue community protection notices
 - 1.43 Power to withdraw enforcement and other notices
 - 1.44 Power to issue tree replacement notices
 - 1.45 Power to make minor alterations to the Planning Application Validation Checklist
 - 1.46 Power to determine Section 73 applications under Town and Country Planning Act 1990 and Section 19 applications under the Town and Country (Listed Building and Conservation Areas) Act 1990 (as amended) (subject to the caveat set out below in relation to major applications)
- 2. Determining all applications/notifications and related planning enforcement matters.
 - 3. Determining matters relating to the control of advertisements, the preservation of trees, buildings and important hedgerows, the creation extinguishment or diversion of public highways affected by development and decisions on high hedges.
 - 4. Appointing briefing panels and site inspection panels and determining their membership, terms of reference and procedures to be confirmed in the Planning Protocol at part 8 of this constitution.
 - 5. Power to make amendments to the officer scheme of delegation insofar as they relate to the functions falling within the remit of the committee.
 - 6. Receiving reports from the Site Inspection Panel

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

5.3 LICENSING COMMITTEE

Membership

11 Members

No Member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Director of Growth in consultation with the Chair has been undertaken.

Purpose

The committee has delegated authority for the following functions.

1. Licensing Act 2003
 - a) To discharge all functions which, under the Act, stand referred to a Licensing Committee, including, but not limited to the following:
 - (i) Applications for a personal licence;
 - (ii) Applications for premises licence/club premises certificate;
 - (iii) Applications for provisional statement;
 - (iv) Applications for interim authorities.
 - b) The powers of the committee under 1(a) shall include the power to deal with all applicants for the grant, renewal, variation or revocation of any licence or consent or any actions which a licensing committee is required or authorised to take under the Licensing Act 2003.
 - c) The delegated powers of the committee shall not include the adoption or review of the Statement of Licensing Policy (which are functions of full council).
2. Gambling Act 2005
 - a) To discharge all functions which, under the Gambling Act 2005, stand referred to the Licensing Committee, including but not limited to the following:
 - (i) applications for premises licences;
 - (ii) applications for provisional statements;
 - (iii) applications for club gaming / club machine permits.
 - b) The powers of the committee under 2(a) shall include the power to deal with all applications for the grant, renewal, variation, cancellation or revocation of any licence or consent or any actions which a licensing committee is required or authorised to take under the Gambling Act 2005.
 - c) The powers of the committee shall also include the power to set fees pursuant to section 212 of the Gambling Act 2005 but shall not include the power to adopt or review the Statement of Licensing Policy, which is a function of full council.
3. Other Licensing and Registration Functions
 - a) To discharge all the council's functions regarding licensing and registration and any associated or connected functions.
 - b) To advise full council regarding the Statement of Licensing Policy under the Gambling Act 2005.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- c) To advise full council regarding the Statement of Licensing Policy under the Licensing Act 2003.
 - d) To advise the council and other committees on matters related to functions under the Licensing Act 2003 and the Gambling Act 2005 but are not themselves Licensing Act or Gambling Act functions.
4. Power to consider reports from council officers upon proposed enforcement action where the circumstances of a particular case are considered, in the discretion of the Enforcement Review Panel, to make it desirable for the Licensing Committee to do so.
5. To make amendments to the officer scheme of delegation insofar as they relate to the functions falling within the remit of the committee.

5.3.1 LICENSING SCHEME OF DELEGATION

Pursuant to paragraphs 5.3 (Licensing Committee) and 6.1 (Licensing Sub-Committee) set out in part 3 of the constitution:

- 1.1 Subject to Paragraph 1.3 below, an authorised officer may determine all applications, renewals, variations, transfers and other matters in respect of any licenses, permissions, registrations and approvals under, and so far as is required or permitted by any legislation, policy or officer scheme of delegation of the council.
- 1.2 The legislation referred to above shall include, but not exhaustively:
- The Licensing Act 2003
 - The Gambling Act 2005
 - The Scrap Metal Dealers Act 2013
- 1.3 Where:
- the council receives any objection, adverse representation or information concerning any of the above-mentioned matters, and
 - such objection, representation or other matter cannot be resolved in such a way as is permitted by law, council policy or the officer scheme of delegation
- the matter will be referred to the Licensing Sub-Committee for determination.
- 1.4 An authorised officer may refuse to renew, or may suspend, revoke or take any other such action against any license, permission, registration or approval as permitted by law or such council policy as is consistent with law.
- 1.5 Without prejudice to the generality of the afore-going provision, an authorised officer may refuse to renew, suspend or revoke a hackney carriage or private hire vehicle driver's license, save that the determination of any such action will be referred to the Licensing sub-committee where:
- that action is likely to present a departure from any Hackney Carriage or Private Hire Vehicle Licensing Policy adopted by the council, or

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- the officer deems it proper to do so for any other reason.

5.4 STANDARDS COMMITTEE

Membership

11 Members + minimum of 3 Independent Persons

No member can serve on this committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chair has been undertaken.

Purpose

The committee has delegated authority to exercise the following functions of the council:

- Members' Code of Conduct
- Code of Conduct complaint reviews

Specific Functions

The committee shall also exercise the following specific functions by or on behalf of the council:

1. Promoting and maintaining high standards of conduct by district councillors, town and parish councillors and co-opted members.
2. Advising the council and town and parish councils on the adoption or revision of the Members' Code of Conduct.
3. Monitoring the operation of the Local Assessment Procedure and recommending any revisions to the full council.
4. Where not covered by the Local Assessment Procedure, determining the action to be taken on any failure of a district councillor, town or parish councillor or co-opted member to comply with the relevant authority's code of conduct following a report from the Monitoring Officer.
5. Determining any review made under the local assessment procedure following a report from the Monitoring Officer.
6. Advising and supporting the Monitoring Officer in the delivery of training on the Members' Code of Conduct to district councillors, town and parish councillors and co-opted members.
7. Considering membership and recruitment of Independent Persons to the committee and making recommendations for appointments to the full council.
8. All other functions relating to standards of conduct of district councillors, town and parish councillors and co-opted members under the Localism Act 2011 or regulations made under it.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

Role of Independent Persons

- a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against councillors.
- b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chair and Vice-Chair will have authority to decide if they may take part in the debate or request that they leave the meeting.
- c) They will not be entitled to vote at or chair meetings.

6.0 SUB-COMMITTEES

6.1 LICENSING SUB-COMMITTEE

Reporting to – Licensing Committee

Membership

3 Members drawn from the Licensing Committee

Functions

The sub-committee has the following functions:

1. Subject to all the provisions applying to delegations, the Licensing Sub-Committee shall have all the council's powers and duties for:
 - 1.1 Deciding applications for all licenses, permissions and associated matters, under the Licensing Act 2003 and Gambling Act 2005 where representations or objections have been received but which cannot be resolved by mediation or any other way permitted by law and where any decision has not been delegated to an officer by the Licensing Scheme of Delegation at part 4 of this constitution, statute or otherwise.
 - 1.2 Deciding applications for the variation, suspension or revocation of all such licenses, permissions and associated matters, under the legislation mentioned in the paragraph above save those which can be resolved by mediation or any other way permitted by law or by delegation to an officer by the Licensing Scheme of Delegation at part 4 of this constitution, statute or otherwise.

Note

The sub-committee will meet as and when convened by the Group Head of Technical Services or their nominated officer.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

7.0 WORKING PARTIES

Working Parties in operation at May 2021 are:

Name of the Working Party	Reporting to
Arun Leisure Centre Dual Use Officer Group	Housing & Wellbeing Committee
Constitution Working Party	Full Council
ICT and Digital Agenda Working Party	Corporate Support Committee

1. The council and any committee may establish working parties with responsibility for specific functions or tasks based on the following terms:
 - a) An agreed terms of reference, or if that is not practical the scope of the function/task to be undertaken
 - b) The size of the membership of the working party
 - c) How membership will be agreed, either nominated at the time the working party is established or through nomination by the group leaders based on proportionality rules
 - d) Proposals for the allocation of seats if vacancies occur, or whether to leave seats vacant
 - e) The timescale for the work to be undertaken

2. Working Parties will then:
 - a) Review their terms of reference and recommend any changes for approval to their parent body (full council or a committee).
 - b) Make recommendations and report back to their parent body on the outcomes of their work.
 - c) Meet in private, unless the working party agrees that meetings should be held in public and proper notice is given in accordance with the requirements of the Committee Procedure Rules at part 5 of this constitution.

8.0 PANELS

8.1 ASSESSMENT PANEL

Reporting to – Standards Committee

Membership

3 Members drawn from the Standards Committee + 1 Independent Person

Functions

The panel has the following functions:

1. To meet as and when convened by the Monitoring Officer to assess written complaints made against a councillor or co-opted member of Arun District Council or a town/parish council within the Arun district in respect of an alleged breach of the relevant authority's Code of Conduct.
2. To conduct hearings, take decisions and determine sanctions in accordance with the local assessment procedure.
3. To report the outcome of their assessments to the Standards Committee.

8.2 DISPENSATION PANEL

Reporting to – Standards Committee

Membership

3 Members drawn from the Standards Committee

Functions

The panel has the following functions:

1. To meet as and when convened by the Monitoring Officer to consider applications from members of the council for a dispensation to allow them to participate in the consideration, discussion or voting upon business before the council where they have a pecuniary interest under the Members' Code of Conduct.
2. To grant a dispensation on the following criteria:
 - a) without the dispensation, the proportion of the council who would be prohibited from participating would impede the council's transaction of that business; or
 - b) without the dispensation, the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote; or
 - c) the granting of the dispensation is in the interests of people living in the Arun district; or
 - d) without the dispensation, each individual member would be prohibited from participating in the business; or
 - e) it is otherwise appropriate to grant a dispensation.
3. To determine the period for the dispensation to be granted.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

4. To report the outcome of any dispensations granted to the Standards Committee.

8.3 ENFORCEMENT REVIEW PANEL

Reporting to – Licensing Committee

Membership

Shall be in accordance with the council’s Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended from time to time.

Functions

The panel has the following functions:

1. To receive and consider reports of cases where formal legal action is considered to be an appropriate course of action in accordance with the council’s Enforcement Policy for Environmental Health (including Private Sector Housing) and Cleansing, as may be amended. To consider what, if any, action is appropriate and to provide authority for any such action
2. To refer such decisions to the Licensing Committee for approval where the Enforcement Review Panel considers such referral to be appropriate in the circumstances of the case.

8.4 JOINT STAFF CONSULTATIVE PANEL

Reporting to – Corporate Support Committee

Membership

Council representatives:

Two Members – Chair and Vice-Chair of Corporate Support Committee

Staff representatives

Two members of the Unison Branch Executive

Management representatives

Chief Executive and Human Resources Manager

Functions

The Panel has been established to facilitate consultation between the council and its employees and to maintain and improve relations between both sides. It is not a decision-making body but may make recommendations, where appropriate, to the Corporate Support Committee or full council.

The Panel has the following functions:

1. To establish a regular method of negotiation and consultation between the council and its staff in order to provide for the health, safety and welfare of staff and ensure an effective working environment.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

2. To introduce changes to Human Resources Policy into the decision-making system for formal adoption, where appropriate, by the Corporate Support Committee or full council.
3. To examine problems arising from the operation of agreed procedures and conditions and assisting in the prevention of misunderstanding.
4. To ensure that employee representatives are well informed about the current and proposed strategy and activities of the council and their proposals for the future and to address any issues relating to staff that arise from this.
5. To address any other staff related issues which it is agreed by all panel members fit within the objectives of the panel
6. To receive reports/minutes from the Staff Safety Panel to be noted or action agreed.
7. No matter about an individual shall be within the scope of the panel.

Attendance at meetings and quorum

8. For a meeting to be quorate all of the members must be present, however, any of the members are able to be substituted, if necessary, by another member of the Corporate Support Committee, Unison member or manager. Substitutes will have the same powers as appointees.
9. A full quorum is only required if a decision is to be referred to the Corporate Support Committee or full council, otherwise a meeting may proceed if only one elected member, one Unison representative and one manager are present. In these circumstances a decision may be deferred to a future meeting.
10. Some decisions may be agreed outside of the formal meeting if e-mail consultation has taken place. Decisions made in this way will be recorded at the next formal meeting.
11. The safety co-ordinator and their representative will attend meetings of the panel to provide advice and guidance if required, as well as present reports for discussion.
12. It may be appropriate for parties other than those set out in the constitution to attend formal meetings for specific agenda items. This to be agreed in advance by all panel members.

Regulations

13. A Chair will be appointed by the panel at its first meeting in each council year.
14. If a vote is required, members of the panel who are entitled to vote will be the council's elected representatives and the Unison representatives.
15. Meetings of the panel will be held approximately every quarter, but with additional meetings arranged, if necessary, to discuss significant issues and ensure good communication. Meetings will be held in closed session in view of the confidential nature of the business to be discussed.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

16. The agenda shall be agreed in advance of the meeting and sent to each member of the panel at least five working days before any meeting. This is a minimum timescale and in the interests of encouraging clarity and constructive debate at the meeting. Members of the panel are encouraged to provide items for consideration in writing and with more notice than five days if items are complex.
17. As a general rule, matters brought before the panel will have been formally raised with the appropriate Director previously.
18. No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.
19. Minutes will be agreed by members of the panel in attendance, prior to being published on the staff Intranet.
20. It is anticipated that from time to time there will be a need to make recommendations to the Corporate Support Committee or full council where significant and/or wide-ranging policy changes or new policies are proposed, or where there is a failure to reach agreement between the employer and Unison. This will normally be by way of an officer report

8.5 STAFF APPEALS PANEL

Reporting to – Corporate Support Committee

Membership

8 Members - The Group Head of Organisational Excellence or their nominated representative has authority to call hearings of the panel as and when required and shall select, in rotation, 3 members to sit at a hearing of the panel

Functions

The panel has the following functions:

1. To act as the final level of appeal to determine appeals against decisions of the council on employment matters, including those under the Disciplinary Procedure and the Grievance Procedure and to authorise the terms to settle any employment related dispute with the council including:
 - a) any final financial settlement up to a limit of £25,000 for an individual claim to a compensatory payment. All financial claims relating to a regrading claim require a decision of the full council where a supplementary estimate is needed;
 - b) the non-financial terms for a settlement agreement or compromise agreement to settle a matter;
 - c) making a recommendation to the full council in all other cases; and
 - d) authorising the serving of relevant legal and other notices by the council arising out of any matter referred to an employment tribunal.
2. To operate within the council's existing policies and procedures for hearing and determining disciplinary and grievance matters. In respect of all other matters coming before the Staff Appeals Panel, the procedure shall be determined by the Group Head of Organisational Excellence or their nominated representative.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

3. No member shall take any part in the proceedings of a Staff Appeals Panel where they have taken any part in the decision, which is under appeal.

9 CHIEF EXECUTIVE COMMITTEES AND PANELS

9.1 CHIEF EXECUTIVE’S APPRAISAL PANEL

Reporting to – Full council and the other Chief Executive’s Committees and Panels, as appropriate

Membership

3 members comprising the Leader of the Council, Deputy Leader of the Council and leader of the opposition (or majority opposition group) appointed by the full council

The appointed members shall not also be appointed to the Chief Executive’s Remuneration Committee

Quorum – 2 members

Purpose

1. To annually review the performance of the Chief Executive against previously agreed objectives and timescales as agreed as part of their contract of employment.
2. To have as its proper officer the Group Head of Organisational Excellence.
3. To meet in private. No one other than the Chief Executive, members of the panel or relevant third party will attend the meeting without the agreement of all members of the panel, the Chief Executive or alternatively, without the agreement of the full council.
4. To refer any appeal about any action or outcome arising out of the work of the Appraisal Panel to the Staff Appeals Panel.
5. To work to the terms of reference set out below and where not expressly listed to follow the JNC Model Conditions.

Terms of Reference

6. To measure the performance of the Chief Executive against what is expected of them in the post from previously identified targets.
7. To measure achievement and identify any continuing development needs which if met would maintain a high level of performance.
8. To report to the Chief Executive’s Remuneration Committee on the outcome of the appraisal.

Role

9. To set clear objectives, which are relevant and challenging but achievable for the Chief Executive. These objectives to be agreed with the post holder.
10. To review the Chief Executive’s performance against agreed objectives and timescales that were set for the preceding year or period.
11. To discuss any continuing development needs for the Chief Executive which if met would maintain a high level of performance and/or meet anticipated future requirements in the context of the council’s changing priorities.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

12. To ensure that the process for the appraisal follows the JNC Model Conditions or other best practice as agreed from time to time.
13. To openly discuss the working relationship between leading members and the Chief Executive and to adjust working approaches if necessary.
14. To report to the other Chief Executive's Committees and Panels as appropriate and/or necessary concerned with the role of Chief Executive on any positive or negative matters.

Casting Vote

15. The Leader of the Council shall have a second and casting vote. In the absence of the Leader of the Council, the Deputy Leader of the Council shall have a second and casting vote.

9.2 CHIEF EXECUTIVE'S REMUNERATION COMMITTEE

Reporting to – full council and the other Chief Executive's Committees and Panels, as appropriate

Membership

5 Members appointed by the full council

The appointed members shall not also be appointed to the Chief Executive's Appraisal Panel

Quorum – 3 Members

Purpose

1. To consider the remuneration to be paid for the post of Chief Executive that takes into account the report of the Chief Executive's Recruitment and Selection Panel or the Chief Executive's Appraisal Panel and make recommendations to the full council.
2. To have as its proper officer the Group Head of Organisational Excellence or their representative.
3. To refer any appeal about any action or outcome arising out of the work of the Remuneration Committee to the Staff Appeals Panel.
4. To work to the terms of reference set out below and where not expressly listed to follow the JNC Model Conditions.

Terms of Reference

5. To look at all elements of the remuneration package, which are not set nationally (e.g., pensions) or by overall council policy, including fixed salary, variable pay elements and any additional benefits.
6. To ensure that such decisions are taken in a transparent manner and made available publicly in a suitable format.

Role

7. To undertake periodic reviews of the pay and remuneration of the Chief Executive.
8. To meet at least annually.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

9. To receive from time to time, a report relating to relevant pay data from the Group Head of Organisational Excellence or their representative in relation to pay and remuneration schemes for chief executives.

9.3 CHIEF EXECUTIVE'S RECRUITMENT AND SELECTION PANEL

Reporting to – Full council and the Chief Executive's Remuneration Committee, as appropriate

Membership

5 Members comprising the Leader of the Council and 4 other members nominated by the Leader of the Council, in consultation with the other group leaders and approved by the full council

Quorum – 3 Members

Purpose

1. To undertake all processes leading to the recruitment and selection of a new Chief Executive.
2. To have as its proper officer the Group Head of Organisational Excellence or their representative.
3. To work to the terms of reference set out below and where not expressly listed to follow the JNC Model Conditions.

Terms of Reference

4. To be familiar with current views as to the important elements of the job of Chief Executive and to come to a view as to the essential elements of the job description, job skills and key attributes. It is likely that the panel would seek internal and external advice throughout the process.
5. To report to the Chief Executive's Remuneration Committee on the outcome of the review of the remuneration package to be paid to a new chief executive.
6. To undertake all work necessary to recruit and select a chief executive and make recommendations to the full council to confirm the appointment as required by part 3 of this constitution.

10 STATUTORY OFFICERS COMMITTEES AND PANELS

10.1 STATUTORY OFFICERS’ INVESTIGATORY AND DISCIPLINARY COMMITTEE

Reporting to – Full council

Membership

5 Members appointed by the full council

The appointed members shall not also be appointed to the Chief Executive’s Appraisal Panel

Quorum – 3 Members

Purpose

1. To deal with matters relating to the conduct and/or capability of the following statutory officers:
 - Chief Executive;
 - Director of Growth;
 - Director of Environment and Communities;
 - Section 151 Officer; and
 - Monitoring Officer.
2. To have as its proper officer the Human Resources Manager.
3. To work to the terms of reference set out below

Terms of Reference

4. To consider allegations and take disciplinary action, as appropriate, relating to the conduct and/or capability of the statutory officers including:
 - To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended. This includes informing the statutory officer concerned of the allegations, allowing them to respond and to consider whether further investigation is needed.
 - To organise the investigation, including if appropriate instructing the Human Resources Manager to appoint a designated independent person (who should make recommendations on whether and what disciplinary action might be appropriate) and consider what disciplinary action it wishes to recommend, after hearing the views of the statutory officer concerned.
 - Where the recommendation of the committee is for dismissal, to refer the matter to the Statutory Officers’ Investigatory and Disciplinary Panel for its views.
 - If, after taking the views of the Statutory Officers’ Investigatory and Disciplinary Panel into account, the committee’s recommendation is for dismissal, the requirements of the Officer Employment Rules as set out in part 6 of this constitution will be followed.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

- If, following this, dismissal is still considered appropriate, to recommend to the full council that the statutory officer be dismissed as required by part 3 of this constitution.
- Where the committee decides that action short of dismissal, or no disciplinary action at all is appropriate, to inform the statutory officer concerned of that decision and any associated actions, without reference to the Statutory Officers' Investigatory and Disciplinary Panel or the full council.

10.2 STATUTORY OFFICERS' INVESTIGATORY AND DISCIPLINARY PANEL

Reporting to – Statutory Officers' Investigatory and Disciplinary Committee

Membership

3 Independent Persons from the Standards Committee or any other local authority

Quorum – 3 Members

Purpose

1. To meet as and when convened by the Human Resources Manager in order to carry out an independent review of the investigation and recommendations of the Statutory Officers' Investigatory and Disciplinary Committee where dismissal of one of the statutory officers is recommended.
2. To report the results of its independent review to the Statutory Officers' Investigatory and Disciplinary Committee.

CONSTITUTION 2021 – Version 2 (May 2022)
PART 3 – RESPONSIBILITY FOR FUNCTIONS

11 JOINT AREA COMMITTEES

- 11.1** As confirmed in Article 9, the council may enter into joint arrangements with one or more local authorities to advise the council on, or exercise council functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.