

## PART 3C: Committee Functions

- 3C.1 Council has established the Committees set out in Table 2 below to discharge certain functions. Council retains the right to a concurrent and overriding exercise of all functions in Table 2.
- 3C.2 The Council must have at least one Overview and Scrutiny Committee.
- 3C.3 A Committee may establish such Sub-Committee(s) as it sees fit to undertake certain of its functions and the Table below include such Sub-Committees.
- 3C.4 Unless otherwise required by law, a Committee or Sub-Committee in Table 2 may determine not to exercise a function delegated to it and refer that function upwards for determination by respectively Council or the parent Committee.

**Table 2- Functions of Committees**

<b>Overview and Scrutiny</b>	
1	Co-ordinate, champion and lead on the scrutiny of Council and Executive decisions.
2	Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000 (as amended).
3	Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Task and Finish Group.
4	Review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Sub Committees and Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources.
5	Oversee and review the resources, support, training and development of Overview and Scrutiny Members.
6	Develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues.
7	Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit.
8	Give consideration to the management of matters called in for review under paragraph 14 of the Overview and Scrutiny Rules.
9	Give consideration to matters referred to it by the Councillors’ Call for Action.
10	Review and scrutinise the work of the Executive.
11	Review and scrutinise the content of the Forward Plan.
12	Review and scrutinise the policies of the Council.
13	Consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).
<b>Planning Committee</b>	
1	To determine planning applications, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.
2	To determine the Council’s response to major planning applications in neighbouring districts where the Council is a consultee.
3	To deal with all matters arising under the building regulation code and associated legislation except matters expressly delegated to the relevant Head of Service.
4	To determine matters relating to planning as a District Planning Authority excluding strategic planning matters, such as:

	<p>(a) The preparation, adoption and review of the Council's statutory Local Development Plan and</p> <p>(b) Representation of the District Planning Authority's view to other bodies as appropriate on strategic planning matters.</p>
5	To determine all matters relating to the Section 106 process - determining Council priorities for Developer contributions.
6	Without prejudice to the above roles and the Council's Scheme of Delegation the Planning Committee shall be responsible for those matters set out in Part A (Functions relating to Town and Country Planning and Development Control) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
7	To approve the Planning Enforcement Plan.
8	To determine Neighbourhood Planning applications.
9	To determine all future matters regarding the making of Local Development Orders.
10	<p>To determine:</p> <ul style="list-style-type: none"> <li>• Applications submitted by or on behalf of the Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received.</li> <li>• Applications submitted by a serving Member or Officer of the Council; or submitted by an immediate relative to either of the above.</li> <li>• Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Control purposes.</li> <li>• Planning applications for 50 or more new houses/flats.</li> <li>• Applications which entail more than 2000 square metres of new non-residential gross floor space.</li> <li>• New buildings or structures which exceed 20 metres in height.</li> <li>• Applications where Officers are recommending an agreement under S.106 of the Town and Country Planning Act 1990 with the exception of Agreements which relate to (i) only relate to the delivery of on-site affordable housing in accordance with policy; or (ii) the collection and administration of contributions for open space which accord with Local Plan policy and associated Supplementary Planning Guidance; Unilateral Undertakings; and Deeds of Variation.</li> <li>• Applications which are accompanied by an Environmental Statement. Applications for change of use to hot food takeaway, where the Officer recommendation is for approval, except where no objections are received.</li> <li>• Applications for a change of use to a pay-day loan shop or betting office, where the Officer recommendation is for approval.</li> <li>• Applications for the demolition of a listed building (other than minor associated buildings within the curtilage).</li> <li>• Applications for development that significantly affects the setting of a grade 1 or 2* Listed Building or a Scheduled Monument.</li> <li>• Applications for the removal of trees protected by a Tree Preservation Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received.</li> </ul> <p>PROVISOs:</p> <p>(a) Only the relevant Ward Members where the application site is located plus Members in adjacent Wards where the application might have an impact, the Chair or Vice Chair of the Planning Committee or the Party Spokespersons are able to refer an application to Committee.</p> <p>(b) Any Councillor wishing to refer a planning application to Committee must submit a request in writing within 28 days of the consultation period commencing. If the</p>

	<p>request is not submitted within this timescale then the application cannot be referred to Committee except in exceptional circumstances (for example, an application is particularly controversial or significant) and where it is agreed by one of the following; the relevant Director , the Head of Place, the Chair of the Planning Committee or Party Spokespersons.</p> <p>(c) The relevant Director and/or the Head of Place will use their discretion to refer any matter to the Planning Committee which would raise sensitive issues, or where it would be otherwise be beneficial for the decision to be made by Members.</p> <p>(d) An application may not be referred to the Planning Committee if it concerns a matter of technical appraisal, fact or legal opinion; or is an application with fixed determination periods (e.g. notifications, prior approvals, approval to discharge conditions and minor amendments)</p>
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### **Licensing and Enforcement Committee**

1	<p>To undertake all matters in relation to the statutory licensing and registration functions of the Council (save to the extent that such responsibility has been delegated to another Committee or Officer by the Council) such duties to include liquor, entertainment and late night refreshment licensing and the Gambling Act 2005. The Committee's role includes the formulation and approval of policy guidelines with the exception of the following which are dealt with by the Council:</p> <ul style="list-style-type: none"> <li>• Sex Establishment Licensing Policy</li> <li>• Licensing Policy Statement - Licensing Act 2003</li> <li>• Gambling Policy - Statement of Principles - Gambling Act 2005.</li> </ul>
2	To receive information from the County Council and other relevant bodies on matters relating to the Council's licensing functions.
3	To hear and determine licence applications that are contentious and/or where objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant.
4	Without prejudice to the above roles and the Council's Scheme of Delegation the Licensing and Enforcement Committee shall be responsible for those matters set out in Parts B and C (Licensing and Registration functions) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the Licensing Act 2003 and the Gambling Act 2005.
5	The Licensing and Enforcement Committee shall be empowered to set up a sub-committee or sub-committees to discharge functions and act in accordance with powers delegated by the Committee. In the context of the Committee's powers under the Gambling Act 2005 sub delegation may extend to the permitted discharge of functions by an officer.
6	To receive reports and determine policy in relation to street trading.
7	To approve policy and to determine fees in relation to scrap metal dealer licensing.

### **Licensing and Enforcement Sub-Committee (Licensing and Gambling)**

1	To undertake all matters relating to the discharge of functions in accordance with the powers delegated by the Parent Committee.
2	The Sub-Committee will meet to hear appeals relating to the Licensing Act 2003 and the Gambling Act 2005.

### **Licensing and Enforcement Sub-Committee (Enforcement)**

1	To undertake all matters relating to the discharge of functions in accordance with the powers delegated by the Parent Committee.
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2	To hear Hackney Carriage and Private Hire disciplinary matters in accordance with the provisions of the Council's adopted General Conditions for Hackney Carriage and Private Hire Licensing.
3	To hear appeals against refusals of applications for, or conditions applied to, street trading consents.
4	To consider contentious applications for scrap metal dealer licences and to hear appeals against refusals of applications for scrap metal dealer licences.
<b>Audit and Governance Committee</b>	
<b>Governance, risk and control</b>	
1	<p>Monitor the adequacy and effectiveness of the Council's governance arrangements including:</p> <ul style="list-style-type: none"> <li>• Monitoring the effectiveness of the Chief Officer's responsibility for ensuring an adequate internal control environment;</li> <li>• Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council;</li> <li>• Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption;</li> <li>• Providing an annual report to Council that its systems of governance are operating effectively, which includes the Committee's performance in relation to the terms of reference;</li> <li>• Reviewing and approving the annual Statement of Accounts, Annual Governance Statement and its associated assurance framework;</li> <li>• Considering the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;</li> <li>• Ensuring that the Chief Internal Auditor has the right of independent access to the Committee and its Chair;</li> <li>• Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice;</li> <li>• Considering and advising changes to the Council's Constitution in respect of Contract Standing Orders and Financial Regulations;</li> <li>• Formulating and keeping under review a Code of Conduct to promote high ethical standards amongst Officers and doing anything that is considered to promote and maintain high standards of conduct by Officers;</li> <li>• Formulating and keeping under review the Council's 'whistle-blowing' policy; and</li> <li>• Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman.</li> </ul>
<b>Ethics and Behaviours</b>	
2	<p>To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.</p> <ul style="list-style-type: none"> <li>• To monitor the operation of the Code of Conduct for Members;</li> <li>• To advise the Council on any amendment or revision of the Code;</li> <li>• To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members;</li> </ul>

	<ul style="list-style-type: none"> <li>• To give general guidance and advice to Councillors on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer; and</li> <li>• To give general guidance and advice to Councillors and employees on gifts and hospitality.</li> </ul>
<b>External Audit</b>	
3	<p>Monitor the adequacy and effectiveness of the Council's external audit service and respond to its findings. Specifically:</p> <ul style="list-style-type: none"> <li>• Considering the appointment, nature and scope of the external audit of the Council's services and functions;</li> <li>• Receiving and considering all external audit reports including the annual plan, annual audit letter and governance report; and</li> <li>• Monitoring management's response to the external auditor's findings and the implementation of external audit recommendations.</li> </ul>
<b>Internal Audit</b>	
4	<p>Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> <li>• Approving the internal audit charter;</li> <li>• Approving the annual risk based internal audit plan;</li> <li>• Receiving communications from the Chief Internal Auditor on the internal audit activity's performance relative to its plan and other matters, including the annual report and opinion;</li> <li>• Receiving and considering major Internal Audit findings and recommendations;</li> <li>• Monitoring management's response to Internal Audit findings and the implementation of the recommendations;</li> <li>• Making appropriate enquiries of management and the Chief Internal Auditor to determine whether there are inappropriate scope and resource limitations;</li> <li>• Agreeing the scope and form of the external assessment as part of the quality assurance and improvement plan;</li> <li>• Receiving the results of internal and external assessments of the quality assurance and improvement programme, including areas of non-conformance with professional standards; and</li> <li>• Approving significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.</li> </ul>
<b>Constitution</b>	
5	<p>To grant dispensations to Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Monitoring Officer) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council:</p> <ul style="list-style-type: none"> <li>• Considers that granting the dispensation is in the interests of persons living in the authority's area;</li> <li>• Considers that it is otherwise appropriate to grant a dispensation; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Considers appeals against decisions made by the Monitoring Officer in exercise of their dispensation powers.</li> </ul>
<b>Hearings Panel</b>	
6	<p>To establish a Hearings Panel to make recommendations to Council on the appointment of an Independent Person to hear allegations that Members have failed to comply with the Member's Code of Conduct. Specifically to:</p> <ul style="list-style-type: none"> <li>• Assess and review allegations of Member misconduct; and</li> <li>• Determine allegations of Member misconduct.</li> </ul>
<b>Powers</b>	
7	<ul style="list-style-type: none"> <li>• The Committee has the right to require the attendance of any Council officers and/or members in order to respond directly to any issue under consideration;</li> <li>• To review any issues referred to it by the Head of Paid Service, a Director or any Council body; and</li> <li>• The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.</li> </ul>
<b>General Purposes Committee</b>	
1	<p>To make recommendations to Council on:</p> <ol style="list-style-type: none"> <li>(a) changes to the Constitution (excluding changes within the remit of the Audit and Governance Committee)</li> <li>(b) polling district and polling place arrangements</li> <li>(c) proposals to change the name of the electoral area</li> <li>(d) any functions in relation to parishes, parish meetings and parish councils, including changing the name of a parish</li> <li>(e) community governance matters, including the outcome of any community governance review</li> <li>(f) the recommendations of the Independent Remuneration Panel in respect of the Scheme of Members' Allowances.</li> </ol>
2	To make recommendations to the Returning Officer in respect of elections matters.
3	To make recommendations to the Electoral Registration Officer in respect of electoral registration matters.
4	To make, amend or revoke bylaws.
5	To approve changes to staff terms and conditions and policies relating to employee remuneration.
6	To consider the Pay Policy Statement and refer it to Council for approval
7	To determine policies relating to local government pensions and discretionary compensation
8	To deal with any matter which, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended or any other statutory provision, cannot be the responsibility of the Cabinet and does not fall within the terms of reference of any other Committee or within the Scheme of Officer Delegations.
9	To deal, where legally permissible, with any matter, including the authorisation of legal proceedings, which requires a decision of the Council and which cannot reasonably be dealt with in the normal cycle of meetings.
<b>Senior Appointments Committee</b>	
1	To be responsible for the appointment of the Managing Director and Directors.
2	To refer the appointment of the Head of Paid Service to Council for approval.

3	To recommend to Council, on a permanent, temporary or acting up basis, a person to be designated as the S151 Officer and the Monitoring Officer.
4	To determine the conditions on which the Managing Director and Directors hold office, including deciding on matters of early retirement.
5	To suspend the Managing Director, Directors and Statutory Officers whilst an investigation takes place into alleged misconduct.
6	To manage and consider any disciplinary and/or capability and any grievance matters arising in relation to the Managing Director, Directors and the Statutory Officers
7	To consider allegations concerning the conduct or capability of the Managing Director, Directors and the Statutory Officers in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation.
8	To carry out the function of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers.
9	<p>In respect of Statutory Officers to:</p> <ul style="list-style-type: none"> <li>(a) decide whether the issues requires no formal action or</li> <li>(b) whether the issue should be referred to an Independent Person</li> <li>(c) be responsible for the appointment and terms of reference of the Independent Person</li> <li>(d) receive and consider the report of the Independent Person</li> <li>(e) hold a capability or disciplinary hearing</li> </ul> <p>Following receipt of any Independent Person report, to determine a course of action (up to and including dismissal) within the Council's powers under law and in accordance with the Council's procedures including the procedures set out in the Officer Employment Procedure Rules. Council must approve any dismissal of Statutory Officers.</p>
10	<p>In respect of the Managing Director and Directors to:</p> <ul style="list-style-type: none"> <li>(a) appoint, if appropriate, an investigator on behalf of the Committee (which power may be delegated to an officer)</li> <li>(b) receive and consider any report of an investigator</li> <li>(c) hold a capability and/or disciplinary hearing</li> </ul> <p>Following any capability and/or disciplinary hearing, determine a course of action (up to and including dismissal) within the Council's powers under law and in accordance with the Council's procedures including the procedures set out in the Officer Employment Procedure Rules.</p>
<b>Appeals Committee</b>	
1	To hear and determine appeals against decisions of the Senior Appointments Committee in respect of action taken against the Managing Director or Director (other than a Statutory Officer).
2	To hear and determine appeals against any action short of dismissal taken by the Senior Appointments Committee against a Statutory Officer.