

Part 4: Terms of Reference

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Cabinet

Terms of Reference

At each meeting of the Cabinet, the following business will be conducted:

- (i) consideration of the Minutes of the last meeting;
- (ii) declarations of interest, if any;
- (ii) matters referred to the Cabinet whether by the Overview and Scrutiny Committee or by the Council for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 5 of the Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committee;
- (v) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 5 of the Constitution; and
- (vi) matters set out in the agenda for the meeting and which shall indicate which are Relevant Decisions in accordance with the Protocol on Cabinet Decision Making.

[Council Tax Base Reports be made direct to Council without reference to the Cabinet (except when the Municipal Diary will allow the Cabinet to consider the Council Tax Base calculation).]

Overview and Scrutiny Committee

Terms of Reference

A – Functions of Overview and Scrutiny Committee

1. To review the policies of the Council and the Cabinet and to recommend to the Council or the Cabinet:
 - (a) whether any new policies are required;
 - (b) whether any existing policies are no longer required;
 - (c) whether any changes are required to any existing policies;
 - (d) whether any action is required to make the policies more effective.
2. To review the discharge by the Cabinet of any of its functions, including comparison of performance against appropriate targets, plans or standards and to recommend to the Council or the Cabinet:
 - (a) whether any action should be taken to improve the economy, efficiency and effectiveness of the discharge of those functions;
 - (b) whether any action should be taken to improve the co-ordination of the various functions of the Authority, or their co-ordination with the functions of any other person or body;
 - (c) whether the functions should be discharged, or continue to be discharged in this manner.
3. To review any decisions or proposed decisions of the Council and of the Cabinet and to recommend to the Council or the Cabinet:
 - (a) whether a decision should be reconsidered, and if so, what alternative decision should be taken;
 - (b) whether a proposed decision should be taken or not taken or taken in a different form;
 - (c) whether any further action should be taken in the light of that decision to secure that it, or similar decisions, is/are properly and effectively implemented;
 - (d) whether any further action should be taken in the light of that decision to improve the manner or quality of decision-making for the future.
4. To consider any matters which affect the Council or its area or the inhabitants of that area and to make recommendations to the Council or the Cabinet arising from that consideration.
5. To consider any matter referred to it by the Council or the Cabinet and recommend to the Council or the Cabinet accordingly. The following matters shall be referred to the Overview and Scrutiny Committee automatically:
 - (a) Ombudsman reports;
 - (b) reports of statutory inspections;
 - (c) reports from the District Auditor and Audit Commission.

6. To consider any matter identified by any Councillor for consideration and including matters referred under "Councillor Call for Action" pursuant to Section 21A Local Government Act 2000.
7. To prepare an annual work plan, after consultation with the Cabinet, identifying particular topics for review during the year.

B – Areas of Responsibility of the Overview and Scrutiny Committee

- a) Community Development
- b) Corporate Development
- c) Environment
- d) Crime and Disorder (discharging the scrutiny and review functions of a Crime and Disorder Committee conferred by Section 19 and Schedule 8 of the Police and Justice Act 2006 and regulations made under Section 20 of that Act in relation to the Elmbridge Community Safety Partnership).
- e) Highways and Transport
- f) Housing
- g) Leisure and Culture, including Countryside
- h) Planning Services
- i) Resources
- j) Social Affairs

Planning Committee

Terms of Reference

1. To ensure that the character and townscape of the Borough is protected and wherever possible - enhanced, through the development control process.
2. To provide and maintain an efficient and effective system of development control.
3. To provide and maintain an efficient and effective system of building control.
4. To provide and maintain effective public consultation on all town planning matters, through the development control process.
5. To make appointments to outside bodies.

Area Planning Sub-Committees

Terms of Reference

1. Those planning decisions that are not delegated to the Strategic Director of Services and which do not require reference to the Planning Committee in accordance with the Officer Scheme of Delegations and the Protocol in relation thereto are set out at Part 3.
2. If two or more Councillors that are members of the Planning Committee present at the Sub-Committee so request, an application must be referred to the Planning Committee for determination, provided that they have been present for the complete consideration of that application at the Area Planning Sub-Committee meeting. (See Part 3 – 'Protocol for operating the system set out in the Scheme of Officer Delegations'.)

Licensing Committee

Terms of Reference

Licensing (Alcohol/Entertainment)

To undertake the function relating to licensing as required by the provision of the Licensing Act 2003.

Licensing General

1. To consider applications relating to taxi, gaming, entertainment, food and miscellaneous licensing.
2. To undertake the functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
3. To undertake the functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health & Safety at Work Act 1974.
4. To undertake any other function, not being a licensing function under the Licensing Act 2003, referred to it by the Licensing Authority.
5. To undertake functions relating to the Gambling Act 2005.
6. To appoint, revoke, review and vary the provision of Hackney Carriage stands within the Borough.

Sex Establishment Licensing

1. To undertake the functions relating to the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
2. To make and amend regulations prescribing standard terms, conditions and restrictions applicable to licences for sex establishments.
3. To make and amend policies relating to the licensing of sex establishments.

Charitable House to House and Street Collections

1. To carry out the functions relating to charitable and other collections regulated under: Police, Factories, etc (Miscellaneous Provisions) Act 1916 and regulations made thereunder,
2. House to House Collections Act 1939, and
3. House to House Collections Regulations 1947

Licensing Sub-Committee

Terms of Reference

1. To revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where Officers consider it appropriate to refer the matter to the Sub-Committee.
2. To consider and determine applications made to the Licensing Authority under the provisions of Sections 159, 187, 188, 195, 197, 204, Schedule 12, where representations have been made and not withdrawn. To consider and determine reviews initiated under Section 200. Such determinations to include the powers in respect of licences, permits or statements, to grant, to reject, to cancel, to vary, to transfer, to revoke, to suspend, to attach conditions under Section 169(1)(a), and to propose to exclude under Section 169(1)(b) a condition that would otherwise be attached by Section 168, to suspend licences, to exclude a condition attached to a licence under Section 168 or to remove or amend an exclusion, to add, remove or amend a condition imposed or excluded by Section 169 and to specify times at which actions shall take effect.
3. To cancel club gaming or club machine permits granted under Schedule 12.
4. To decide to give a counter notice in respect of Temporary Use Notices under the provisions of Section 224.
5. Sex Establishments
 - (a) to grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;
 - (b) to grant or refuse applications for variations of licences or to make such variation as the Sub-Committee thinks fit;
 - (c) to attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;

- (d) to grant adjournments of hearings;
- (e) to give to an applicant for, or holders of, licences, statements in writing of their decisions; and
- (f) to revoke licences.

Audit and Standards Committee

Terms of Reference

Role and Function

The Audit and Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted members in accordance with the duty contained in Section 27 Localism Act 2011;
- (b) assisting Councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations under Section 33 Localism Act 2011 to Councillors and co-opted members from the requirements relating to interests set out in the Members' Code of Conduct;
- (g) to make representations to the Local Government Association and Central Government about any matter relating to the general principles of conduct for Members of the Council;
- (h) general oversight of Member Conduct and the making of appropriate arrangements for investigation and decision in accordance with Sections 26-37 Localism Act 2011;
- (i) discharging through a Hearings Panel decision made following report by an Investigating Officer appointed from outside the authority;
- (j) the exercise of (a) to (i) above in relation to the Claygate Parish Council and its members;
- (k) overseeing internal and external audit;
- (l) overseeing the Whistleblowing Policy; and
- (m) for the avoidance of doubt, the Committee has no responsibility in respect of the actions of the Council as a whole, or any properly constituted committee, board or working party thereof, or of any specific policy decision of the Council or its committees, boards or working parties.

Audit Activity

- (a) To consider the Head of Internal Audit's annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give with regard to the Council's corporate governance arrangements.
- (b) To consider summaries of specific internal audit reports.

- (c) To consider reports dealing with the management and performance of the providers of internal audit services.
- (d) To consider a report from internal audit on agreed audit recommendations which have not been implemented within a reasonable timescale.
- (e) To consider the external auditor's annual audit and inspection letter, relevant reports and the report to those charged with governance.
- (f) To consider specific reports as agreed with the External Auditor.
- (g) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (h) To liaise as necessary and oversee the appointment of the Council's External Auditor.
- (i) To initiate inquiries on matters brought to the Committee's attention.

Regulatory Framework

- (a) To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Procedure Rules and codes of conduct and behaviour.
- (b) To review any issue referred to it by the Chief Executive or a Strategic Director, or any Council body.
- (c) To monitor the effective development and operation of risk management and corporate governance in the Council.
- (d) To monitor Council policies in respect of "Raising Concerns at Work", including the anti-fraud and anti-corruption strategy and the Council's complaints process.
- (e) To approve the Authority's Annual Governance Statement and to recommend its adoption.
- (f) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (g) To consider the Council's compliance with its own and other published standards and controls.
- (h) To ensure effective scrutiny of Treasury Management Strategy and Policies.

Accounts

- (a) To review the annual statement of accounts.
- (b) To consider the External Auditor's report to those charged with governance on issues arising from the audit of accounts.

Audit and Standards Hearings Panel

Terms of Reference

- (a) The Hearings Panel is established to receive and consider allegations that a Member of Elmbridge Borough Council or a Member of Claygate Parish Council has failed, or may have failed, to comply with the relevant Code of Conduct.
- (b) The Hearings Panel will follow the procedures and may take decisions as set out in the arrangements contained in Part 6 of this Constitution.

Members Resources Sub-Committee

Terms of Reference

To address matters relating to the wider aspects of the resource requirements of Members.

Appointments Sub-Committee

Terms of Reference

1. To make appointments and nominations to be forwarded to the Annual Council meeting for determination (In the main, these appointments relate to nominations sought by the Surrey Local Government Association (SLGA) and which have to be forwarded to the SLGA in time for their Annual Meeting).
2. To make appointments to Charities, School Governing Bodies and Outside Bodies.

Joint Waste Collection Services Committee

Terms of Reference

In accordance with Article 11 of the Council's Constitution, the Joint Committee discharges the arrangements arising from the Joint Contract for Waste Collection and Street Cleaning with other Surrey Districts/Boroughs and Surrey County Council, together with other functions delegated to it by Surrey County Council, all as set out in an Inter-Authority Agreement and as amended from time to time. The Joint Committee has delegated to it: -

- Service charges and variations other than those which have a direct impact on stated policy
- Expenditure from Annual Budget
- Establishment of Contract Management Office
- Such other powers as may be delegated to it from time to time by the executives of the authorities

Local Spending Boards

Terms of Reference

To consider applications and to allocate funding of Community Infrastructure Levy on a local area basis, subject only to power of Head of Legal Services to refer decisions to ICMDM on legal grounds.

Shareholder Committee (Housing)

Terms of Reference

To exercise the Council's rights and responsibilities as a shareholder of local authority companies, all powers as may be detailed in a shareholder agreement and/or scheme of delegation.