

Part 2: Committee Terms of Reference

(February 2023)

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2.1 Delegation of Functions

The Constitution details which part of the decision making process is responsible for which function. The allocation of functions follows the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 as amended.

2.2 Council Terms of Reference

Meetings of Council will be conducted in accordance with this Constitution and in particular the Council Procedure Rules.

The functions of Council are principally to:

- Approve the Budget and Policy Framework
- Set Council Tax
- Formulate Council policy
- Provide a forum for Members to debate issues of importance to the district
- Provide a forum for holding the Leader of the Council, Executive Portfolio Holders and Committee Chairmen to account
- To hear addresses and receive petitions on matters of importance to the District from key organisations and the public in accordance with this Constitution.

Additionally the Council has the following specific functions which may not be delegated or Council has decided not to delegate:

- Taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-Committees or Officers;
- Adopting and changing the Constitution, the Council's Code of Conduct and Members' Allowance Scheme
- Appointing the Leader of the Council
- Noting the appointment of Executive Portfolio Holders and the allocation of portfolios
- Agreeing and/or amending the terms of reference and delegation for committees, deciding on the composition of committees and making appointments to and removing Members from them
- Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council

- Consideration of notices of motion and reports within the terms of reference of Council
- Deciding referred planning applications
- Appointing the Electoral Registration Officer and Returning Officer
- Appointing the Head of Paid Service and confirming the appointment of Monitoring Officer and Section 151 Officer
- Considering reports of the Auditor, Head of Paid Service; Monitoring Officer and Section 151 Officer
- Making decisions about any matter within the Executive arrangements where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget and policy framework
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation, Personal Bills or Private Members Bills
- Responding to appropriate bodies with regard to boundary reviews or other electoral issues
- Changing the name of the area, electoral areas and parishes;
- Functions relating to parishes and parish councils, including the size of Parish Councils, dissolving, grouping and separating parishes
- Functions relating to changing governance arrangements for Parish, Ward or County District boundaries and community governance
- Functions relating to establishing, creating and removing polling districts, altering the years of ordinary elections of councillors and parish councillors
- To consider the making of agreements with other local authorities for the placing of staff at the disposal of those authorities.
- All other matters which, by law, must be reserved to Council or local choice functions that Council has decided to reserve to itself.

2.2.1 Policy Framework

The policy framework consists of all high level Council policies and strategies including those which are reserved to council by law. This includes, but is not limited to the Community Plan, Corporate Plan and Local Development Framework.

In cases of uncertainty the Monitoring Officer shall adjudicate whether a decision to be taken forms part of the Policy Framework and requires Council approval

2.2.2 Budget

The budget consists of the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

In cases of uncertainty the Section 151 Officer shall adjudicate whether a decision to be taken forms part of the Budget and requires Council approval.

2.3 Executive

2.3.1 Overview

This part of the Constitution together with the Executive Procedure Rules principally constitutes the Executive arrangements as set out in the Local Government Act 2000. The Executive arrangements set out here are interrelated to other parts of the Constitution.

The Leader of the Council is responsible for all executive functions as defined in the Local Government Act 2000 as amended. These may be made by the Leader of the Council, the Executive collectively, exercised under joint or area arrangements or delegated to individual Portfolio Holders or Council officers.

The Executive may not make decisions on matters which they are prohibited from making by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other subsequent legislation.

The Executive shall only make decisions within the budget and policy framework except in cases as set out in the Executive Procedure Rules.

2.3.2 The Leader of the Council has determined:

- The Executive shall collectively make all Key Decisions on behalf of Cherwell District Council.
- The Executive may choose to delegate these to a Portfolio Holder, officer, area committee or joint arrangements with another authority or refer them to the Leader of the Council for decision.
- Executive Portfolio Holders shall in the first instance make all Non-Key Decisions within their area of responsibility unless delegated in this Constitution to an officer. The Portfolio Holder may decide to delegate these to an officer, area committee or joint arrangements with another authority or refer them to the Executive for collective consideration, who in turn may decide to refer it to the Leader of the Council for decision.
- Officers shall take all decisions in the first instance delegated to them in this Constitution within their area of responsibility. An officer may choose to refer a decision to a Portfolio Holder, who in turn may decide to refer a decision to

the Executive for collective consideration, who in turn may decide to refer it to the Leader of the Council for decision.

- Even where Executive functions have been delegated, this does not prevent the discharge of delegated functions by the person or body who delegated them. This shall be the case should the decision maker find that a conflict of interest has arisen, then the function will be exercised in the first instance by the person or body by whom the delegation was made.
- These delegations may be amended by the Leader of the Council, however such amendments shall not take effect until after they are reported to Council.

2.3.3 Decisions made under the Executive Arrangements

A notice of any decision made under the Executive arrangements shall be published and sent to all Members as soon as is practical following the decision being made in accordance with the call-in provisions of this Constitution.

2.3.4 Executive Terms of Reference

The Executive will consist of the Leader of the Council together with at least two, but not more than nine, other Councillors appointed to the Executive by the Leader of the Council. The Executive will conduct itself in accordance with this constitution and in particular the Executive Procedure Rules.

The functions of the Executive are principally to:

- Make recommendations to full Council on the formulation, adoption and revision of the Budget and Policy Framework and all of the Council's corporate strategies
- Make Key Decisions within the agreed Budget and Policy Framework
- Make decisions referred to it by Portfolio Holders and officers with delegated decision making powers.

Additionally the Executive has the following specific functions:

- Setting the Council Tax Base
- Performance Monitoring and Management
- Developing Council Policy
- Adoption of and approval of amendments to the Statement of Community Involvement (SCI)

2.3.5 Key Decisions

A Key Decision is a 'significant' decision that is legally within the power of the Council to make, is not precluded by statute from being made under the

Executive arrangements and is not otherwise retained for decision by Council or delegated to a Committee of Council or Officer by this Constitution.

Significance - A decision is significant if it meets the financial and/or community impact criteria:

Financial

A decision that will result in the Council:

- Incurring potential revenue expenditure or savings above an amount to be determined by Council annually (currently above £50,000)
- Incurring potential capital expenditure or savings above an amount to be determined by Council annually (currently above £250,000)
- Procuring or awarding any Contract having a total value exceeding £500,000.

and/or

Community Impact

A decision that is significant in its effects on communities living or working in an area comprising two or more Wards in the area of the Council. That is a decision where:

- A significant number of users of the service in the Ward(s) will be affected and/or
- An impact that will last for a number of years, or be permanent; and /or
- A significant impact on communities in terms of environmental and social well-being.

The following are not regarded by the Council to constitute key decisions:

- Implementing approved budgets or policies and strategies where there is little or no further choice involved and the main decision has already been taken by the Council in agreeing the budget and policy framework.
- Implementing approved actions and targets in annual service plans.
- Decisions by the Assistant Director Finance and Procurement which are part of the ordinary financial administration of the Authority, notably those relating to investments, within the agreed Treasury Management policy.
- Implementing projects for which specific conditions have been attached by external funders, such as the Government or European Union.
- The award of contracts for the provision of works, goods and services, within an agreed policy and budget and where a decision has been made.
- Changes arising from amendments to statute where there is little or no

discretion.

2.4 Executive Portfolio Holder Terms of Reference

Areas of responsibility are determined and assigned by the Leader to individual Members of the Executive (Portfolio Holders) whom the Leader appoints. The Leader may re-allocate functions between Portfolio Holders during the Council year.

2.4.1 Portfolio Holder Function

The function of an Executive Portfolio Holder is to:

- Have general responsibility for the standards and performance of functions within their area of responsibility
- Make recommendations to the Council on the formulation, adoption and revision of the Budget and Policy Framework and all of the Council's corporate strategies
- In the first instance make Non-Key Decisions within their area of responsibility as allocated by the Leader of the Council
- In the first instance make decisions referred to them by officers with delegated decision making powers

2.4.2 Portfolio Holder Decision Making

Executive Portfolio Holders shall in the first instance make all Non-Key Decisions (as defined below) within their area of responsibility unless delegated in this Constitution to an officer.

The Portfolio Holder may choose to delegate these to an Officer or refer them to the Executive for collective consideration if any of the following circumstances apply to the matter under consideration:

- A proposed decision is deemed to be controversial either by the Portfolio Holder or the relevant Corporate Director, Director or Assistant Director, or such Officer has registered major concerns about the proposed decision
- It impacts on more than one area of Council activity
- It has major resource implications
- It does not fall squarely within current policies
- The individual Portfolio Holder has a disclosable pecuniary interest (whereupon they shall take no part in the collective decision).

If the relevant Portfolio Holder is not available or unable to exercise his delegated authority at the appropriate time and in the view of the Corporate Director or Director the decision cannot wait until their return or a meeting of the

Executive, the Leader of the Council or in his absence the Deputy Leader shall have reserve powers to take a decision on the issue in question.

2.4.3 Non-Key Decisions

All decisions that are legally within the power of the Council to make, are not precluded by statute from being made under the Executive arrangements, are not Key-Decisions and are not otherwise retained for decision by Council or delegated to a Committee of Council or an officer.

Terms of Reference for Cherwell District Council Committees

2.5 Accounts, Audit and Risk Committee Terms of Reference

(8 members based on proportional representation with unnamed substitute and 2 Independent Persons (non-voting). Every permanent Committee member shall undertake appropriate training before being permitted to serve on the Committee)

Statement of Purpose

1. The Accounts, Audit and Risk Committee is a key component of Cherwell District Council's corporate governance framework. It provides an independent and high-level focus on the adequacy of the risk management framework, the internal control environment, the integrity of the financial reporting and governance processes. By overseeing internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place.

Governance, risk and control

2. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
3. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
4. To consider whether the annual evaluation for the Annual Governance Statement fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

7. To monitor the effective development and operation of risk management in the council.
8. To monitor progress in addressing risk-related issues reported to the committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.
12. To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

13. To approve the internal audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
15. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
17. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
18. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
19. To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - b) regular reports on the results of the QAIP (Quality Assurance Improvement Programme)
 - c) reports on instances where the internal audit function does not conform to the PSIAS (Public Sector Internal Audit Standards), considering whether the non-conformance is significant enough that it must be included in the AGS.
20. To consider the head of internal audit's annual report:
 - a) The statement of the level of conformance with the PSIAS and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.

- b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- 21. To consider summaries of specific internal audit reports as requested.
- 22. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 23. To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 24. To provide free and unfettered access to the audit committee chair for the head auditors, including the opportunity for a private meeting with the committee.

External audit

- 25. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA (Public Sector Audit Appointments) or the authority's auditor panel as appropriate.
- 26. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 27. To consider specific reports as agreed with the external auditor.
- 28. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 29. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- 30. Recommend to Full Council whether the external auditors should be selected by Public Sector Audit Appointment (PSAA) or whether internal arrangements should be set up to appoint the auditors.

Financial reporting

- 31. To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- 32. To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met.
- 33.
- 34. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

35. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

36. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

37. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee.

38. To publish an annual report of the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Treasury Management

39. To be responsible for ensuring effective scrutiny of the treasury management strategy and policies. Receiving regular reports of activity, reviewing the treasury risk profile and adequacy of treasury risk management processes.

2.6 Appeals Panel Terms of Reference

(10 members based on proportional representation with no substitute members. Members shall not be members of the Personnel Committee. The Appeals Panel hearing will be made up of any 3 Members to be drawn from the membership of the Panel)

- To hear and determine any appeals by or grievance appeals against the Head of Paid Service (Chief Executive) made by any member of the senior management team.
- To hear and determine any appeals brought by the Chief Executive, Monitoring Officer or Section 151 Finance Officer against any disciplinary sanctions imposed short of dismissal.
- To hear and determine any appeals against any disciplinary sanctions imposed on Corporate Directors.

2.7 Budget Planning Committee Terms of Reference

(12 members based on proportional representation with unnamed substitutes, with specific reservation of a place for the Executive Portfolio Holder holding the area of responsibility for financial management)

The Committee will:

- Provide strategic overview of all matters that could significantly impact upon the finances of the authority

- Oversee the implementation of the forthcoming and on-going financial reform that will significantly affect the Council
- Provide advice on the impact of business and housing growth in the district and estimate the financial impact of such growth
- Be responsible for supporting the budget setting strategy and process for:
 - the general fund
 - capital programme
 - assets
 - treasury management
 - reserves
 - investments
 - recommending the Committee's preferred option, for formal consideration by Executive, in light of the Council's stated priorities.
- Have a planning horizon which will be medium term (five years) including the medium term financial strategy
- Will also focus on major projects facing the Council that will have a significant impact on the resources of the Council as well as the budget setting round for the forthcoming financial year.
- Be responsible for considering how the council responds to changes in the way the council is funded, value for money and other legislative initiatives and reforms.
- Innovate and challenge the way the Council manages its budget and financial affairs.

2.8 Executive Urgency Sub Committee Terms of Reference

(3 members of the Executive including the Leader of the Council or Deputy Leader of the Council if possible)

In the event of a level 2 contingency being declared by the Chief Executive or Monitoring Officer or in their absence their appointed deputies, the Executive Urgency Sub Committee shall make any decisions under the Executive functions of the Local Government Act 2000.

2.9 Emergency General Purpose Committee Terms of Reference

(3 members consisting of the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition with named substitutes of any Executive

Member, any member of the majority party group and any member of the opposition respectively).

- In the event of a level 2 or 3 contingency being declared by the Chief Executive or Monitoring Officer, or in their absence their appointed deputies, the Emergency General Purpose Committee shall make any decision within the power of Cherwell District Council or its committees that are not part of the Executive functions or reserved in legislation to Full Council.

2.9.1 Decision Making Contingency Plan

Level 1 Contingency – Essential Decisions Only (for maintaining essential council services and dealing with the contingency) – Members unable to act.

- Chief Executive (or Executive Director or Director in their absence) to make all decisions under urgency provisions in the constitution.
- In formal consultation process with Leader and Executive Members by whatever means possible.
- Decisions would need to be formally reported at a later date.

Level 2 Contingency – Normal Business Suspended – very few Members able to act

- Suspension of all committees except Executive, call-in waived by Chairman of Overview and Scrutiny Committee.
- Executive Urgency Subcommittee to take urgent decisions under the Executive functions of the Local Government Act 2000.
- Executive Portfolio Holder decisions could be used as normal and could be maximised with Executive delegating decisions to, Leader and Deputy Leader. Leader and Deputy Leader both have reserve powers to act in case of inability of Executive Member to act.
- Non-urgent Executive business rescheduled.
- Emergency General Purposes Committee to take urgent decisions outside the scope of the Executive.
- Full Council to be summoned for urgent matters reserved to it e.g. setting the council tax.

Level 3 Contingency – Meetings without pressing business cancelled – limited number of Members able to act.

- Regulatory and Executive committees meet to consider pressing business, all other business rescheduled.
- Other meetings suspended.

For situations below level 3, normal meetings continue with greater use of

substitute members where possible.

Level of contingency to be declared by the Chief Executive or Monitoring Officer or, in their absence, their appointed deputies.

2.10 Licensing Committee Terms of Reference

(12 members based on proportional representation with unnamed substitutes)

- To deal with applications to exhibit an unclassified film, or to change the classification given to any film by the British Board of Film classification, for exhibition within the District.
- To deal with all matters which are the responsibility of the Council in relation to hackney carriage and private hire vehicles licensed by the Council, except those delegated to the Sub-Committee or Officers.
- To deal with all matters which are the responsibility of the Council under the Licensing Act 2003 except those which are delegated to the Sub-Committee or Officers.
- To deal with all matters which are the responsibility of the Council under the Gambling Act 2005 except those which are delegated to the Sub-Committee or Officers.
- To deal with all matters and determine applications which are the responsibility of the Council in relation to Street Trading under Section 115 of the Highways Act 1980 and Section 3, schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- Any matter relating to proposed changes to the public rights of way network, and public rights of access to open country and common land, which is not the result of the consideration of a planning application.
- So far as the responsibilities may arise under the relevant legislation, functions set out in Part B of Schedule 1 to the Local Authorities Functions and Responsibilities (England) Regulations 2000, relating to taxi, private hire vehicle, gaming, entertainment, food and miscellaneous licensing.
- Any miscellaneous functions relating to highways which may be the responsibility of the Authority which are not discharged by the Planning Committees as set out in Part I of the Schedule to the Local Authorities Functions and Responsibilities (England) (Amendment) Regulations 2001.
- To determine Public Path Order applications (which are not the result of the consideration of a planning application) which the Assistant Director Law, Governance & Democratic Services proposes to refuse, and (ii) (if approved) to confirm such Orders where no objections have been made within the statutory period; and (iii) to determine whether to abandon or to refer to the

Secretary of State an Order to which objections have been made within the statutory period.

2.11 Licensing Committee Sub-Committee Terms of Reference

(3 members drawn from Licensing Committee who have attended relevant training)

- The hearing of, and decisions on, applications and notifications under the Licensing Act 2003 where this cannot be decided by the Assistant Director Regulatory Services and Community Safety because valid representations/objections have been received and not withdrawn.
- The hearing of, and decisions on, applications for review of a premises licence/Club Premises Certificate under the Licensing Act 2003.
- The hearing of, and decisions on, applications for and notifications under the Gambling Act 2005 where this cannot be decided by the Assistant Director Regulatory Services and Community Safety because valid representations/objections have been received and not withdrawn.
- The cancellation of club gaming/club machine permits under the Gambling Act 2005
- The cancellation of a licensed premises gaming machine permits where a permit holder requests a hearing under the Gambling Act 2005
- Consideration of temporary use notices under the Gambling Act 2005 where an objection has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and that the Assistant Director Regulatory Services and Community Safety is satisfied that a counter notice is not required.
- Decision to give a counter notice to a temporary use notice under the Gambling Act 2005.
- To provide a forum for applicants who may wish to appeal against decisions of the Assistant Director Regulatory Services and Community Safety in respect of Street Trading and provisions of facilities on the Highway.
- To provide a forum for applicants who may wish to appeal against decision of the Assistant Director Regulatory Services and Community Safety in respect of animal welfare Licensing.

Note: The Licensing Subcommittee will be made up of any 3 Members to be drawn from the membership of the parent Committee. Members must have received appropriate training and must have taken a non-committal approach to any lobbying in respect of the appeal to be heard, otherwise they may not participate in the hearing. The delegation of functions will be in accordance with

the Licensing Act of 2003.

2.12 [PLEASE REFER TO APPENDIX 4A]

~~Overview and Scrutiny Committee Terms of Reference~~

~~(12 members based on proportional representation with unnamed substitutes. Executive members may not sit on or substitute on Overview and Scrutiny Committee)~~

~~The Committee will be appointed to discharge the functions conferred by Section 21 of the Local Government Act 2000 or Regulations under Section 32 of the Local Government Act 2000~~

~~Functions~~

~~Within its scope and terms of reference, the Overview and Scrutiny Committee will:~~

- ~~(a) — review and monitor the performance of the Council's services;~~
- ~~(b) — review and/or scrutinise policies, proposals, decisions made or actions taken in connection with the discharge of any of the Council's functions;~~
- ~~(c) — make reports and/or recommendations to the Council and/or the Executive in connection with the discharge of any functions;~~
- ~~(d) — consider any matter affecting the area or its inhabitants;~~
- ~~(e) — exercise the right to Call in, for reconsideration, decisions made, but not yet implemented by the Executive.~~
- ~~(f) — consider matters arising from a Councillor Call for Action (CCfA) under Section 119 of the Local Government and Public Involvement in Health Act 2007 and Regulations thereunder; and~~
- ~~(g) — undertake the functions of the Council's crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006, including CCfA relating to crime and disorder matters.~~

~~Specific Functions~~

- ~~(a) — **Scrutiny** — Within its scope and terms of reference Scrutiny may:

 - ~~(i) — review and scrutinise the decisions made by and performance of the Executive and/or Committees and the appropriate Officers both in relation to individual decisions and over time;~~
 - ~~(ii) — review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service area;~~~~

- ~~(iii) — question Members of the Executive and/or Committees and appropriate Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;~~
- ~~(iv) — make recommendations to the Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process;~~
- ~~(v) — review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address the Committee and local people about their activities and performance;~~
- ~~(vi) — require Members of the Executive, the Chief Executive, Corporate Directors, Directors and Assistant Directors to attend to answer questions and give evidence on receipt of at least 5 days' written notice.~~
- ~~(vii) — question and gather evidence from any person, not a Member or an Officer of the Council, with their consent;~~
- ~~(b) — **Advisory and Review** – Within its scope and terms of reference the Overview and Scrutiny Committee may:~~
 - ~~(i) — assist the Council and the Executive in the development of its Policy Framework by in-depth analysis of policy issues, excluding those policy areas which fall under the remit of the Strategic Planning and Regeneration Committee;~~
 - ~~(ii) — conduct research, community and other consultation in the analysis of policy issues and possible options~~
 - ~~(iii) — consider and implement mechanisms to encourage and enhance community participation in the development of policy options;~~
 - ~~(iv) — make recommendations to Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process.~~
 - ~~(v) — review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address Councillors and local people about their activities and performance.~~
- ~~(c) — **Annual Report** – The Overview and Scrutiny Committee will report annually to Council on function on their workings and make recommendations for future work programmes and amended working methods if appropriate.~~

- (d) ~~**Work Programme** – The Overview and Scrutiny Committee will exercise overall responsibility for the Overview and Scrutiny Work Programme and for ensuring that this is sustainable with regard to the support and resources that are available to it and that is considered in conjunction with other committees of the Council and their respective work programmes in order to minimise duplication of effort.~~

2.13 Personnel Committee Terms of Reference

(12 members based on proportional representation with unnamed substitutes. Appeals Panel members may not sit on or substitute on Personnel Committee)

- Determination and review of all policies affecting the employment of staff.
- Monitoring of employment statistics for the authority.
- To exercise discretion on behalf of the Council in the decision to award any enhanced pension rights.
- To select short lists of candidates and to appoint officers of the Council to posts at Director level (excluding the Head of Paid Service) in accordance with the Officer Employment Procedure Rules. To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to Council for formal appointment.
- To determine formal applications by the Head of Paid Service, s151 Officer, Monitoring Officer and Corporate Directors for changes to their terms and conditions of employment, including flexible retirement requests.

Statutory Officer Discipline

The role and responsibilities of the Personnel Committee with regard to Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.
- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.

- Report to Full Council in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

2.14 Planning Committee Terms of Reference

(18 members based on proportional representation made up primarily of non-executive members, but with specific reservation of a place for the Executive Portfolio Holder holding the area of responsibility for planning matters. 12 named substitute members)

Except where there is a specific delegation to an Assistant Director:

- (a) To determine and advise on all planning applications, all special determination and prior approval categories and any local authority development proposals, subject to the following provisos:
 - That the Assistant Director Planning and Development may refer any application to Council for final determination, where the Committee is minded to approve or refuse that application if the decision is fundamentally against local and national planning policy and/or the decision is contrary to proposals formulated by the Executive or relevant Portfolio Holder.
 - That in accordance with the relevant Council Procedure Rule at least one third of Council Members have signed a statement to the effect that they are of the view that a particular application is of such special significance to the District that it ought to be determined by Council.
- (b) To authorise or determine:
 - Planning obligations;
 - All matters concerning public path orders required as a result of planning legislation;
 - Advertisement consents;
 - Conservation area consents and notices;
 - Revocation or modification of planning permissions by order under planning legislation;
 - Any enforcement action including in respect of advertisement contraventions;
 - Tree preservation orders;
 - Consent to carry out work to protected trees;
 - Listed building consents and notices;

- Certificates of alternative development;
 - Direct action by execution of works, taking steps and/or carrying out operations, by or on behalf of the Council under any current planning legislation, including the recovery of any costs or expenses;
 - Legal proceedings in respect of any breach of planning obligations;
 - Any other notices, orders, demands, permissions, consents and grants under current planning legislation; and
 - Observations, comments and representations on development proposals being determined by other bodies and/or in adjoining or nearby administrative areas.
- (c) To administer the registration and record keeping provisions contained in planning legislation.
- (d) To exercise the Council's statutory duties in respect of the Building Regulations and associated legislation.
- (e) To exercise the Council's statutory powers in respect of land drainage and associated legislation.
- (f) To do anything which is incidental, conducive or calculated to facilitate any of the Committee's functions or which are necessary for the discharge of the functions.
- (g) To exercise all powers, duties and functions of the Council contained in or referred to in the statutory provisions from time to time in force within the terms of reference of the Committee.

2.15 Shareholder Committee Terms of Reference

(A sub-committee of Executive comprising 5 Executive members who are precluded from being nominated to Director posts. No substitutes)

The role of the Shareholder Committee shall not be operational and shall be the means by which the Council shall:

- be the body for approving council nominated non-executive directors, and approving best practice policies in relation to such appointments, considering any reserved shareholder matters within the company articles;
- be responsible for agreeing and approving the framework within which the council interfaces with Council owned/influenced companies;
- exercise strategic functions flowing from the councils ownership of shares.

Day to day functions and liaison flowing from the Councils ownership of shares shall be delegated to the Chief Finance Officer (or in their absence

the Monitoring Officer), where necessary consulting members of the Shareholder Committee.

2.16 Standards Committee Terms of Reference

(8 members based on proportional representation, with unnamed substitutes. The Standards Independent Persons have a standing invitation to attend meetings with no voting rights)

- The promotion and maintenance of high standards of conduct by members and co-opted members of the Council and the Town and Parish Councils in the Cherwell district.
- The making of recommendations to Council on the adoption, revision or replacement of a code of conduct for members and co-opted members.
- The approval and administration of arrangements under which allegations of breach of the code of conduct for members and co-opted members can be investigated and decisions on such allegations can be made.
- The determination of items (if any) that must be entered in the Council's register of members' interests over and above any that are legally required.
- The approval and administration of arrangements for the granting of dispensations to members and co-opted members so as to permit their participation in meetings despite the existence of a disclosable pecuniary interest.