

# PART 5

## TERMS OF REFERENCE

### EXECUTIVE AND COMMITTEES OF THE EXECUTIVE

#### SCRUTINY COMMITTEES

#### OTHER COUNCIL COMMITTEES AND SUB-COMMITTEES

#### JOINT COMMITTEES

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## **INTRODUCTION**

- The Council and the Executive have determined that their functions may be discharged by committees, sub-committees and joint committees as set out below.

### **Council Committees**

- The Council has appointed the following committees:
  - Standards Committee
  - Audit and Risk Committee
  - Employment and Appointments Committee
  - Pensions Committee
  - Planning Committee
  - Policy and Performance Committee (which is designated as the Council's crime and disorder committee)
  - Health and Care Scrutiny Committee
  - Housing Scrutiny Committee
  - Children's Services Scrutiny Committee
  - Environment and Regeneration Scrutiny Committee
  - Health and Wellbeing Board
  - Licensing Committee
  - Licensing Regulatory Committee

### **Sub-Committees**

- The Licensing Committee has appointed four sub-committees
- The Planning Committee has appointed two sub-committees

### **Committee of the Executive**

- The Executive has established a Voluntary and Community Sector Committee

### **Political Balance**

The rules on political balance will apply to all committees and sub-committees except the Licensing Committee and its sub-committees, the Health and Wellbeing Board and the Voluntary and Community Sector Committee, the political membership of which shall be as set out in their terms of reference.<sup>1</sup>

### **Joint Committees**

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<sup>1</sup> These rules do not currently apply as the council is not divided into 2 or more political groups

A number of joint committees have been established with other London Boroughs under the umbrella of London Councils. The London Councils' Leaders Committee and the Transport and Environment Committee exercise executive and non-executive functions. The Grants Committee exercises Executive functions. The terms of reference and make up of these committees and sub-committees are described below.

## **EXECUTIVE**

### **Composition**

The Executive will consist of the Leader together with such other number of councillors (being not fewer than two or more than nine) as the Leader may determine. The number is currently eight.

### **Quorum**

The quorum for a meeting of the Executive shall be four.

### **Executive Functions**

The Executive is responsible for the discharge of all the functions of the authority which are not included in Appendix 2(i) or designated as non-Executive functions in Appendix 2(ii). Where these functions are delegated to another decision-maker in this Constitution, that decision-maker may nonetheless refer the matter to the Executive itself for decision.

## **VOLUNTARY AND COMMUNITY SECTOR COMMITTEE**

### **Composition**

- The Leader
- The Executive member for Community Development
- The Executive member for Housing and Development
- The Executive Member with responsibility for Arts and Culture

Substitute members:

Executive members for Health and Care; Economic Development; Environment and Transport; and Finance, Performance and Community Safety

The following members will be invited to attend as observers:

3 majority party backbenchers

1 opposition party members

### **Quorum**

The quorum for a meeting of the Committee shall be two.

### **Terms of Reference**

1. To oversee the Council's engagement with the Islington community and voluntary sector and to ensure value for money and fairness in the allocation of council resources to the sector.
2. To be responsible for the allocation off the Islington Community Fund including:
  - a. allocating the VCS Partnership Grants Programme;
  - b. allocating the Advice Fund;
  - c. allocating the Local Initiatives Fund having regard to the recommendations of the relevant ward members/relevant ward partnership or neighbourhood group and on the basis that the funding will be allocated equally among the 16 wards making up the Council's area.
3. To receive updates on the allocation of funding by the Islington Community Chest Panel
4. To review and, if necessary, withdraw funding to organisations where there is a potential breach of conditions of grant aid and/or service level agreement.

5. To consider the management, use and disposal of council owned buildings occupied by voluntary and community sector organisations and to agree the disposal or leasing of council owned properties to voluntary sector and community bodies including, where relevant, the rent to be set save that decisions referred to in Part 3 4.4(j) may be taken by officers with the relevant delegated authority.
6. To approve the annual budget proposed for the London Councils Grants Committee.
7. To make an annual report to the Policy and Performance Scrutiny Committee on its activities.

# HEALTH AND WELLBEING BOARD

## Composition

- Leader of the Council
- Executive Member for Health and Social Care
- Executive Member for Children, Young People and Families
- One elected Governing Body member, North Central London Integrated Care Board;
- One Executive Director, North Central London Integrated Care Board, or their nominated representative
- Director of Adult Social Care
- Corporate Director of Children's Services
- Director of Public Health
- Health Watch representative (one member)
- Local NHS Commissioning Board representative (non-voting)
- The Camden and Islington NHS Trust (non-voting)
- The Whittington NHS Trust (non-voting)
- Voluntary Sector representative (non-voting)
- Islington GP Federation representative (non-voting)

The Board will be chaired by the Leader of the Council.

A deputy may be appointed in respect of each member who may attend the meeting subject to the agreement of the Chair.

The Council may appoint additional persons to the Board provided it has first consulted with the Board.

The Board shall be entitled to appoint additional persons as non-voting co-opted members of the Board.

The Board may arrange for any of its functions to be delegated to a sub-committee of the Board, or exercised jointly with other Health and Wellbeing Boards in accordance Section 198 of the Health and Social Care Act 2012. The Board may enter into joint committee arrangement with other London Borough's Health and Wellbeing Boards in respect of any or all of its functions.

## Quorum

The quorum for a meeting of the committee shall be 4 members including one CCG representative and one councillor.

## Terms of Reference

1. To improve the health and wellbeing of the population of Islington by undertaking all duties imposed by the Health and Social Care Act 2012 on a Health and Wellbeing Board including to:



- Oversee development of and agree a Joint Strategic Needs Assessment (JSNA) and to ensure that commissioning plans that relate to health and wellbeing pay due regard to local needs and priorities identified in the JSNA.
  - Oversee development of and agree a Joint Health and Wellbeing Strategy (JHWS)
  - Provide steer and oversight of commissioning plans that relate to health and wellbeing including in some instances devolved responsibility from the NHS Commissioning Board for specialised services
  - Ensure an integrated approach to commissioning across NHS, public health and other Council services to increase efficiency and secure best use of resources, deliver better services and ultimately improve health and well-being outcomes
  - Provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
  - Ensure best use of resources through collaborative working, pooled budgets and joint commissioning of services
  - Maintain an overview of and account for improvement in and attainment of key public health outcomes in the NHS, Public Health, and Adult Social Care Outcome Frameworks.
  - Consider the wider determinants of health, including housing, education and the environment and the existing public health functions within the local authority to ensure an integrated response to tackling health and wellbeing priorities and inequalities.
  - Have a formal role in authorising Clinical Commissioning Groups and in their annual assessment.
2. To agree operational protocols and an annual work programme for the Board.
  3. To ensure that the JSNA and JHWS inform and underpin the Corporate Plan in Islington, and wider Council strategies.
  4. To link the work of the Board to the Islington Fairness Commission and successor arrangements.
  5. To have oversight of emergency preparedness for health matters in the borough

## **STANDARDS COMMITTEE**

### **Composition**

The Standards Committee shall comprise four members.

(Independent Persons have been appointed by the council under the Localism Act 2011. Although not members of the Committee the Independent Persons are invited to attend meetings of the committee as observers.)

### **Quorum**

The quorum of the committee shall be three members.

### **Terms of Reference**

- 1 To advise the Council on a local Code of Conduct for members.
- 2 To decide, if requested to do so by the Monitoring Officer, whether complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct should be investigated.
- 3 To hear complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct that have been referred to them by the Monitoring Officer pursuant to the Code of Conduct Complaints Procedure.
- 4 To agree relevant procedures for hearing complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct;
5. To receive the Annual report on Member Standards and Conduct.
6. To consider requests for dispensations from all members in respect of statutory and non-statutory disclosable interests.

## **AUDIT AND RISK COMMITTEE**

### **Composition**

The membership of the committee shall not include any members of the Executive. The membership of the Committee shall include two non-voting independent members.

### **Quorum**

The quorum shall be three members not including Independent members

### **Statement of Purpose**

1. The Audit and Risk Committee is a key component of Islington Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit and Risk Committee is to provide assurance to members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
3. The Audit and Risk Committee will aid the achievement of the Council's goals and objectives through the effective oversight of the council's corporate governance arrangements.

### **Terms of Reference**

To consider the following matters and to make recommendations concerning them to the relevant Council bodies or to officers:

1. The Head of Internal Audit's annual report and opinion and the level of assurance internal audit activity can give over the Council's corporate governance arrangements;
2. The external auditor's annual letter, relevant reports and the report to those charged with governance on issues arising from the audit of the accounts;
3. Reports dealing with the management, performance and value for money of the providers of internal and external audit services;

4. A report from internal audit on agreed recommendations not implemented within a reasonable timescale;
5. The appointment of the Council's external auditor;
6. Work to be commissioned from internal and external audit;
7. Specific internal and external audit reports as requested;
8. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies;
9. The external quality assessment of internal audit that takes place at least once every five years;
10. The Council's compliance with its own and other published standards and controls;
11. The arrangements to secure value for money in procurement and commissioning and to review assurances and assessments on the effectiveness of these arrangements;
12. To review the governance and assurance arrangements for formal partnership agreements, where this is not reserved for another body;
13. Any issue referred to it by the Council, Executive, Policy and Performance Scrutiny Committee or the Chief Executive relating to the audit or governance of the council's affairs;
14. The Council's arrangements for corporate governance and risk management and recommend necessary actions to ensure compliance with the good governance framework, including the ethical framework, Local Code of Corporate Governance, and best practice;
15. The effectiveness of the council's frameworks for programme governance and associated project management;
16. The production and content of the authority's Annual Governance Statement;
17. The assessment of fraud risks and potential harm to the council from fraud and corruption, and to consider strategies and actions to reduce such risks including a proactive fraud detection strategy;
18. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations;

19. Any report on any matter relevant to the advisory functions of the Committee which the Committee may request from the Corporate Director of Resources or other proper officer.
20. To receive a report every six months detailing any non-contractual special severance payments made to Chief Officers appointed by members, in excess of £50,000, if any have been made in the relevant period.
21. To review and agree the annual statement of accounts, including considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or the audit that need to be brought to the attention of the council.
22. To adopt the authority's Annual Governance Statement.
23. To agree the Internal Audit Charter and Internal Audit Plan;
24. To agree annually the amount calculated by the Council as its tax base for the whole area of the borough, any tax base applying as special levies, and other matters associated with the tax base.
25. To maintain the contract procedure rules and financial regulations in the Council's constitution;
26. To ensure that the Chair of the Audit and Risk Committee has appropriate access to the Head of Internal Audit on matters within the committee's terms of reference;
27. To make appointments between council meetings to those outside bodies and panels appointed to by the Council under Part 3 paragraph 7.2.
28. To determine the following matters relating to the organisation and conduct of elections,
  - i. division of the constituency into polling districts;
  - ii. division of the borough into polling districts.
  - iii. Other matters referred to the Committee by the Head of Electoral Services.
29. To receive an annual report on the Council's usage of its powers under the Regulation of Investigatory Powers Act (RIPA);
30. To consider matters relating to the introduction, amendment or revocation of byelaws and to make recommendations on byelaws for Council to formally approve, as required.

## **EMPLOYMENT AND APPOINTMENTS COMMITTEE**

### **Composition**

Members of the committee will be the Leader of the Council, the Executive Member with responsibility for Human Resources, and three ordinary member positions. One of the ordinary committee members will be the appointed Chair. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. There will also be 5 ordinary member substitutes.

If a member of the committee cannot attend a meeting, they will arrange for a substitute to attend. Substitutes should be selected bearing in mind that the committee should be broadly representative of the Council.

When an appointment is to a post employed jointly by the Council and another organisation, such as Islington Clinical Commissioning Group, membership of the committee will be increased to include a relevant representative of that organisation as a co-opted non-voting member following consultation with the Employment and Appointments Committee Chair.

When there are particular statutory requirements in relation to an appointment, such as the appointment of the Director of Public Health, the committee membership will be varied accordingly.

### **Quorum**

The quorum shall be three members.

### **Terms of Reference**

1. To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 100.
2. To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
3. To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).
4. To hear and determine appeals in connection with disciplinary action or dismissal of Corporate Directors (except the Head of Paid Service, S151 Officer and Monitoring Officer).

5. To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.
6. To produce an annual or bi-annual report on the committee's activity to full Council.

## **PENSIONS COMMITTEE**

### **Composition**

No special requirements apply to the composition of the Pensions Committee.

### **Quorum**

The quorum of the sub-committee shall be two members.

### **Terms of Reference**

To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the London Borough of Islington Pension Fund. This includes but is not limited to the following matters:

1. Reviewing and approving the statutory policies of the Fund including the Governance Compliance Statement, Funding Strategy Statement, Investment Strategy Statement, Pension Administration Strategy, Communications Strategy.
2. To determine the arrangements for the appointment of the Fund Actuary, Investment Consultant and any other Advisor that it may be determined appropriate to appoint.
3. To receive an annual Internal Audit Plan in respect of the Pension Fund which will include, at least, an annual assurance review of the Pensions Administration service and a report on the outcome of planned internal audit activity.
4. To regularly receive and review a comprehensive Risk Register relating to the activities of the Pension Fund.
5. To agree the Business Plan and Annual Budget of the Fund.
6. To agree the Pension Fund Annual Report and Financial Statements.
7. To determine, approve and regularly monitor the arrangements relating to the provision of all matters relating to Pensions Administration functions and the provision of a Pensions Administration Service to the Pension Fund.
8. To receive regular performance monitoring reports, in such form as it determines, in respect of the Pensions Administration Service.



9. To review and approve a Reporting Breaches of the Law procedure for the Pension Fund and to regularly receive the Breaches Log.
10. To make and review an Admission Policy in relating to the admission of Employers to the Fund and be responsible for determining the admission of Employers to the Fund.
11. To agree the investment strategy and strategic asset allocation having regard to the advice of the Investment Consultant.
12. To determine the Fund management arrangements, including the appointment and termination of the appointment of Fund Managers.
13. To monitor the performance of the Pension Funds appointed Fund Managers.
14. To determine the relationship of the Pension Fund with the London Collective Investment Vehicle and to monitor its activity and performance.
15. To determine the arrangements for the provision of Additional Voluntary Contributions for Fund members.
16. To ensure that the Covenants of Employers are thoroughly assessed as required and at least during every Triennial Actuarial Valuation.
17. To receive, from the Fund Actuary, Actuarial Valuations of the Fund.
18. To consider and determine a response to any advisory Recommendation received from the Pension Board.
19. To receive and consider the External Auditors Annual Report (audit findings report / ISA260) on the Pension Fund.
20. To ensure compliance with all relevant statutes, regulations, government guidance and other codes and best practice as applicable to the Local Government Pension Scheme.
21. To determine such other policies that may be required so as to comply with the requirements of Government or bodies acting on behalf of Government.
22. To ensure all members of the Pensions Committee undertake appropriate, and ongoing, training to fulfil their responsibilities

# ISLINGTON PENSIONS BOARD

## Introduction

This document sets out the terms of reference of the Local Pension Board of The London Borough of Islington (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013.

The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is established by the Administering Authority and operates independently of the Pensions Committee. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

The Board's Terms of Reference as set out in this document have been produced in line with the relevant regulations, legislation and guidance.

## Terms of Reference

1. To assist the London Borough of Islington as scheme manager in securing compliance with:
  - a. the Local Government Pension Scheme Regulations 2013;
  - b. any other legislation relating to the governance and administration of the Local Government Pension Fund Scheme (LGPS);
  - c. requirements imposed by the Pensions Regulator in respect of the LGPS;
  - d. such other matters as the LGPS regulations may specify
2. To assist the London Borough of Islington in securing the effective and efficient governance and administration of the scheme;
3. To consider cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary;
4. To produce an annual report outlining the work of the Board throughout the financial year.
5. To make recommendations to the Pensions Committee.
6. Retain oversight of the administration and governance of the Fund including:
  - a. Direction of the Fund and its overall objectives
  - b. the administration of benefits and contributions
7. Activity of the board may consist of, but is not limited to:
  - a. Review Fund governance policy documents.
  - b. Reviewing the Fund's administrative and investment performance.
  - c. Reviewing the performance of the London Collective Investment Vehicle (LCIV)

- d. Reviewing the ongoing training requirements of Board Members
- e. Reviewing the Fund's risk register
- f. Reviewing the Fund's audit findings report / ISA260.

### **Composition**

The membership of the Board shall consist of:

- 3 Islington Council Pension Fund employer representatives
- 3 Islington Council Pension Fund member representatives
- 1 independent member (non-voting)

No substitutes are permitted, with the exception of the member of the Board who is appointed to represent pensioner members of the LGPS.

All members of the Board shall be appointed by full Council the Board shall vote on its own Chair.

### **Employee Representatives**

No officer or elected member of the Council who is responsible for the discharge of any function in relation to the LGPS.

Employee representatives shall be members of the scheme in either an active, deferred or retired member capacity.

Employee representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

A total of three employee representatives shall be appointed. A pensioner rep shall be appointed following a transparent recruitment process which should be open to all pensioner members and be approved by the Administering Authority.

Two employer reps will also be nominated through the respective union channels through their own process.

Employee representatives will normally serve a term of either three or four years, provided they remain members of the Fund, but shall be free to stand for re-election at the end of that period provided they are still a member of the Scheme.

If employee representatives repeatedly fail to attend training or Board meetings they will be removed from post and a new process will be undertaken to replace them, this discretion will lie with the scheme manager.

### **Employer Representatives**

No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board

Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

A total of three employer representatives shall be appointed by the administering authority. These may be up to two elected members of the London Borough of Islington Council and up to two members of the other remaining employers within the Fund.

Employer representatives will normally serve a term of three or four years, provided they remain associated with an employer of the Fund, but shall be free to stand for re-election at the end of that period provided they are still a member of the Scheme.

### **Terms of Office**

Representatives shall serve their positions for three or four years, but may re-apply at the end of their terms.

Board membership may be terminated prior to the end of the term of office due to:

- (a) A employee representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund.
- (b) A Board member no longer being able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training.
- (c) The representative being withdrawn by the nominating body
- (d) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
- (e) A Board member becomes a member of the Local Pension Committee.
- (f) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.
- (g) An employer representative ceases to be an elected Councillor for the local authority they represent.

The Scheme manager will rule if any of the above criteria have been met.

### **Meetings**

The Board shall meet in accordance with the Pensions Committee reporting cycle, which is currently four times per annum.

Urgent meetings of the Local Pension Board may be called by the Chair in consultation with the Scheme Manager if a matter arises that does not allow delay.

Members of the Pensions Board shall be invited to attend meetings of the Sub-Committee as observers.

The Board's meetings will be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).

The Administering Authority shall also publish other information about the Board including:

- (a) Public agendas and minutes
- (b) Annual reports on the work of each Board member.

The Local Pension Board is not a committee of the Administering Authority but the Authorities' rules, as set out in the Constitution, regarding notice of meetings, publishing agendas, reports, minutes papers (unless confidential), will apply.

### **Quorum**

A meeting is only quorate when 50% of the total employer and employee representatives are present (ie. 3 members), including at least one employee representative and one employer representative.

A meeting that becomes inquorate may continue but any decisions will be non-binding.

### **Decision making**

Each Member of the Board will have an individual voting right, however it is expected that the Board will, as far as possible, reach a consensus.

In the event of a tied vote the chair will not have a casting vote. The matter under consideration which has been the subject of a tied vote shall be referred to the Pensions Committee and/or Administering Authority together with the views of the members on the matter.

Meetings of the Board will be formal occasions to be minuted accordingly.

Meetings will be conducted adhering to the standing orders of the Administering Authority, as set out in its Constitution, so far as such do not make the business of the Board unviable.

Officers representing the Administering Authority will be expected to produce reports for the Board and provide advice and clarification during the Board's meetings.

### **Advisors to the Board**

The Board may be supported in its role and responsibilities through the appointment of advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties including:-

- a. The Governance Adviser
- b. The Fund's Actuary;
- c. The Administering Authority
- d. The Fund's Legal Adviser;
- e. The Scheme Manager.
- f. Other advisers, so approved by the Scheme Manager.

### **Standards of Conduct and Conflicts of interest**

All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change and complete a register of interests, any potential conflict of interest arising as a result of their position on the Board.

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.

The principles included in London Borough of Islington's Code of Conduct for Members will apply to all Members of the Board.

### **Knowledge and Skills**

Following appointment, each Member of the Board should be conversant with:

- a) the legislation and associated guidance of the LGPS; and,
- b) any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund.

The Administering Authority will provide a training programme which all Board Members will be required to attend. Board members should indicate to officers which areas they feel they require the most attention through a training needs assessment.

### **Expenses**

The Pension Fund does not pay for Board member expenses.

Board Members are entitled to claim reasonable travel and subsistence expenses from the Council.

For the avoidance of doubt, Board members shall not receive an annual allowance of any kind.

Councillors on the Board do not receive a member's allowance of any kind for this role.

### **Budget**

**The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund.**

## **PLANNING COMMITTEE**

### **Quorum**

The quorum shall be three members.

### **Terms of Reference**

1. To determine any application for planning permission, consent or approval recommended for approval in respect of all major\* developments other than an application under section 73 of the Town and Country Planning Act 1990 covered by paragraph 6.
2. To determine any other applications for planning permission, consent or approval falling within the terms of reference of the Planning Sub-Committees which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any other application for planning permission, consent or approval referred to it by a planning sub-committee or the Service Director, Planning and Development/Head of Service, Development Management.
4. To determine any other application for planning permission, consent or approval recommended for approval (including any falling within the terms of reference of the Planning Sub-Committees), which the Chair of Planning Committee or at least two members of the Council have requested by notice to the Service Director, Planning and Development/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Committee.
5. To make traffic management and stopping-up orders which are consequent upon the grant of planning permission by the committee.
6. A Section 73 application need not be referred to the committee where the Service Director Planning and Development/Head of Service Development Management, following consultation with the Chair of Planning Committee (or in the Chair's absence, the Vice-Chair) considers:
  - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
  - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

\*As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 namely development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
  - (i) the number of dwelling houses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more



## **PLANNING SUB-COMMITTEES**

### **Quorum**

The quorum shall be three members.

### **Terms of Reference**

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
  - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
  - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II\* listed buildings, (except matters which in the opinion of the Service Director, Planning and Development /Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Planning and Development /Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or partner);
7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;

8. Applications which, in the opinion of the Service Director, Planning and Development /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Planning and Development/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair or at least two members of the Council have requested by notice to the Service Director, Planning and Development/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
  - (a) the Service Director Planning and Development/Head of Service Development Management would not recommend it for approval; or
  - (b) the Service Director Planning and Development/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the vice-Chair) considers:
    - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
    - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

# **LICENSING COMMITTEE**

## **Composition**

The Licensing Committee shall comprise at least ten, but no more than fifteen members of the Council.

## **Quorum**

The quorum of the committee shall be four members.

## **Terms of Reference**

1. To discharge all of the licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act, the making of a resolution not to issue a casino premises licence under section 166 of the Gambling Act 2005 and the making of Early Morning Restriction Orders under section 172A of the Licensing Act 2003.
2. To discharge the functions of the Council under schedule 3 Local Government Miscellaneous Provisions) Act 1982, as amended.
3. To establish and appoint to sub-committees to :
  - a. determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, police objections to temporary event notices and any applications requiring a hearing under the Act; and
  - b. determine matters under the Gambling Act 2005 regarding premises licences, provisional statements, variations of premises licences, transfers of premises licences, reviews of premises licences, the fixing of fees and any applications requiring a hearing under the Act.
4. To arrange for the discharge of the functions governed by the Licensing Act 2003 and the Gambling Act 2005 by its sub-committees or by officers in accordance with section 10 of the Licensing Act and section 232 of the Gambling Act.
5. To arrange for the discharge of any other of the Committee's functions by its sub-committees.
6. To receive and consider annual reports, where appropriate, on any matter directly related to the licensing functions in the borough.

7. To exercise the functions of the Licensing Sub-Committees during the period between the election and the Annual Meeting of the Council, if necessary.
8. To determine the amount of any fees and charges to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.

## **LICENSING SUB COMMITTEES**

### **Composition**

The sub-committees shall comprise three members.

### **Quorum**

The quorum of the sub-committee shall be three members.

### **Terms of Reference**

#### **Licensing Act 2003**

To determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, police objections to temporary event notices and any applications requiring a hearing under the Act; including but not limited to the matters set out below:

1. To determine applications for personal licences where the police have served an objection notice or the applicant has an unspent conviction.
2. To determine if a personal licence should be suspended or revoked following convictions or immigration penalties imposed after the grant of the licence.
3. To determine applications for premises licences, club premises certificates and provisional statements where a relevant representation is made.
4. To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
5. To determine applications to vary a designated premises supervisor where a police objection is received.
6. To determine applications for transfer of a premises licences where a police objection is received.
7. To determine applications to review premises licences and club premises certificates.
8. To determine applications for interim authorities where a police objection is received.
9. To determine an objection to a temporary event notice.

10. Decision to object when the Council is a consultee and not the relevant authority considering the application
11. Determination of applications to vary premises licences at community premises to include an alternative licence condition if there is a police objection

### **Gambling Act 2005**

10. To determine applications for premises licences and provisional statements where representations have been made and not withdrawn.
11. To determine applications for variation of premises licences where representations have been made and not withdrawn.
12. To determine applications for transfer of premises licences where representations from the Gambling Commission or responsible authorities are received.
13. To review a premises licence.
14. Application for club gaming/club machine permits where objections have been made and not withdrawn.
15. Cancellation of club gaming/club machine permits.
16. Decision to give a counter notice to a temporary use notice.

### **Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended**

17. To determine applications for first grant of a sex establishment licence.
18. To determine renewal applications for a sex establishment licence if objections are received and not withdrawn.
19. To determine transfer applications for a sex establishment licence if objections are received and not withdrawn.

### **General**

20. To determine any application or variation which is capable of being determined by officers but which the relevant Corporate Director considers appropriate for the Sub-Committee to consider.

### **Delegation to Officers**

21. All functions under the Licensing Act 2003, the Gambling Act 2005 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended not within the terms of reference of the Licensing Sub-Committees or reserved to the Council at Part 3 Section 7 of the Constitution, other than the fixing of fees under the Gambling Act 2005, are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

## **LICENSING REGULATORY COMMITTEE**

### **Composition**

No special requirements apply to the composition of the Licensing Regulatory Committee.

The membership of the committee shall be four.

### **Quorum**

The quorum of the committee shall be three members.

### **Terms of Reference**

1. To determine applications for street trading and special treatment licences where there are unresolved objections to those applications.
2. To designate streets as licensed streets.
3. To revoke licences (except on the ground of non payment of fees).
4. To set and review policy in relation to the matters coming within the remit of the committee.
5. To take decisions on any other licensing matter referred to it by the relevant Corporate Director, except those which may lawfully be taken by the Licensing Committee established for the purpose of the Licensing Act 2003 and the Gambling Act 2005.
6. The hearing of representations and the determination of applications for a licence of a Scrap Metal Dealer, under the Scrap Metal Dealers Act 2013, where the relevant Service Director proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority, within the prescribed time, that they require the opportunity to make representations about the proposal.
7. To determine the amount of any fees and charges to be made for any approval, consent, licence, permit or registration within the terms of reference of the Committee.
8. To set the standard conditions for street trading licences

### **Delegation to Officers**

All functions under the Scrap Metal Act 2013 not within the terms of reference of the Licensing Regulatory Committee are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.



## SCRUTINY COMMITTEES

1. Overview and scrutiny functions are:
  - Reviewing or scrutinising decision or actions taken in connection with the discharge of executive functions
  - Making recommendations about executive functions
  - Reviewing or scrutinising decision or actions taken by the council in connection with the discharge of non-executive functions
  - Making recommendations about these functions
  - Making recommendations about matters which affect the authority's area or its inhabitants.
  - Carrying out the specific roles of health scrutiny and crime and disorder scrutiny.
  - To consider matters relating to the performance of the council.
2. Overview and scrutiny functions in respect of the Council's education functions are allocated to the Children's Services Scrutiny Committee the membership of which includes education representatives as set out in its terms of reference below.
3. Where one of the other Scrutiny Committees is carrying out a review or dealing with other business which will involve a consideration of the Council's education functions, the education representatives on the Children's Services Scrutiny Committee shall be entitled to join the Scrutiny Committee as voting members for the meeting concerned to participate in that review.
4. All Scrutiny Committee are responsible for considering equalities issues arising in respect of matters falling within their terms of reference.

## **POLICY AND PERFORMANCE SCRUTINY COMMITTEE**

(This Scrutiny Committee is the Council's statutory crime and disorder scrutiny committee)

### **Composition**

Members of the Executive may not be members of the Policy and Performance Scrutiny Committee.

The membership of the committee shall include the Chairs of the Scrutiny Committees (subject to political balance rules)

No member may be involved in scrutinising a decision in which they have been directly involved.

Policy and Performance Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees

### **Quorum**

The quorum for the Policy and Performance Scrutiny Committee shall be four members not including co-optees.

### **Terms of Reference**

1. The co-ordination of all overview and scrutiny functions on behalf of the Council.
2. To receive reports from the Leader on the Executive's priorities for the coming year and its performance in the previous year.
3. To consider matters relating to the financial position and performance of the Council other than detailed performance matters in the remit of another scrutiny committee.
4. To consider matters relating to the performance of the Council and its partners other than detailed performance matters falling within the remit of any other Scrutiny Committee.
5. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Chief Executive's Department and the Resources Directorate.
6. To be the Council's crime and disorder committee and to review or scrutinise matters relating to the discharge of crime and disorder functions by the Council and its partners and make reports or recommendations to the Executive or other appropriate part of the council.

7. To receive requests from the Executive or the Leader of the Executive for scrutiny involvement in policy development and review and key decisions before they are made and decide how to respond.
8. To monitor the Executive's Forward Plan.
9. To consider all matters which have been referred to it in accordance with the provisions contained in the call in procedure contained within Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution and to decide whether such matters should be referred to Council or to the Executive for reconsideration.
10. To consider all matters that have been referred to it in accordance with the provisions contained in the councillor call for action procedure contained within the Overview and Scrutiny Procedure Rules.
11. To set at the beginning of each municipal year a work programme for itself and the four Scrutiny Committees following consultation with the Chairs of those committees.
12. To receive the annual report of the Voluntary and Community Sector Committee.
13. To set aside one or more meeting(s) each year to receive an annual report from each of the 4 Scrutiny Committees.

# **CHILDREN'S SERVICES SCRUTINY COMMITTEE**

## **Composition**

Members of the Executive may not be members of the Children's Services Scrutiny Committee.

No member may be involved in scrutinising a decision in which they have been directly involved.

The Children's Services Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees and shall include in its membership the following voting co-optees:

- (a) At least one Church of England diocese representative;
- (b) At least one Roman Catholic diocese representative;
- (c) Between two and five parent governor representatives; and
- (d) A representative from other faiths or denominations as appropriate.

These representatives will be entitled to vote on education functions related to the Council's education functions, in respect of which the Council has responsibility under the Education Acts.

## **Quorum**

The quorum for the Children's Services Scrutiny Committee shall be three members, not including co-opted members.

## **Terms of Reference**

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Children's Services Directorate
2. To consider matters relating to the performance of the Council's partners in respect of the functions of the Children's Services department as appropriate.
3. To receive requests from the Executive or the Leader of the Executive for scrutiny involvement in education related matters.

4. To consider educational issues referred to it in accordance with the provisions contained in the call in procedure contained within Policy and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution and to decide whether such matters should be referred to Council or to the Executive for reconsideration.
5. To undertake a scrutiny review of its own choosing relating to a Children's Services Directorate function and any further reviews as directed by the Policy and Performance Scrutiny Committee and to make recommendations to the Executive thereon.
6. To consider all matters that have been referred to it in accordance with the provisions contained in the councillor call for action procedure contained within the Overview and Scrutiny Procedure Rules.

## **HEALTH AND CARE SCRUTINY COMMITTEE**

(This Scrutiny Committee is responsible in accordance with regulation 28 of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013) for the Council's health scrutiny functions other than the power under regulation 23(9) to make referrals to the secretary of state

### **Composition**

Members of the Executive may not be members of the Scrutiny Committee.

Members of the Health and Wellbeing Board should not be appointed to this committee.

No member may be involved in scrutinising a decision which they have been directly involved.

The Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees.

### **Quorum**

The quorum for a meeting of the committee shall be four members.

### **Terms of Reference**

1. To review the planning, provision and operation of health and care services in Islington area, invite reports from local health and care providers and request them to address the committee about their activities and performance
2. To respond to consultations by local health trusts and the Department of Health.
3. To consider whether changes proposed by local health trusts amount to a substantial variation or development.
4. To make reports and/or recommendations to a relevant NHS body or a relevant health service provider.
5. To recommend to the Council that a referral be made to the secretary of state under regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.
6. To make reports and/or recommendations to the Council and/or the Executive on matters which affect the health and wellbeing of inhabitants of the area.

7. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Public Health Directorate or to Adult Social Services.
8. To undertake a scrutiny review, of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon.
9. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral.

# **ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE**

## **Composition**

Members of the Executive may not be members of the Scrutiny Committee.

No member may be involved in scrutinising a decision which they have been directly involved.

The Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees.

## **Quorum**

The quorum for a meeting of the committee shall be four members.

## **Terms of Reference**

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Environment Directorate.
2. To scrutinise other sustainability and transport issues affecting the borough
3. To undertake, a scrutiny review of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon.
4. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral.



# **HOUSING SCRUTINY COMMITTEE**

## **Composition**

Members of the Executive may not be members of the Scrutiny Committee.

No member may be involved in scrutinising a decision in which they have been directly involved.

The Council may appoint up to three resident observers to the Committee to represent the views and experiences of local people.

## **Quorum**

The quorum for a meeting of the committee shall be four members not including co-opted members.

## **Terms of Reference**

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to Housing Services.
2. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to any aspect of the council's housing landlord functions and services.
3. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to other functions and services directly affecting any aspect of the council's housing landlord functions and services.
4. To review the operation and effectiveness of the council's resident engagement arrangements from time to time.
5. To consider matters relating to the performance of the Council's partners, including RSLs, in respect of housing and housing related matters as appropriate.
6. To consider residents' experience of the borough's privately rented housing
7. To seek and receive the views of residents concerning housing matters through the council's resident engagement arrangements.

8. To undertake a scrutiny review of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon.
9. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral.

## **GRIEVANCE COMMITTEE**

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to the Chief Executive. The committee will hear both grievances brought against the Chief Executive and grievances brought by them. Grievances brought by the Chief Executive will be against an individual elected member or members or the employing council generally.

### **Composition**

The Grievance Committee shall comprise of five members, as follows:

- Chief Whip of the Majority Group (Chair)
- Deputy Leader of the Council
- Three other members.

Members of the Grievance Committee may not be members of the Grievance Appeal Committee, the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee.

### **Quorum**

The quorum of the committee shall be three members.

### **Terms of Reference**

- To consider grievances brought against the Chief Executive.
  - a) The grievance has been considered by an appropriate, appointed 'Receiving Officer' and
  - b) The Receiving Officer considers that an informal resolution is inappropriate, or an informal resolution has been tried and failed and
  - c) A 'Stage One' investigation has been undertaken by the Receiving Officer or an independent investigator appointed by them and
  - d) The outcome of the investigation was in favour of the complainant and
  - e) A solution, which took into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in the circumstances, has not been accepted by the statutory officer.
- To determine, based on all the available evidence, witness evidence as required and representations from the relevant statutory officer and the complainant, if they wish to make them, whether or not to uphold or reject the grievance.
- To determine, if the Committee concludes that the grievance is upheld, how best to resolve the issue to the satisfaction of the

aggrieved employee.

- To refer matters, where a grievance has been upheld and the Committee considers the issue to be of a serious nature, to the Investigation and Disciplinary Committee.
- To inform complainants of their right of appeal to the Grievance Appeal Committee, if the Committee concludes that their grievance is not upheld.
- To consider grievances brought by the Chief Executive once:
  - a) Informal resolution of the complaint has been considered by an appropriate, appointed 'Receiving Officer' and
  - b) The Receiving Officer considers that informal resolution is inappropriate, or an informal resolution is unsuccessful.
- To determine, based on all the available evidence, witness evidence as required and representations from the Chief Executive, if they wish to make them, whether or not to uphold or reject the grievance.
- To refer matters relating to the conduct or behaviour of an elected member, where the grievance is upheld, to the Council's Standards Committee.
- To inform the Chief Executive of their right of appeal to Council, if the Committee concludes that their grievance is not upheld.
- To report back to the Grievance Committee when an appeal is upheld, advising of the reasons for this decision.

## **GRIEVANCE APPEAL COMMITTEE**

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to hearing appeals against decisions by the Grievance Committee in relation to grievances brought against the Chief Executive.

### **Composition**

The Grievance Appeal Committee shall comprise of five members, as follows:

- Deputy Whip of the Majority Group (Chair)
- Executive Member for Environment & Transport
- Three other members

Members of the Grievance Appeal Committee may not be members of the Grievance Committee, the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee.

### **Quorum**

The quorum of the committee shall be three members.

### **Terms of Reference**

- To consider appeals against decisions made by the Grievance Committee in relation to grievances brought against the Chief Executive, that the Grievance Committee did not uphold.
- To inform the Chief Executive that an appeal against the decision of the Grievance Committee has been made.
- To consider the appeal including the appropriate technical and procedural advice from the Receiving Officer who undertook the initial review of the grievance.
- To conduct any further investigation the committee considers necessary to reach a decision.
- To consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this committee.
- To consider, if the committee determines to uphold an appeal, and it considers it appropriate, making recommendations on how the issue can best be resolved to the satisfaction of the aggrieved employee.
- To refer the matter, where an appeal has been upheld and the

Committee considers the issue to be of a serious nature, to the Investigation and Disciplinary Committee.

- To inform appellants, when an appeal is dismissed, that there is no further appeal and the matter is regarded as being concluded.

## **INVESTIGATING AND DISCIPLINARY COMMITTEE**

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to the following statutory officer posts; Chief Executive, Monitoring Officer and Section 151 Officer.

### **Composition**

The Investigating and Disciplinary Committee shall comprise of five members, as follows:

- Chair of the Audit Committee (Chair)
- Executive Member for Health and Social Care
- Three other members.

Members of the Investigating and Disciplinary Committee may not be members of the Disciplinary Appeal Committee, the Grievance Committee or the Grievance Appeal Committee.

### **Quorum**

The quorum of the committee shall be three members.

### **Terms of Reference**

- To consider grievances raised by the statutory post holders above, where the grievance is raised during a disciplinary / capability investigation.
- To consider grievances against the statutory officers listed above, referred to it by the Grievance Committee.
- To consider grievance appeals referred to it by the Grievance Committee.
- To consider allegations made against the statutory post holders above.
- To consider the comments of the statutory post holder in relation to the allegations and to determine one of following outcomes:
  - a) That no further action is required.
  - b) That there is some minor fault or error on behalf of the statutory post holder, but the matter can be resolved with an informal un-recorded warning.
  - c) That there are grounds for an independent disciplinary investigation

to be conducted.

If the committee determines that an independent disciplinary investigation should be conducted;

- To appoint an Independent Investigator, from the list provided by the Joint Secretaries of the Joint Negotiating Committee for Chief Executives of Local Authorities;
- To determine the scope of the investigation to be conducted by the Independent Investigator;
- To note that the Independent Investigator may choose to undertake either a full hearing or an evidence gathering process.
- To determine if the statutory post holder should be suspended.
- To review the continuance of the suspension of the statutory post holder should it exceed 2 months.

If the Independent Investigator has undertaken a full hearing:

- To receive the report and consider any recommendations of the Independent Investigator.
- To conduct the meeting at which the report and any recommendations by the Independent Investigator are considered in accordance with the ACAS Code of Practice.
- To consider any documentation and/or the evidence of any witnesses it chooses to call, to clarify the content of the Independent Investigator's report
- To consider any request from the statutory officer to also call relevant witnesses and ensure that they have sufficient opportunity to do so.
- To ensure that the Independent Investigator and the statutory officer are able to attend the meeting if they wish to do so and are provided with an opportunity to summarise their case.
- To consider any objections received from Members of the Executive.

If the Independent Investigator has undertaken an evidence gathering process:

- To convene a hearing, at which both the Independent Investigator and the statutory officer will be provided with an opportunity to submit



evidence and call and question each other's witnesses.

- To conduct the meeting at which the report and any recommendations of the Independent Investigator are considered in accordance with the ACAS Code of Practice.
- To consider any objections received from Members of the Executive.

Following consideration of the Independent Investigator's report, representations from the Independent Investigator, the statutory officer, relevant witnesses and any objections received from Members of the Executive:

- To determine either:
  - a) That there is no case to answer.
  - b) That disciplinary action short of dismissal should be taken against the statutory post holder by the Investigating and Disciplinary Committee.
  - c) A recommendation to dismiss the statutory post holder.

If the committee determines to recommend dismissal;

- To instruct that the Independent Panel is to be convened to consider the Independent Investigator's report and receive any oral or written representation from the statutory officer.
- To consider subsequent advice, views and/or recommendations given by the Independent Panel.
- To make a recommendation to Council that the statutory post holder be dismissed, which takes into consideration and includes the views of the Independent Panel, the conclusions of the investigation and any representations from the statutory officer.

Where the Investigating and Disciplinary Committee has made a recommendation to Council to dismiss, the Council will review all available evidence and all views / recommendations expressed and consider oral and/or written submissions by the statutory officer before reaching a final decision. The representations made by the statutory officer to Council constitute the appeal process.

Where the Investigating and Disciplinary Committee has made a recommendation for disciplinary action, but not dismissal, the statutory officer may appeal to the Disciplinary Appeals Committee.

## **DISCIPLINARY APPEAL COMMITTEE**

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to hearing appeals against decisions by the Investigating and Disciplinary Committee in relation to the following statutory officer posts; Chief Executive, Monitoring Officer and Section 151 Officer.

### **Composition**

The Disciplinary Appeal Committee shall comprise of five members, as follows:

- Deputy Whip of the Majority Group (Chair)
- Executive Member for Children, Young People and Families
- Three other members.

Members of the Disciplinary Appeal Committee may not be members of the Investigating and Disciplinary Committee, the Grievance Committee or the Grievance Appeal Committee.

### **Quorum**

The quorum of the committee shall be three members.

### **Terms of Reference**

- To receive and consider appeals made by the statutory officers listed above following a decision by the Investigating and Disciplinary Committee to recommend that disciplinary action, other than dismissal, is taken against the relevant statutory officer.

Consideration of the appeal will require the committee:

- To consider the report of the Independent Investigator and any other relevant information considered by the Investigation and Disciplinary Committee.
- To conduct any further investigation the committee considers necessary to reach a decision.
- To permit the statutory officer to appear at the meeting and state their case.
- To consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this committee.
- To determine if the appeal should be upheld or dismissed.

- To inform appellants, when an appeal is dismissed, that there is no further appeal, that the decision of the Investigating and Disciplinary Committee stands and the matter is regarded as being concluded.
- To report back to the Investigating and Disciplinary Committee when an appeal is upheld, advising of the reasons for this decision.

## **JOINT COMMITTEES**

### **FUNCTIONS DISCHARGED BY THE LONDON COUNCILS JOINT COMMITTEES**

The Council is a member of a number of joint committees under the umbrella of London Councils. An Agreement dated 1 April 2000 (as varied by an agreement dated 13 December 2001) established the London Councils Leaders' Committee and the Associated Joint Committee (London Councils Grants Committee) as joint committees. There is a further agreement dated 15 January 1998 (as varied by the Agreement dated 13 December 2001), which established the Associated Joint Committee (London Councils Transport and Environment Committee).

The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils website. The Leaders' Committee is also required to comply with Financial Regulations contained in the London Councils Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

### **LONDON COUNCILS LEADERS' COMMITTEE:**

#### **Membership**

This committee comprises one member of each of the London local authorities who is designated the authority's "Leader" for the purposes of carrying out the committee's functions.

#### **Terms of Reference**

(This joint committee discharges executive and non-executive functions)

The terms of reference of the Committee are set out in full in the Agreement dated 1 April 2000 and are summarised below:

1. To consult on the common interests of the London local authorities and to discuss matters relating to local government.
2. To represent the interests of the London local authorities to national and local government, Parliament, the European Union and other bodies.
3. To formulate policies for the development of democratic and effectively managed local government.
4. To provide services to the London local authorities including the provision of information.

5. To provide information to the public, individuals and other organisations on the policies of the London Councils and other issues relevant to London.
6. To act for and on behalf of the London local authorities in their role as employers, through the provision of a range of services.
7. To appoint members to serve on the Greater London Provincial Council and to represent the views of the London local authorities on pay and terms and conditions of service to the national negotiating body.
8. To review the needs of Greater London under the London Boroughs Grants Scheme, in accordance with which the London local authorities make grants to voluntary organisations within Greater London and to approve the budget proposed for the Scheme each year.
9. To consult with the Associated Joint Committee (London Councils Transport and Environment Committee) (see below) regarding strategic policies and annual budget.
10. To establish an independent remuneration panel to make recommendations to the London local authorities regarding the payment of allowances to the members of those authorities.

## **ASSOCIATED JOINT COMMITTEE (LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE)**

### **Membership**

This committee comprises one member from each London local authority and a member from Transport for London (which is part of the Greater London Authority).

### **Terms of Reference**

(This committee discharges executive and non-executive functions.)

The terms of reference of the Committee are set out in full in the Agreement of 13 December 2001 and are summarised below:

1. To appoint and provide accommodation and support for parking adjudicators and to administer the parking appeals service, which is an independent service for those wanting to appeal against a Council's decision on a parking ticket;
2. To set the level of penalties and other enforcement charges and the level of discount for early payment of penalties;
3. To set the level of penalties for decriminalised contraventions in bus lanes, and the level of discount for early payment of penalties;
4. To operate other parking services including the TRACE line, which provides 24-hour information on cars which have been towed away;
5. The publication of a code of practice on parking enforcement and the dissemination of parking enforcement information to drivers and the general public;
6. To co-ordinate and maintain vehicle clamping and removal operations;
7. To provide IT services to the London local authorities for DVLA enquiries, County Court debt registrations and warrants, borough payment information exchange and a persistent offenders database;
8. The production and maintenance of the parking attendants' handbook of contravention codes;
9. To administer the Health Emergency Badge Scheme for doctors, nurses and health visitors;
10. To act as the National Joint awarding body for National Vocational Qualifications for Parking Attendants;

11. To run and pay for the Freedom Pass free ticket initiative for London's senior citizens, blind and disabled people;
12. To administer the London Lorry Ban, which prevents lorries travelling down residential streets at night and at weekends;
13. To run and pay for the Taxicard Scheme, which provides free transport for London's disabled community;
14. To take a borough-wide strategic overview on London's transport policy and policy issues in planning, the environment, consumer protection, trading standards and waste.
15. To make and enforce pan-London traffic orders for the purposes of the implementation across Greater London of the London Safer Lorry Scheme under section 6 of the Road Traffic Regulation Act 1984 and all other enabling powers.

## **ASSOCIATED JOINT COMMITTEE (LONDON COUNCILS GRANTS COMMITTEE)**

### **Membership**

This committee comprises one member from each London local authority who must be a member of their Executive.

### **Terms of Reference**

(This Committee discharges Executive functions.)

1. To make grants to voluntary organisations benefitting more than one London borough.
2. To consider and review the needs of London in relation to the grants scheme.
3. To recommend an annual budget to the London Councils Leaders' Committee, which, once approved, has to be agreed by a two-thirds majority of the London local authorities in order to make it binding on all 33 – (which includes the Corporation of London).



## **PARTNERS IN PARKING**

### **Membership**

This committee comprises one elected Member from each partner authority's Executive.

### **Terms of Reference**

1. To consider proposals from the Management Committee for Procurements, and, subject to any formal notifications or approvals that may be required by individual partner authorities in accordance with Clauses 10.5.1 or 10.8 of the Agreement, to agree the entering into of new procurements and the award of framework contracts or other appropriate contractual arrangements.
2. To provide programme and strategic direction to the Management Committee and Central Team.
3. To monitor progress and the implementation of procurements and framework contracts entered into under them.
4. To monitor and keep under review the fundamental purpose of PiP.
5. To assist and direct the Management Committee in the promotion of PiP.
6. To consider the introduction of a New Partner Authority and make decisions in that regard.
7. To consider and/or approve the removal of any Partner Authority.
8. To agree the amount of contributions.
9. To make decisions in relation to the dissolution of PiP.
10. To appoint the Chair of the Management Committee.
11. To approve budgets.

## **NORTH CENTRAL LONDON JOINT HEALTH AND OVERVIEW SCRUTINY (JHOSC) COMMITTEE**

### **TERMS OF REFERENCE**

#### **Membership**

This is a joint health scrutiny committee with the London Boroughs of Barnet, Camden, Enfield and Haringey established under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Each authority makes two appointments to the joint committee

#### **Terms of Reference**

1. To engage with relevant NHS bodies on strategic area wide issues in respect of the coordination, commissioning and provision of NHS health services across the whole of the area of Barnet, Camden, Enfield, Haringey and Islington; and
2. To respond, where appropriate, to any proposals for change to specialised NHS services that are commissioned on a cross borough basis and where there are comparatively small numbers of patients in each of the participating boroughs.
3. To respond to any formal consultations on proposals for substantial developments or variations in health services across affecting the areas of Barnet, Camden, Enfield, Haringey and Islington and to decide whether to use the power of referral to the Secretary of State for Health on behalf of Councils who have formally agreed to delegate this power to it when responding to formal consultations involving all the five boroughs participating in the JHOSC;
4. The joint committee will work independently of both the Executive and health scrutiny committees of its parent authorities, although evidence collected by individual health scrutiny committees may be submitted as evidence to the joint committee and considered at its discretion.
5. The joint committee will seek to promote joint working where it may provide more effective use of health scrutiny and NHS resources and will endeavour to avoid duplicating the work of individual health scrutiny committees. As part of this, the joint committee may establish sub and working groups as appropriate to consider issues of mutual concern provided that this does not duplicate work by individual health scrutiny committees; and
6. The joint committee will aim work together in a spirit of co-operation, striving to work to a consensual view to the benefit of local people.

# **CAMDEN AND ISLINGTON JOINT HEALTH SCRUTINY COMMITTEE**

## **TERMS OF REFERENCE**

### **1. Establishment and purpose of the Joint Committee**

If a relevant NHS body or a relevant health service provider proposes to consult more than one local authority on any proposal for a substantial development of the health service in the area, or a substantial variation in the provision of health services in the area, Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, requires the local authorities whose area will be affected by the proposed changes, to establish a joint overview and scrutiny committee to consider a consultation response.

In accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Camden and Islington Joint Health Scrutiny Committee may not discharge any functions other than described above and will only meet when required to do so to consider a consultation by a relevant NHS body or a relevant health service provider on any proposal for a substantial development of the health service in the area, or a substantial variation in the provision of health services in the area.

The committee has been convened to consider the proposals being made by Islington and Camden Clinical Commissioning Group (CCG) and Camden and Islington Foundation Trust: 'Transforming Mental Health Services in Camden and Islington: Proposals for change to the Camden and Islington NHS Foundation Trust Estate'.

### **2. Membership**

Membership of the Joint Committee will comprise of the members of both the Camden Health and Adult Social Care Scrutiny Committee and the Islington Health and Care Scrutiny Committee.

### **3. Chair**

The Chair of the Camden and Islington Joint Health Scrutiny Committee will be either the Chair of the Camden Health and Adult Social Care Scrutiny Committee or the Islington Health and Care Scrutiny Committee, and will be determined by the Joint Committee, at the commencement of each meeting. The remaining Chair will act as

Vice Chair.

#### **4. Quorum**

A meeting of the Camden and Islington Joint Health Scrutiny Committee will be considered quorate when at least three members from each constituent borough's Health Scrutiny Committee are in attendance.

#### **5. Meetings**

(a) Meetings of the Camden and Islington Joint Health Scrutiny Committee will be held in public, although the public may be excluded from part of a meeting during an item of business if it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I and Schedule 12A to the Local Government act 1972 would be disclosed to them.

(b) Meetings will be convened and publicised at least 5 clear working days prior to the meeting date in accordance with the Local Government Act 1972, as amended by the Local Government Act 2000.

(c) Meetings will be governed and abide by the Committee procedure rules and standing orders applying to committees of the Council which is hosting the meeting.

(d) The first meeting of the committee will take place at the offices of Camden Council and meetings will then alternate between Camden and Islington offices.

#### **6. Access to information**

Such meeting papers as the relevant NHS body or a relevant health service provider propose to consider at the meeting, that are not confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I and Schedule 12A to the Local Government act 1972, will be made available to the public for 5 clear working days prior to the meeting in

accordance with the Local Government Act 1972, as amended by the Local Government Act 2000.

## **7. Deputations**

Deputations wishing to attend the Joint Committee shall require the approval of the Chairs of both Council's Health Scrutiny Committees.

Requests for deputations should normally be in writing and be received by the clerk named on the agenda, at least two clear working days before the meeting.

Deputations shall only be received where the subject of the deputation is on the agenda of the meeting concerned.

One representative of the deputation will be entitled to address the meeting and shall speak for no more than three minutes unless the Chair decides otherwise.

## **8. Terms of Reference**

(a) To make comments on proposals consulted on pursuant to regulation [23 of the](#) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, namely any proposal made by a relevant NHS body or a relevant health service provider for a substantial development of the health service or for a substantial variation in the provision of a service affecting residents in both local authority areas.

(b) The Camden and Islington Joint Health Scrutiny Committee may require the relevant NHS body or a relevant health service provider to provide such information about the planning, provision and operation of health services in the area as the authority may reasonably require in order to discharge its functions, in accordance with regulation [26 of the](#) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

(c) The Camden and Islington Joint Health Scrutiny Committee may require a member or employee of the relevant NHS body or a relevant health service provider to attend before it under regulation [27 of the](#) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to answer questions in connection with the consultation.

(d) The Camden and Islington Joint Health Scrutiny Committee may not discharge any functions other than relevant functions above, in

accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## **9. Administrative Support**

Administrative support for the meetings of the Joint Committee will be provided by the Committee Services staff at the location where the meeting is being held.