

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**CONSTITUTIONAL REVIEW OF COMMITTEE TERMS OF REFERENCE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 For Council to consider approving amendments to Committee Terms of Reference contained within the Constitution following a review undertaken as part of the periodic review of the Constitution.

**2. BACKGROUND INFORMATION**

- 2.1 The Constitution is an evolving document and is periodically reviewed to ensure it remains legislatively compliant and accords with best practice.
- 2.2 As part of the review process, the opportunity has been taken to review Committee Terms of Reference to ensure that they accord with legislative change and best practice but also to incorporate locally determined changes arising from the Council's governance requirements as detailed below. Save for these matters, only minor amendments have been made to the existing Terms of Reference, which are attached at Appendix 1, with the changes shown in bold.

**Audit Committee**

Following a review of the Council's whistleblowing policy, to include in the Audit Committee's Terms of Reference the requirement to receive an annual report on whistleblowing activity within the Council.

**Humber and North Yorkshire Joint Health and Overview and Scrutiny Committee (JHOSC)**

Following a report to, and recommendation of, the Health Scrutiny Panel on 13 April 2022 to incorporate into the Constitution Terms of Reference to establish a JHOSC. This follows extensive work across the sub-region to put in place appropriate governance arrangements following the transition from Clinical Commissioning Groups to Integrated Care Systems, and to enable the JHOSC to respond, in

summary, to statutory consultations on major developments or variations to local health provision. The proposed Terms of Reference are included in Appendix 1 and will be inserted into Part D of the Constitution: Overview and Scrutiny Procedure Rules, whereas the other Terms of Reference will be inserted into Part C of the Constitution: Responsibility for Functions.

2.3 As the Committee Terms of Reference form part of the Council's Constitution, Council's approval to the amendments is sought so they can be incorporated into the Constitution.

2.5 Work continues to update the Constitution, under officer delegations, following completion of phase 2 of the senior management review alongside minor revisions to the budget and policy framework rules following changes to the Local Authorities (Standing Orders) (England) Regulations 2001.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1: To approve the revised Committee Terms of Reference as detailed at Appendix 1 of this report.

3.2 Option 2: Not to approve the revised Committee Terms of reference as detailed at Appendix 1 of this report.

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1: To approve the revised Committee Terms of Reference would mean that they keep pace with legislative change, best practice and local governance requirements.

4.2 Option 2: Not to approve the revised Committee Terms of Reference would mean that they do not accord with best practice and legislative change or accommodate local governance requirements.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g., LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 There are no financial or resource implications arising from this report.

5.2 The review of the Committee Terms of Reference has been externally validated by specialist public sector solicitors.

5.3 The revised Committee Terms of Reference will be inserted into the Constitution which can be found [here](#)

**6. OTHER RELEVANT IMPLICATIONS (e.g., CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 No other relevant implications have been identified arising from this report.

**7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 An Integrated Impact Assessment is not required for this report.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 No conflicts of interest have been declared or identified arising from this report.

**9. RECOMMENDATIONS**

9.1 Council approves Option 1 of this report; and

9.2 Council approves the [Constitution](#) and to it being updated with the revised Committee Terms of Reference as detailed in Appendix 1.

**MONITORING OFFICER**

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Author: Will Bell  
Date: 28 April 2022

**Background Papers used in the preparation of this report:**

Minute 3 of the Deputy Leader – Adults and Health cabinet member 24 January 2022

Minute 614 of the Health Scrutiny Panel 13 April 2022

Local Authorities (Standing Orders) (England) Regulations 2001.

North Lincolnshire Council [Constitution](#)

## PART C - RESPONSIBILITY FOR FUNCTIONS

This part indicates whether “local choice functions” are:

- (a) the responsibility of the Council and its committees; or
- (b) the responsibility of the Executive, or
- (c) they are, or are not, the responsibility of the Executive to a specified extent.

### C1.01 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Body	Membership	Delegation of Functions
1. Local Act Functions	Council	All members of the Council	
2. Determination of an appeal against any decision made by or on behalf of the Council	Appeals Committee	Members of the Council	
3. The appointment of Review Boards under Regulations under Section 34 (4) of the Social Security Act 1998 (Determination of Claims and Reviews)	Council	All members of the Council	
4. The making of arrangements <b>in relation to appeals against the exclusion of pupils from maintained schools</b>	The Executive	All members of the Executive	Executive member for Children’s Services after considering advice from the relevant Scrutiny Panel

<p>5. The making of arrangements pursuant to Section 94(1), (1 A) and (4) to the <b>School Standards and Framework Act 1998</b> (Admission Appeals)</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Executive member for Children's Services after considering advice from the relevant Scrutiny Panel</p>
<p>6. The making of arrangements pursuant to Section 95(2) of the <b>School Standards and Framework Act 1998</b> (Children to whom Section 87 Applies: Appeals by Governing Bodies)</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Executive member for Children's Services after considering advice from the relevant Scrutiny Panel</p>
<p>7. Any function relating to contaminated land</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Director: Economy and Environment</p>
<p>8. The discharge of any function relating to the control of pollution or the management of air quality</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Director: Economy and Environment</p>
<p>9. The service of an abatement notice in respect of a statutory nuisance</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Director: Economy and Environment</p>
<p>10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Director: Economy and Environment</p>

11.The inspection of the authority's area to detect any statutory nuisance	The Executive	All members of the Executive	Director: Economy and Environment
12.The investigation of any complaint as to the existence of a statutory nuisance	The Executive	Members of the Executive	Director: Economy and Environment
13.The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	The Planning Committee	Members of the Council	Director: Economy and Environment
14.The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Executive	All Members of the Executive	All Directors
15.The making of agreements for the execution of highways works	The Executive	All members of the Executive	Director: Economy and Environment
16.The appointment of any individual  (a) to any office other than an office in which he is employed by the authority  (b) to any body other than (i) the authority (ii) a joint committee of two or more authorities, or	The Council <b>in relation to non-executive functions; the executive in relation to executive functions</b>	All members of the Council <b>in relation to non-executive functions; All members of the Executive in relation to executive functions</b>	Director: Governance and Communities

<p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment</p>			
<p>17. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities</p>	<p>The Executive</p>	<p>All members of the Executive</p>	
<p>18. Any function of a local authority in their capacity as a harbour authority (to the extent that those functions are not contained in a local Act)</p>	<p>The Executive</p>	<p>All members of the Executive</p>	
<p>19. Functions relating to the preparation, submission and modification of a Local Area Agreement (Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007)</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Leader of the Council</p>

## **C1.02 RESPONSIBILITY FOR COUNCIL FUNCTIONS**

The Council will appoint the following Committees, with membership, terms of reference and delegations as shown:-

### **APPEALS COMMITTEE - TERMS OF REFERENCE**

#### **APPEALS COMMITTEE - TERMS OF REFERENCE**

##### **Delegated**

To hear and make decisions in respect of **appeals in relation to:-**

- (a) grading and re-grading
- (b) grievances and dignity at work
- (c) disciplinary matters
- (d) dismissals on grounds of redundancy, capability or some other substantial reason
- (e) against actions short of dismissal imposed by the Investigation and Disciplinary Sub Committee **in relation to the Head of Paid Service, Chief Finance Officer or Monitoring Officer (Statutory Governance Officers)** and to consider whether to uphold the original decision, impose lesser sanctions than those already imposed, or remove all sanctions imposed.

##### **Membership**

3 members of the Council

##### **Delegations**

Authority is delegated to the Director: Governance and Communities in consultation with any three members of the Committee (including at least one member from the opposition group) to take decisions on procedural matters in respect of matters referred to the Committee prior to the meeting of the Committee. If the appeal concerns the Director: Governance and Communities and/or an employee within that service area this delegation shall be exercised by the Chief Executive, or the Deputy Chief Executive.



## LICENSING COMMITTEE - TERMS OF REFERENCE

### Advisory

- (a) To receive the outcome of consultations required to be carried out under section 5 of the Licensing Act 2003 and recommend to the council any revision to the local statement of licensing policy as a result of such consultation. The statement of licensing policy shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.
- (b) To recommend to council any revisions to the Statement of Principles: Gambling following required consultations in accordance with section 349 of the Gambling Act 2005. The statement shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.

### Delegated

- (a) To exercise the functions of the council as the licensing authority for the purposes and requirements of the Licensing Act 2003. To delegate these functions, where appropriate, to the Licensing Activities Sub-Committee or Director: Economy and Environment in accordance with the above legislation, and as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State (sections 3 to 10 of the above Act refers).
- (b) To promote the four licensing objectives as defined in section 4 of the Licensing Act 2003
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harmwhilst carrying out its functions and those delegated to the Licensing Activities Sub-Committee.
- (c) To comment on any draft guidance and respond to any consultation documents issued by the Secretary of State.
- (d) To exercise the functions of the Council as the licensing authority for the purposes and requirements of all other relevant legislation, including that relating to acupuncture and body piercing, animals and pet shops, betting, gaming and lotteries, hackney carriage and private hire vehicles (taxis), house to house and street collections, street trading consents, public entertainment, and sex establishments (Please note this list is not exhaustive). To delegate these functions to the Director: Economy and Environment (see Scheme of Delegations to Officers) or to the Licensing (Miscellaneous) Sub-Committee to determine the grant, renewal, variation, transfer or revocation of any licence, permit, consent, permission, registration, certificate or other like document under such legislation.

- (e) To set and review appropriate licensing conditions.
- (f) To set and amend fees and charges for licences, consents and other permissions, together with hackney carriage and private hire tariffs.
- (g) To set and review standard conditions attached to licences, consents and other permissions where applicable.
- (h) To set and review procedures for giving required notices and determining applications for licences, consents or other permissions at meetings of the Committee and its Sub-Committees.
- (ii) To determine the action to be taken as regards general relevant licensing issues including new/revised legislation, regulations, codes of practice or circulars. (This would include reviewing delegated powers to take account of any changes to legislation.)
- (j) To set the fees for gambling premises in accordance with paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.
- (k) To determine applications for small lotteries in accordance with paragraph 3.5 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.

### **Membership**

10 members of the Council

### **LICENSING (ACTIVITIES) SUB-COMMITTEE**

#### **Delegated**

- (a) To determine any application made under the Licensing Act 2003 as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State.
- (b) To consider any revocation or refusal of registration of applications for small lotteries.

### **Membership**

3 members of the Licensing Committee

## **LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

### **Delegated**

- (a) To determine any appropriate applications in accordance with other relevant legislation as set out in paragraph (d) of the Committee's Terms of Reference above.
- (b) To determine applications where the number of machines exceeds the number as stated in paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services submitted to the Licensing Committee on 6 April, 2006.

### **Membership**

5 members of the Committee

### **Delegations**

See Scheme of Delegations to Officers.

## PLANNING COMMITTEE - TERMS OF REFERENCE

### Advisory

- (a) Matters relating to the council's functions as Planning Authority under the Town & Country Planning Acts, and all other associated legislation relating to planning, development and building control including Structure and Local Plans.

### Delegated

- (a) To exercise the functions of the council as Local Planning Authority for the purposes of the control of development including the determination of applications for planning permission and other applications under the Town & Country Planning **legislation**, the Town & Country Planning General Development Orders, and any Orders or Regulations made thereunder and in accordance with the council's planning policies.
- (b) Matters relating to Listed Building Control.
- (c) To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the disposal of buildings) or materials for conservation purposes.
- (d) Matters relating to Building Conservation.
- (e) Matters relating to the designation of Conservation Areas.
- (f) Matters relating to the making of Tree Preservation Orders and Statutory Notices served under the Town & Country Planning legislation.
- (g) Matters relating to the planting, maintenance and felling of trees outside highway limits.
- (h) The council's powers and duties under the Hedgerows Regulations 1997
- (i) Matters relating to the reclamation of derelict land.
- (j) To deal with all matters relating to the making of Orders under Sections 45, 51, 51A and 51B of the Town & Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- (k) Enforcement, including the service of Statutory Notices and the authorisation of legal proceedings.

- (l) Matters relating to deposited plans under the Health & Safety at Work etc. Act, 1974, the Building Act 1984 and the Building Regulations 1991 (as amended), and any other subordinate legislation.
- (m) This Committee shall have no authority in relation to land transactions.
- (n) Functions relating to public rights of way (Paragraphs 1-34 of Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
- |        |   |  |
|--------|---|--|
| (i)    | Power to create footpath or bridleway by agreement.                                     | Section 25 of the Highways Act 1980                |
| (ii)   | Power to create footpaths and bridleways.   | Section 26 of the Highways Act 1980                |
| (iii)  | Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980               |
| (iv)   | Power to stop up footpaths and bridleways.  | Section 118 of the Highways Act 1980               |
| (v)    | Power to determine application for public path extinguishment order.                    | Section 118ZA and 118C(2) of the Highways Act 1980 |
| (vi)   | Power to make a rail crossing extinguishment order.                                     | Section 118A of the Highways Act 1980              |
| (vii)  | Power to make a special extinguishment order.   | Section 118B of the Highways Act 1980              |
| (viii) | Power to divert footpaths and bridleways.   | Section 119 of the Highways Act 1980               |
| (ix)   | Power to make a public path diversion order.  | Section 119ZA and 119C(4) of the Highways Act 1980 |
| (x)    | Power to make a rail crossing diversion order.  | Section 119A of the Highways Act 1980              |
| (xi)   | Power to make a special diversion order.  | Section 119B of the Highways Act 1980              |
| (xii)  | Power to require applicant for order to enter into agreement.                           | Section 119C(3) of the Highways Act 1980           |
| (xiii) | Power to make an SSSI diversion order.  | Section 119D of the Highways Act 1980              |

(xiv)	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980
(xv)	Power to decline to determine certain applications.	Section 121C of the Highways Act 1980
(xvi)	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980
(xvii)	Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980
(xviii)	Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(xix)	Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980
(xx)	Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980
(xxi)	Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980
(xxii)	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980
(xxiii)	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.
(xxiv)	Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981
(xxv)	Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981
(xxvi)	Duty to keep register of prescribed information with respect to applications under section 52(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981

- |          |   |   |
|----------|---|---|
| (xxvii)  | Power to prepare map and statement by way of consolidation of definitive map and statement.     | Section 57A of the Wildlife and Countryside Act 1981      |
| (xxviii) | Power to designate footpath as cycle track.   | Section 3 of the Cycle Tracks Act 1984.                   |
| (xxix)   | Power to extinguish public right of way over land acquired for clearance.                       | Section 294 of the Housing Act 1981                       |
| (xxx)    | Power to authorise stopping up or diversion of highway.   | Section 247 of the Town and Country Planning Act 1990     |
| (xxx1)   | Power to authorise stopping up or diversion of footpath, bridleway <b>or restricted byway</b> . | Section 257 of the Town and Country Planning Act 1990     |
| (xxxii)  | Power to extinguish public rights of way over land held for planning purposes.                  | Section 258 of the Town and Country Planning Act 1990.    |
| (xxxiii) | Powers to enter into agreements with respect to means of access.                                | Section 35 of the Countryside and Rights of Way Act 2000. |
| (xxxiv)  | Power to provide access in absence of agreement.  | Section 37 of the Countryside and Rights of Way Act 2000. |
- (o) To deal with all matters referred by the Director: Economy and Environment relating to the registration of common land and town/village greens and the exercise of protective powers under the Commons Registration Act 1965, the Commons Registration (New Land) Regulations and the Commons Act 2006 where applicable.
- (p) Matters relating to the creation, stopping up and diversion of highways.

## Membership

8 members of the Council

## **Delegations**

The following matters are delegated to officers as shown:-

- (a) Determination of applications for permission, approval or consent, requirements for assessment, issuing of notices and completion or modification of agreements or obligations under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compensation Act 1991 and the Environment Act 1995, or any subordinate rules, orders or regulations made under that legislation.
- (b) Determination of all matters required to be dealt with as part of the management and administration of the council's development control function and powers, including (but not exclusively):
  - Details submitted pursuant to conditions
  - Matters relating to protected trees
  - Consultation with other bodies on planning matters
  - Enforcement of planning control (see scheme of delegations to Director: Economy and Environment)
  - Appeals
  - Screening opinions under the 1999 Environmental Assessment Regulations.
- (c) Payment of historic building and conversion grants in response to applications fulfilling the relevant criteria, subject to finance being available within the current budget.

## **Exceptions to the Delegation Scheme**

- (a) Applications made by members of the council, senior officers (unit manager level and above), any officer responsible to the Director: Economy and Environment or the spouse or partner of any of the foregoing who resides at the same address, and/or applications relating to any land in which any of the foregoing have an interest.
- (b) Applications vetoed by any member of the council.
- (c) Approvals contrary to policy - i.e. departures and potentially justifiable exceptions.



- (d) Applications which have aroused significant public interest on valid planning grounds or an objection from a statutory consultee, at the discretion of the Director: Economy and Environment or **their** nominated representative.
- (e) Applications subject to a parish council objection on valid planning grounds where the recommendation is to grant permission or applications specifically supported by the parish council where the recommendation is to refuse.
- (f) Applications subject to a request from a member of the public that the matter be referred to the Planning Committee so that they may address the committee.
- (g) Confirmation of tree preservation or other orders or directions which are the subject of an objection.

## STANDARDS COMMITTEE - TERMS OF REFERENCE

### Advisory

- (a) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.

### Delegated

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined under section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Assessment Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have breached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.

- (j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

### **Membership**

5 members of the Council  
1 Co-opted non-voting member

All members, save for the 1 co-opted member, are voting members of the committee.

### **Delegations**

See Scheme of Delegations to Officers

## AUDIT COMMITTEE - TERMS OF REFERENCE

### Delegated

#### **Internal and External Audit**

- (a) To approve the audit charter and annual audit plan
- (b) To consider the head of internal audit's annual report and opinion, including -
  - a summary of internal audit activity (actual and proposed);
  - the level of assurance it can give over the Council's control framework; and
  - the performance and effectiveness of internal audit (including compliance with Public Sector Internal Audit Standards, results of the Quality Assurance and Improvement Programme, and relevant external inspections).
- (c) To consider significant issues arising from internal audit reviews carried out and high risk agreed actions not implemented within a reasonable timescale.
- (d) To consider the external auditor's annual letter, relevant reports, and the auditors ISA 260 report on the conclusion of the accounts
- (e) To consider specific reports as agreed with the external auditor.
- (f) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (g) To be kept informed over the appointment of the Council's external auditor by Public Sector Appointments Limited (PSAA).
- (h) To provide the Audit Committee the opportunity to meet in private with Internal / External Audit without any other officers present at the end of each meeting, if required.
- (i) 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 (if applicable).

#### **Regulatory Framework**

- (a) To maintain an overview of the Council's constitution and governance arrangements in respect of contract procedure rules, financial regulations and the shared services programme with North East Lincolnshire Council.
- (b) Consider the effectiveness of the authority's risk management arrangements. Review the risk profile of the organisation and assurances that action is being

taken on risk-related issues, including partnerships with other organisations. This includes:

- Receiving an annual report from the Director of Governance and Communities on the effectiveness of the Council's risk management arrangements (and periodic updates where applicable).
  - Approval of the risk management strategy
- (c) To consider the effectiveness of the Council's anti-fraud and corruption arrangements. This includes:
- Receiving an annual report of the outcome of the Council's anti-fraud and corruption activities (and periodic updates where applicable)
  - Approval of the anti-fraud and corruption strategy and supporting policies such as the whistle-blower's charter **and to receive an annual report on whistleblowing activity within the Council.**
- (d) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (e) To review **and approve** the Annual Governance Statement 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.
- (f) To consider the Council's arrangements for corporate governance and agreeing necessary action to ensure compliance with CIPFA / SOLACE governance framework and approval of the Code of Corporate Governance.
- (g) To consider the Council's compliance with its own and other published standards and controls.
- (h) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (i) Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.
- (j) To review the governance and assurance arrangements for significant partnerships or collaboration.
- (k) 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 in meeting its purpose.

## **Financial Reporting**

- (a) To approve the accounting policies to be used to prepare the accounts.
- (b) To review and/or approve the annual statement of accounts. Specifically, to consider whether the approved 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.
- (c) To consider the auditors ISA 260 report on the conclusion of the accounts.

## **Membership**

5 members of the Council

## **Delegations**

See Scheme of Delegations to Officers

## **HEALTH AND WELLBEING BOARD – TERMS OF REFERENCE**

- (a) To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- (b) To encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Service Health Act 2006 (i.e., lead commissioning, poor budgets and/or integrated provision) in connection with the provision of health and social care services.
- (c) To encourage close working between commissioners of health-related services and the board itself.
- (d) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- (e) To consider other health related functions which are linked to the functions detailed above and to the overall objective of improving the health and wellbeing of the citizens of North Lincolnshire.

### **Membership**

1 Voting member of the Council

2 Non-Voting Members of the Council

(Statutory officers/organisations or their representatives)

### **Delegations**

See Scheme of Delegations to Officers

## APPOINTMENT AND EMPLOYMENT COMMITTEE – TERMS OF REFERENCE

### Delegated

- (a) To consider the appointment of the Chief Officers and the Monitoring Officer, as defined in the Constitution and in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001, as amended.
- (b) To convene an Investigatory and Disciplinary Sub-Committee to consider allegations concerning the Head of Paid Service, Chief Finance Officer or Monitoring Officer (the Statutory Governance Officers).
- (c) To consider the dismissal and suspension of the Statutory Governance Officers as defined above, any suspension to be reviewed at a frequency determined by the Committee.
- (d) Where dismissal of a Statutory Governance Officer is recommended following a hearing by the Investigation and Disciplinary Committee, to appoint an Independent Panel to consider proposals and offer recommendations to Council on the dismissal of the Statutory Governance Officer, such Independent Panel to comprise of **at least** two independent persons who have been appointed under section 28(7) Localism Act 2011.

### MEMBERSHIP

5 members of the Council with one place reserved for a member of the Executive.

### INVESTIGATORY AND DISCIPLINARY SUB-COMMITTEE

#### Delegated

- (a) To consider allegations against the Head of Paid Service, Chief Finance Officer or Monitoring Officer (the Statutory Governance Officers) in accordance with Local Authorities (Standing Orders) (England) Regulations 2001, as amended.
- (b) To determine whether an allegation against a Statutory Governance Officer can be dealt with through informal resolution, or whether such allegation requires further investigation or other appropriate action through some other procedure.
- (c) To give informal, unrecorded warnings in situations where it is decided no formal action is required.



- (d) To appoint an Independent Investigator (II) to investigate any disciplinary matter concerning the Statutory Governance Officers, and commission report(s) from the II.
- (e) To hear allegations, consider the **report and** recommendations from the II, consider the views of the Statutory Governance Officer, and determine what action (s) **(if any)** short of dismissal should be imposed **or to make a recommendation for dismissal to full Council.**
- (f) To make recommendations regarding the suspension of a Statutory Governance Officer

## **MEMBERSHIP**

3 Members of the Appointment and Employment Committee

# HUMBER AND NORTH YORKSHIRE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE.

## 1. Terms of Reference

- 1.1 The Humber and North Yorkshire Joint Health Overview and Scrutiny Committee (the JHOSC) is a joint committee appointed under Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218.

The participating authorities are:

- City of York Council
- East Riding of Yorkshire Council
- Hull City Council
- North East Lincolnshire Council
- North Lincolnshire Council
- North Yorkshire Council

The participating authorities authorise the JHOSC to discharge the overview and scrutiny functions related to engagement and statutory consultations on substantial developments or variations to local health, or integrated health and care services.

In rare circumstances, the JHOSC can also undertake other relevant scrutiny work as deemed appropriate.

- 1.2 The JHOSC will comprise three members of each of the above local authorities, nominated by each council on a politically proportionate basis.
- 1.3 The JHOSC will have two standing sub-committees:
- The North Yorkshire and York Scrutiny Sub-Committee (6 members)
  - The Humber Scrutiny Sub-Committee (12 members)

Each Sub-Committee will comprise the members of the relevant Humber and North Yorkshire JHOSC. The sub-committees do not have decision-making powers and will report up to the JHOSC, who retain the responsibility to respond to statutory consultations by the ICS.

- 1.4 The JHOSC may appoint working groups on a particular footprint if thought appropriate. They will also report up to the JHOSC.
- 1.5 The JHOSC may co-opt members from other local authorities on a non-voting basis, if thought appropriate. This is limited to one member per authority. The JHOSC may also co-opt other non-voting individuals, or appoint advisors, arrange discussions with interested parties etc. as deemed necessary.
- 1.6 The JHOSC will be hosted on a rotational basis to be agreed by members. The host authority will provide the Chair, venue, administrative support etc. All meetings will comply with the relevant constitutional arrangements and

practices of the host. Sub-Committees will also act in accordance with these arrangements.

- 1.7 Members will be expected to comply with usual standards of behaviours, as set out in their authority's Code of Conduct and the Nolan Principles.
- 1.8 The JHOSC will operate in accordance with usual scrutiny practices, requesting information and arranging interviews with key figures from the ICS (including the Integrated Care Board and the Integrated care Partnership), Place Based Partnerships, providers, and other interested parties. The JHOSC is likely to consider the following issues when substantial developments and variations are proposed:
  - Access for patients and their families/carers,
  - The views of the public, patients, and their families/carers,
  - The impact of the proposals for patients and their families/carers,
  - The impact of the proposals on the local health economy,
  - The effect on each area's economy, health, and wellbeing,
  - Alignment with each area's Joint Health and Wellbeing Strategy, the Joint Forward Plan, the Integrated Care Strategy and any other document as deemed appropriate.