

## Introduction

The following details are set out in this part of the Constitution:

- Summary of Committees appointed by the Council.
- Detailed Terms of Reference for each Committee.
- Diagram of the Council's political management arrangements.
- Scheme of Delegation to Officers.

The Council may alter the Terms of Reference or composition of any Committee from time to time or appoint any individual Committees as appropriate.

Subject to the provisions of the Constitution, and any legal requirements, any function of a Committee may be delegated to any Committee or Officer (but not to a single Councillor).

## Summary of Council and Committee Functions

NAME	MEMBERSHIP	FUNCTIONS
Council	All Councillors	<ul style="list-style-type: none"><li>➤ adopting and changing the Constitution;</li><li>➤ approving and adopting the Policy Framework and the Budget (including setting the annual budget and level of Council Tax). <i>[Policy framework and Budget have the meanings set out at clause 4.3 of Article 4];</i></li><li>➤ agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them;</li><li>➤ receiving annual reports from the Audit and Governance and Overview and Scrutiny Committees;</li><li>➤ considering recommendations from the Executive Committee in respect of new policy initiatives;</li><li>➤ overseeing and/or amending the Work Programme proposed by the Overview and Scrutiny Committee including deciding upon any Service Review priorities;</li><li>➤ determining matters which have been called in by the Overview and Scrutiny Committee and where the recommendation of the Overview and Scrutiny Committee is not accepted by the Executive Committee;</li><li>➤ considering recommendations from the Overview and Scrutiny Committee on the outcome of scrutiny reviews that are not covered by the Terms of Reference of the Executive Committee;</li></ul>

- considering recommendations from the Standards Committee including adopting the Members' Code of Conduct and any Local Protocols;
- considering Motions submitted by Councillors;
- considering any proposed changes to the boundaries of the Borough or its electoral arrangements;
- To make any changes to the boundaries/electoral arrangements (including size and name) of Parishes within the Borough following the conduct of a Community Governance Review;
- adopting a Scheme of Members' Allowances;
- changing the name of the Borough;
- determining any delegation to Officers which does not fall within the remit of any Committee;
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- electing the Leader of the Council and Deputy Leader of the Council annually;
- electing the Mayor and appointing the Deputy Mayor annually;
- appointing Independent Persons as non-voting members of the Standards Committee together with the Parish representative as appropriate;
- appointing Councillors to be representatives of the Council on outside bodies unless the appointment has been delegated by the Council, in line with the Protocol at Part 5 of this Constitution;
- conferring the title of Honorary Alderman/Freeman;
- appointing or dismissing the following officers:
  - Head of Paid Service.
  - Chief Finance Officer (Section 151 Officer).
  - Monitoring Officer.
- approving the appointment of Officers with a salary package of £100,000 or above;
- approving the severance package for any member of staff where that package totals £100,000 or above;

		<ul style="list-style-type: none"> <li>➤ facilitating opportunities for voicing the concerns of the local community and adopting a community leadership role, promoting the “social, economic and environmental well-being” of the area;</li> <li>➤ all other matters that by Law must be reserved to the Council; and</li> <li>➤ the consideration of reports: <ul style="list-style-type: none"> <li>(i) by the Head of Paid Service (Section 4 of the Local Government and Housing Act 1989) regarding proposals for the discharge of the Council’s functions and staffing and management of the Council’s staff;</li> <li>(ii) by the Monitoring Officer (Section 5 of the Local Government and Housing Act 1989) regarding any contravention, maladministration or injustice by the Council;</li> <li>(iii) by the Chief Finance Officer (Section 114 of the Local Government Finance Act 1988) regarding the making of a report in circumstances where it appears to him or her that the Council, a Committee of the authority, a person holding any Office or employment under the authority or a Joint Committee on which the authority is represented has made, or is about to make, a decision which involves, or would involve, the authority incurring expenditure which is unlawful, or has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council, or is about to enter an item of account the entry of which is unlawful; and</li> <li>(iv) to adopt or ‘make’ a Neighbourhood Development Plan following a successful referendum.</li> </ul> </li> </ul> <p>(see also Article 4 of the Constitution)</p>
Executive Committee	Leader of Council, Deputy Leader of the Council and 9 other Councillors	<ul style="list-style-type: none"> <li>➤ determining all matters not reserved to Council or delegated to another Committee; and</li> <li>➤ making recommendations to Council in relation to any matters outside its Terms of Reference.</li> </ul>

Overview and Scrutiny Committee	15 Councillors (must not be members of the Executive Committee)	<ul style="list-style-type: none"> <li>➤ overseeing and co-ordinating scrutiny and review process including decisions taken by Executive Committee;</li> <li>➤ reviewing Council policies; and</li> <li>➤ considering any other matter affecting the Borough or its inhabitants.</li> </ul>
Audit and Governance Committee	9 Councillors	<ul style="list-style-type: none"> <li>➤ overseeing the work of the Council's external and internal auditors and providing assurance on the adequacy of the Council's governance, risk management and internal control environment.</li> </ul>
Planning Committee	19 Councillors	<ul style="list-style-type: none"> <li>➤ exercising all powers and duties of the Council (except for those delegated to Officers) on the following matters: <ul style="list-style-type: none"> <li>(i) Development management control and appeals.</li> <li>(ii) Enforcement of planning control.</li> <li>(iii) Applications for Listed Building and consent.</li> <li>(iv) Tree Preservation Orders.</li> <li>(v) Hedgerow Regulations.</li> <li>(vi) Control of advertisements.</li> <li>(vii) Footpath Orders;</li> </ul> </li> <li>➤ exercising all powers and duties of the Council on all matters relating to building regulation control;</li> <li>➤ making representations/objections to applications for Heavy Goods Operators Licences in accordance with appropriate legislation; and</li> <li>➤ commenting on development related applications submitted by and to other local authorities upon which the Council is invited to comment.</li> </ul>

Licensing Committee	15 Councillors	<ul style="list-style-type: none"> <li>➤ exercising all matters relating to the administration of licences which are determinable by the Council, including the delegation of functional responsibility to individual officers for determination of any application for consents, licences, certificates, permits, registration or the like;</li> <li>➤ reviewing and approving licensing policies and procedures not reserved to Council or delegated to another Committee; and</li> <li>➤ appointing Sub-Committee(s) to discharge the following licensing functions: <ul style="list-style-type: none"> <li>- Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) – To consider and determine applications, appeals and objections in respect of taxi driver and vehicle licencing and street trading that are not otherwise delegated to Officers.</li> <li>- Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) – To consider and determine licensing applications and appeals under the Licensing Act 2003 and Gambling Act 2005 that are not otherwise delegated to Officers.</li> <li>- Licensing Sub-Committee (Scrap Metal Dealers Act 2013) – To determine applications, variations and revocation of licences under the Scrap Metal Dealers Act 2013.</li> </ul> </li> </ul>
Standards Committee	7 Members of the Council 2 Independent Persons (non-voting) A Parish Council Representative (non-voting)	<ul style="list-style-type: none"> <li>➤ promoting and maintaining high standards of conduct and assisting Members and Co-opted Members to observe the Code of Conduct, and to: <ul style="list-style-type: none"> <li>• advise the Council on the adoption or revision of the Code;</li> <li>• monitor the operation of the Code; and</li> <li>• provide advice and training;</li> </ul> </li> <li>➤ promoting and maintaining high standards of conduct in Town/Parish Councils and assisting Town/Parish Councils to observe the Code of Conduct;</li> <li>➤ advising Town/Parish Councils on the adoption or revision of Codes of Conduct;</li> <li>➤ monitoring the operation of their Codes; and</li> </ul>

		<ul style="list-style-type: none"> <li>➤ providing advice and training to Town/Parish Councillors;</li> <li>➤ determining applications for dispensations which have been made by Members of the Borough Council on the following grounds: <ul style="list-style-type: none"> <li>• where it is considered that the dispensation is in the interests of persons living in the authority's area;</li> <li>• where it is considered that it would be otherwise appropriate to grant a dispensation; and</li> <li>• where the Monitoring Officer has exercised her right, under the powers delegated to her, to refer the matter to Committee for determination;</li> </ul> </li> <li>➤ preparing, monitoring and reviewing Codes and Protocols to support the Code of Conduct and recommending them to Council accordingly;</li> <li>➤ considering reports from the Monitoring Officer on the number of complaints received under the Code of Members' Conduct and the decisions taken by the Monitoring Officer in consultation with the Independent Person(s) on such complaints;</li> <li>➤ considering and determining the appropriate action on matters referred by the Monitoring Officer in relation to the assessment of complaints where the Monitoring Officer has been unable to exercise her delegated powers;</li> <li>➤ receiving summary reports from the Monitoring Officer: <ul style="list-style-type: none"> <li>• on complaints that have been investigated where 'no breach' of the Code has been found to have occurred; and</li> <li>• on complaints where a 'breach' of the Code has been found but where it has been possible for a local resolution to be agreed; and</li> </ul> </li> <li>➤ adopting procedures for the hearing of cases of a 'breach of the Code' finding upon investigation to be undertaken by the Hearings Sub-Committee.</li> </ul> <p>(see Article 8 of the Constitution)</p>
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<p>Hearings Sub-Committee</p>	<p>Three Members drawn from the voting Membership of the Standards Committee – the Independent Person(s) must be consulted before a decision is made on an investigated allegation.</p>	<ul style="list-style-type: none"> <li>➤ hearing cases, including that of Town/Parish Council Members and Co-opted Members, of alleged breaches of the Member Code of Conduct following a report of the Investigating Officer;</li> <li>➤ in respect of Members of the Borough Council, where it has been determined that a Member has failed to comply with the authority’s Code of Conduct, imposing one or more of the following, if appropriate: <ul style="list-style-type: none"> <li>• censure;</li> <li>• reporting findings to Council;</li> <li>• recommending to the Member’s Group Leader that the Member be removed from a Committee (in respect of non-aligned Members this would need to be recommended to Council);</li> <li>• removing the Member from an Outside Body appointment;</li> <li>• withdrawing facilities provided to the Member by the Council e.g. email/website/internet access;</li> <li>• excluding the Member from all or part of the premises of the Council (with the exception of meeting rooms); and</li> <li>• requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology;</li> </ul> </li> <li>➤ in respect of the Members of Town/Parish Councils, within the area of Tewkesbury Borough Council, where it has been determined that a Member / Co-opted Member has failed to comply with the authority’s Code of Conduct, imposing one or more of the following, if appropriate: <ul style="list-style-type: none"> <li>▪ censure;</li> <li>▪ reporting the findings to the Town/Parish Council;</li> <li>▪ recommending that the Town/Parish Council: <ul style="list-style-type: none"> <li>○ remove the Member from any Outside Bodies to which they have been appointed;</li> <li>○ withdraw facilities provided by the Council to</li> </ul> </li> </ul> </li> </ul>
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		<p>the Member;</p> <ul style="list-style-type: none"> <li>○ exclude the Member from the Council premises (except meeting rooms); and</li> <li>● requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.</li> </ul>
Employee Appointments/Disciplinary Committee	5 Members of the Council (Must not be Members of the Employee Appeals Committee)	<ul style="list-style-type: none"> <li>➤ shortlisting, interviewing and recommending to the Council candidates for Chief Executive (Head of Paid Service) and Chief Officers; and</li> <li>➤ dealing with the disciplinary arrangements in respect of Statutory Officers and Chief Officers.</li> </ul>
Employee Appeals Committee	5 Members from a standing panel of 8 Members in total (Must not be Members of the Employee Appointments/Disciplinary Committee)	<ul style="list-style-type: none"> <li>➤ hearing and determining employee appeals within the Council's procedures in relation to the following: <ul style="list-style-type: none"> <li>(i) Disciplinary matters.</li> <li>(ii) Grading matters.</li> <li>(iii) Grievances.</li> </ul> </li> </ul>
The Horsford Trust Management Committee	The Members of the Council representing the Tewkesbury Wards	<ul style="list-style-type: none"> <li>➤ managing the properties belonging to the Trust in accordance with the Scheme prepared by the Charity Commission, including conditions of occupancy, formulation of policy for allocating properties, letting, authorisation of eviction proceedings, repair and maintenance and welfare of residents including liaison with the Social Services Department of the County Council;</li> <li>➤ reviewing the contributions paid by residents as required from time to time; and</li> <li>➤ preparing an annual budget and a programme of maintenance works and repairs and submitting copy accounts to the Charity Commission as and when required.</li> </ul>