

Part Three, Section C

Terms of Reference:

Full Council & Non-Executive Bodies

SECTION 1 - THE COUNCIL

THE COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in Article 4, above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (m) Adopting and amending the Members' Allowances Scheme;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Cabinet;
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
- (y) All other matters that, by law, must be reserved to Council.

SECTION 2 - COMMITTEES

The following shall be committees of the Council and they shall have the membership as described in the Appointments of Committees, Sub-Committees, Panels, etc (as approved by the Annual Meeting):

1. The Corporate Committee
2. Overview and Scrutiny Committee
3. Standards Committee
4. Alexandra Palace and Park Board
5. The Regulatory Committee

The Terms of Reference of each Committee shall be as set out on the following pages:

1. The Corporate Committee

The Corporate Committee has: -

- (a) all the functions listed below in (b) and stated not to be the responsibility of the Council's Executive/Cabinet in Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853 (as amended or further amended in any statute or subordinate legislation). References to paragraphs below are to those in the appropriate Schedule of the Regulations.
- (b) the following Schedule 1 functions:

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (i) Paragraph C - Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.
- (ii) Paragraph D - Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.
- (iii) Paragraph H - Pensions; Determining the Council's policies as "Employing Authority" and determining the terms of release of Chief and Deputy Chief Officers aged 55 or over and made redundant or retired early with a claim on the pension scheme. Exercising all the Council's functions as "Administering Authority" and being responsible for the management and monitoring of the Council's Pension Fund and the approval of all relevant policies and statements. This includes:
 - (A) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;
 - (B) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles;
 - (C) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and

Note: Whenever the Corporate Committee considers a report on a Pensions matter, the Chair will make a short announcement at the beginning or at other appropriate stage(s) in the meeting indicating whether the Committee is operating in its capacity as "Employing Authority" or as "Administering Authority". When the Committee is operating in its capacity as "Administering Authority" Members must have regard to their duty as quasi-trustees to act in the best interests of the Pension Fund above all other considerations. When the Committee meets in this capacity its membership shall include as non-voting members one representative of each of these groups: (i) current pensioners, (ii) deferred members of the scheme, and (iii) other admitted bodies.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (iv) Paragraph I - Miscellaneous; all functions except those retained by full Council in Article 4. The Committee's functions include:
 - (A) all functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee;
 - (B) making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;
 - (C) formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Overview and Scrutiny Committee and in consultation with the Cabinet Member for Finance. Receiving quarterly monitoring reports and an out-turn report after the close of the year on treasury management policies and practices;
 - (D) approving statements under The Accounts and Audit Regulations 2003 and any amendment or re-enactment of the Regulations and considering the external auditor's report on issues arising from the audit of the accounts or any other concerns relating to accounting policies;
 - (E) determining the terms and conditions of service of those staff below Senior Management grades, including procedures for dismissal. The Committee's functions include monitoring the operation and effectiveness of the scheme for the performance appraisal and remuneration of the Council's senior managers and chief officers. The Committee agrees the terms and conditions of employment, the pay structure and the remuneration for these senior posts;
 - (F) authorising the making of payments or the provision of other benefits in cases of maladministration;
 - (G) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.
 - (H) taking decisions relating to changes to the establishment which are not covered by the Officer Scheme of Delegation.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (c) the following “Local Choice” functions set out in Schedule 2 of the above Regulations: -
- (i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;
 - (ii) the determination of an appeal against any decision made by or on behalf of the authority;
 - (iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council’s area (consent to the operation of loudspeakers).
- (d) the Committee has the following Audit functions:
- (i) providing assurance about the adequacy of the Council’s Risk Management Framework and Policy and monitoring the effectiveness of systems for the management of risk across the Council and compliance with them;
 - (ii) Maintaining an overview of the Council’s Local Code of Corporate Governance;
 - (iii) Monitoring the effectiveness of Council policies on “Whistleblowing” and Anti-Fraud and Corruption;
 - (iv) Considering and recommending for adoption the Council’s Annual Governance Statement;
 - (v) Approving the Annual Internal Audit Plan and the Strategic Audit Plan and arrangements for the provision of internal audit services to the Council and considering reports on internal audit activity;
 - (vi) Receiving the Annual Audit Plan and the Annual Audit Letter from the external auditor and making recommendations on the latter. Considering arrangements for the appointment of the external auditor;
 - (vii) Commissioning work from the internal and external auditors and receiving reports from the Head of Audit & Risk Management on any matter; and
 - (viii) Questioning officers and Cabinet Members on matters relevant

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

to audit and to financial and non-financial performance and making recommendations on these matters to Cabinet and full Council.

- (ix) The Head of Audit's Annual Report
- (e) the power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.
- (f) there is a Protocol outside this Constitution setting out how the Corporate Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

2. Overview and Scrutiny Committee

The membership of the Overview and Scrutiny Committee shall, as far as is practicable, comprise Members who are Chairs of Area Committees and, if necessary, other Members in order to comply with the political balance rules. As described in the Overview and Scrutiny Procedure Rules in Part 4 Section G, Education representatives have a right to vote where the Committee or a Panel is considering matters that relate to education functions.

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

area or its inhabitants;

- (e) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its Panels;
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service and all NHS funded services within the Authority's area and to make reports and recommendations thereon to local NHS and NHS funded bodies;
- (h) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (i) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities;
- (j) make arrangements which enable any Councillor who is not a Committee Member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure; and
- (k) make arrangements which enable any Councillor who is not a Committee Member to refer to the Committee any local government matter which is relevant to the functions of the Committee under the Councillor Call for Action procedure.
- (l) there is a Protocol outside this Constitution setting out how the Overview and Scrutiny Committee is to operate. The Protocol shall be applied in a manner consistent with the Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

3. Standards Committee

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

Councillors, co-opted members and representatives of religious organisations and parent governor representatives;

- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards related issues;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (m) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (n) Advising the Council on the appointment of independent members and taking steps to select them.

4. Alexandra Palace and Park Board

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985 and, without prejudice to the generality of this, these functions include:

- (a) The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.
- (b) Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.
- (c) In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.

5. The Regulatory Committee

The Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

Membership

The Regulatory Committee must have between 10 and 15 Members in order to comply with the legislation as statutory Licensing

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

Committee.

Protocol

There is a Protocol outside this Constitution setting out how the Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

(1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:

- (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
- (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
- (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
- (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Committee who are re-elected as Councillors shall meet as the Committee (subject to there being a quorum of 3 Members) in order to exercise any of the functions of

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
 - (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees;
 - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
 - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
 - (d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;
 - (e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
 - (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid,

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting

1. Under the Corporate Committee

1.1 Disciplinary Appeals Panel

To confirm, reduce or increase the penalty imposed by previous internal disciplinary hearings.

1.2 Grievance Panel

To determine grievances lodged by employees of the Council in relation to their terms and conditions of service, in accordance with the approved procedures.

1.3 Job Evaluation Appeals Panel

To determine job evaluation appeals lodged by employees of the Council in accordance with the approved procedures.

1.4 Haringey Council and Employees Joint Consultative Sub-Committee

(a) To negotiate on matters relating to the service between the Council and the officers or between officers with a view to the prevention of differences and to their better adjustment when they appear, and to make appropriate recommendations to the Corporate Committee.

(b) To secure the largest possible measure of joint action between

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein.

- (c) To make provision for members of the Cabinet to meet with Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Soulbury paid officers.

2. Under Overview and Scrutiny Committee

2.1 Scrutiny Review Panels

- (a) To carry out scrutiny processes relevant to particular services/topics as determined by Overview and Scrutiny Committee and within the parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all Scrutiny Review Panels.
- (b) Within these scrutiny processes to request and receive submissions, information and answers to questions from Cabinet Members, officers and other senior employees of the Council, service users, external experts and relevant members of the public.
- (c) To refer the findings/recommendations in the form of a written report, within the agreed time-scale and with the approval of the Overview and Scrutiny Committee, to The Cabinet and/or the Council as appropriate.

3. Under Standards Committee

The following rules will apply to all three types of Sub-Committee listed below. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor. So far as practicable, and having regard to relevant Regulations and Guidance, every Sub-Committee will include two Councillors, each from a different party group.

3.1 Assessment Sub-Committees

Between three and five members of the Committee.

To make initial assessments of written allegations to the Committee of failure to comply with the Code of Conduct. The Sub-Committees

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

will follow procedures agreed by the Committee.

3.2 Review Sub-Committees

Between three and five members of the Committee. Not to include any member of the Assessment Sub-Committee for the same allegation.

To review, when requested, any decision of an Assessment Sub-Committee to take no action on an allegation. The Sub-Committees will follow procedures agreed by the Committee.

3.3 Hearing Sub-Committees

Five members of the Committee.

To hear complaints against Councillors and co-opted members made to the Council or referred back from the Standards Board for England. The Sub-Committees will follow procedures agreed by the Committee.

4. Under The Regulatory Committee

4.1 Licensing Sub-Committees

Introduction

The Licensing Sub-Committees have functions either (1) as Sub-Committees of the Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committees of the Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of each Sub-Committee is nominated by the Annual Council but formally appointed by the Regulatory Committee each year. In the event that an appointed Member or Members of a Sub-Committee is unable or unwilling to take part in a hearing for any

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

reason a Special Licensing Sub-Committee may be appointed from among the Members of The Regulatory Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

(1) General Provisions Relating to the Statutory Licensing Sub-Committees

(a) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Regulatory Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences;
- (e) To decide on any other matter where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;

- (x) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
- a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. 1. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

4.2 Planning Sub-Committee

- (a) The Sub-Committee has all the functions which are set out in (b) and (c) below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1);

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (b) paragraph A - Town Planning (all functions), including determination of applications for planning permission, conservation area consent, listed building consent and advertisements consent, entering into planning agreements and enforcement of planning and listed building controls;
- (c) paragraph I - Miscellaneous Functions;
 - (A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and
 - (B) the preservation of trees;
- (d) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.

SECTION 4 - ALEXANDRA PALACE AND PARK

Arising from the Council's role as trustee of Alexandra Palace and Park the following additional bodies shall be established. Membership of the additional bodies is as described in the Appointments of Non Executive Committees, Sub-Committees, as approved by the Annual Meeting. The Terms of Reference of the additional bodies shall be as follows:

1. Alexandra Palace and Park Panel

To consider and take decisions upon urgent matters arising between ordinary meetings of the Alexandra Palace and Park Board. The Panel is composed of four Members, selected with reference to political balance.

2. Alexandra Palace and Park Consultative Committee

Alexandra Palace and Park Consultative Committee 7 Members and up to 30 community representatives.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (a) To give representatives of appropriate local and national organisations the opportunity of full discussion with Members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.
- (b) To give Members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
- (c) To promote better understanding between Members of the Alexandra Palace and Park Board, the Palace Management and local organisations.
- (d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.
- (e) To promote the best interests of the Alexandra Palace and Park as a conservation area.

3. Alexandra Palace and Park Consultative Forum

Alexandra Palace and Park Consultative Forum 4 Members plus 4 Trade Union representatives

- (a) To be a forum for consultation and negotiation between the Alexandra Palace and Park Board and its employees, on issues in relation to Conditions of Employment.
- (b) To consider issues referred directly by Management or by the Trade Unions in consultation with the Employer's Side Secretary.
- (c) To provide a means whereby the Alexandra Palace and Park Board can consult Union representatives on policies and strategies and provide an arena for discussion of matters of mutual interest.
- (d) To provide a means of effective communication, in order to prevent or eliminate friction and misunderstanding.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

The Consultative Forum may not consider any matter concerning an individual employee, nor any issues that fall within the scope of other existing procedures, e.g. dismissal appeals, individual grievances and individual salary issues; such matters may only be raised as a matter of principle/policy.

Note:

The Alexandra Palace and Park Board also receives advice from the Alexandra Park and Palace Statutory Advisory Committee, an external body established under the terms of the Alexandra Park and Palace Act 1985. Its functions, as laid down by the Act are as follows: -

The powers and duties of the Advisory Committee shall be to promote the objects of the charity and assist the Trustees in fulfilling the trusts by considering and advising the Trustees on the following matters.-

- (a) the general policy relating to the activities and events arranged or permitted in the Park and Palace;
- (b) the effects of such activities and events upon the local inhabitants and local environment;
- (c) the frequency of activities and events attracting more than 10,000 people at any one time and maximum number to be permitted on such occasions;
- (d) the adequacy of car parking arrangements within the Park and Palace so as to avoid overflow into adjoining residential streets;
- (e) any proposals which require planning permission;
- (f) the establishment and maintenance of the Park as a Metropolitan Park;
- (g) the furtherance of recreation and leisure in the Alexandra Park and Palace.

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

SECTION 5 - AREA COMMITTEES

There is a Protocol outside this Constitution setting out how Area Committees are to operate. This Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

The Borough has 7 Area Committees comprising all Ward Councillors from the Wards represented.

The Chair of each Area Committee shall be a Councillor from among the Ward Councillors serving each Area, excluding the Mayor or any Cabinet Member, and these appointments shall be ratified each year at the Annual Council meeting.

The Access to Information Procedure Rules in Part 4 of this Constitution apply to Area Committees. The Committee Procedure Rules in Part 4 apply to Area Committees except where this would be inconsistent with the Protocol mentioned above.

Area Committees are intended to have formal decision-making and advisory roles. Area Committees shall have the following functions:

- (a) Developing and making an Area Committee Plan at the commencement of each municipal year setting out the priorities for the Area over the coming year;
- (b) Developing and encouraging partnerships with local residents' associations, voluntary and community bodies and other stakeholder groups in the Area to consider matters of mutual interest;
- (c) Proposing variations to standard service delivery and to specifications for procurement within the remit of the Directorate of Place and Sustainability in order to reflect local needs and aspirations subject to these variations being consistent with agreed budgets and legally possible;
- (d) To monitor and make proposals for improvements to the physical environment and street scene of neighbourhoods and to consider the impact at a neighbourhood level of strategic policies to develop services;
- (e) Being consulted, and making recommendations to the Cabinet,

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

about potential items for inclusion in the Local Implementation Plan, indicating priorities as between schemes which meet the Borough-wide criteria and making recommendations on the detailed design of such schemes;

- (f) Being consulted, and making recommendations to the Borough Commander, about local police priorities for promoting Community Safety;
- (g) Making recommendations to the full Council on the introduction of by-laws to have effect in the Wards covered by the Area Committee. Wherever possible proposed by-laws should be consistent with the model by-laws on that matter issued by central government;
- (h) Being consulted informally about applications under the Licensing Act 2003 and the Gambling Act 2005. Only Ward Councillors (and local residents and businesses) will be “interested parties” with a right to make relevant representations under these Acts but the Area Committee can make its views known informally to Ward Councillors;
- (i) Being consulted and making representations about (i) applications under other non-executive licensing and regulatory legislation, (ii) planning applications, and (iii) proposed changes to parking controls and traffic calming measures;
- (j) Exercising the powers of the Local Planning Authority to adopt, revise and revoke Local Development Orders under section 61A of the Town and Country Planning Act 1990 and overseeing all procedural steps including local consultation;
- (k) Making arrangements to hold a pre-planning application presentation at a normal Area Committee meeting, on schemes that have formally entered the Council’s Pre-Planning Application Advice Service;
- (l) Monitoring and making recommendations to develop the system of Area Based Working for service delivery;
- (m) Undertaking Area Studies about issues of concern to local residents;

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

- (n) Considering recommendations and concerns raised during the public forum element of the meeting;
- (o) Considering and taking action in any way relating to, or connected with, the above matters and recommending amendments to the Protocol on Area Committees.

Area Committee meetings shall commence with an open public forum, intended to act as a consultative discussion for local people and their Ward Councillors on all issues affecting, or relevant to, the Council and service delivery.

Area Committees and Urgency

Where there is a need for urgent decisions, or representations in response to consultation, to be made between scheduled meetings of an Area Committee the Chair shall be responsible for taking those actions. Action taken by the Area Committee Chair shall be reported for noting to the next meeting of the Area Committee.

SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

In the year of the ordinary election of Borough Councillors, between the day after the election and the day of the Annual Meeting, the Chief Executive may, so far as is lawful, exercise any of the functions of the Council or its non-executive bodies in cases of urgency in consultation with the Mayor. Decisions made by the Chief Executive in accordance with this paragraph shall be reported to the next meeting of the appropriate body.

SECTION 7 - DEFAULT PROVISIONS

If at any time no Members are appointed to, or able to act on, any non-executive body of the Council, and a decision has to be taken in a case of urgency, then the decision may be taken by the Chief Executive acting so far as is practicable in consultation with the Mayor, or Deputy Mayor if the Mayor is unable to act.

SECTION 8- GROUP MEETINGS

In recognition of the role of Group Meetings in the consideration of Council business and of the fact that the supply of advice, reports, information and other material to Group Meetings is generally

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

conducive to the due process of Council business, the following facilities shall be made available for the conduct of Group Meetings and for any Group Committees which may be established for the consideration of Council business:

- (a) suitable accommodation for meetings;
- (b) assistance with the production and distribution of agenda and minutes;
- (c) where the Majority Group makes arrangements for the discussion of items prior to their submission to a committee or sub-committee or Panel, arrangements shall be made through the Leader of the Council or the appropriate Cabinet Member to ensure that official information, advice and reports are available to the Group Meetings;
- (d) where a Minority Group makes similar arrangements for the consideration of Council business, arrangements shall be made through the Leader of the Minority Group, or the appropriate spokesperson, to make available information from published sources and advice on Council procedures but not official advice as to the policies which that Minority Group should pursue. The Majority Group Leader or the appropriate Cabinet Member shall be made aware of information provided to a Minority Group unless it is of routine or trivial nature.

SECTION 8 - CREATION OF NEW BODIES

Creation of New Non-Executive Bodies

Proposals for the creation of new bodies exercising non-Executive functions to exist for more than three months shall be submitted to the Corporate Committee with details of the proposed membership, terms of reference and comments by the Head of Local Democracy & Member Services on the staffing implications.