

## **Article 8 – Regulatory and Other Committees**

### **8.01 Regulatory and other Committees**

The Council will appoint such Committees and Sub-Committees as are necessary to carry out the non-executive functions of the Council, including the Committees and Sub-Committees set out below.

### **8.02 The Planning and Development Committee\***

#### **(i) Role & Functions**

The Committee will have the following role and functions.

##### Planning and Development

All the powers and duties of the Council which have not been delegated to Officers under the Scheme of Delegation that relate to town & country planning and development control including the functions set out in:

- (a) Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and
- (b) Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 so far as they relate to the preservation of trees (Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999), the protection of important hedgerows under The Hedgerows Regulations 1997 and the power to make limestone pavement orders (Section 34(2) of the Wildlife and Countryside Act 1981).

#### **(ii) Membership**

The Committee will be composed of 17 Members of the Council.

#### **(iii) Quorum**

The quorum for Planning and Development Committee will be at least one quarter of the membership but in no case less than 5 Members

### **8.03 The Licensing Committee\***

#### **(i) Membership**

15 members of the Council

#### **(ii) Role and Functions**

All matters relating to the discharge by the Council of its functions relating to:

- (a) licensing under the Licensing Act 2003
- (b) gambling or gaming under the Gaming Act 1968 and the Gambling Act 2005
- (c) decisions upon applications under Schedule 1 part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- (d) the functions relating to Health and Safety set out in Part C of Schedule 1 of the Functions Regulations excluding those functions expressly delegated to officers to the extent that those functions are discharged otherwise than in the Council's capacity as employer.
- (e) the miscellaneous functions set out in Part I of Schedule 1 of the Functions Regulations excluding those functions expressly delegated to officers or other Committees or reserved to the full Council, but including:
  - (i) the delegation to officers of functions to the extent permitted by law
  - (ii) the determination by sub-committee of otherwise of applications not delegated to officers

- (f) the control of sex establishments pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009

(iii) **Quorum**

The quorum for the Licensing Committee will be at least one quarter of the membership but in no case less than 3 Members

#### 8.04 **The Licensing Sub-Committees\***

(i) **Membership**

Any 3 members of the Licensing Committee

(ii) **Role and Functions**

Matters relating to the discharge by the Council of its licensing and gambling related functions under the Licensing Act 2003, the Gaming Act 1968 and Gambling Act 2005, and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 namely:

(a) **Licensing Act 2003**

To discharge any function exercisable by the full committee subject to any direction given by the full committee

(b) **Gambling Act 2005**

To discharge any function exercisable by the full committee subject to any direction given by the full committee

(c) **Local Authorities (Functions and Responsibilities) (England) Regulations 2000**

To discharge any function exercisable by the full committee subject to any direction given by the full committee and to act as an Appeals Panel from Officer decisions upon applications under part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(iii) **Quorum**

The quorum for a meeting of a Licensing sub-committee shall be 3.

#### 8.05 **The Standards Committee**

The membership, role and functions are as set out in Article 9.

#### 8.06 **The Overview and Scrutiny Committees\***

The membership, role and functions are as set out in Article 6.

#### 8.07 **Appeals Panels (appeals against Officer Decisions)**

(i) **Membership**

A minimum of 3 members chosen from:

- (a) the Human Resources Overview and Scrutiny Committee in respect of appeals from employees in connection with disciplinary matters and conditions of service,

- (b) the Licensing Committee (ie a Licensing Sub-committee) in respect of appeals from Officer decisions upon applications under part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- (c) the Audit Committee in respect of appeals in relation to registration and grant applications
- (d) the relevant Harbours Committee in respect of appeals from Officer decisions upon matters relating to the management of a Harbour

#### 8.08 **The Appointments Committee**

##### (i) **Membership**

Minimum 5 Members comprising the Chairman of the Human Resources Overview and Scrutiny Committee, Group Leaders and the Human Resources Cabinet Member.

##### (ii) **Roles and Functions**

- (a) Matters relating to the appointment, dismissal (including redundancy) and terms and conditions of Head of Paid Service, Chief Officers and Heads of Service (save as otherwise provided under the Officer Employment Rules).
- (b) The recruitment, appointment and removal of independent co-opted members to sit on the the Standards Committee, the Audit Committee, the Independent Remuneration Panel and any Harbours Committee established by the Council.
- (c) The nomination to Council of elected members to sit on external bodies in accordance with the Protocol for the Appointment of Members to External Bodies, but excluding appointments which form part of the portfolio of a member of the Executive.

#### 8.9 **Area Committees**

The membership, role and functions are as set out in Article 10.

#### 8.10 **The Audit Committee\***

##### (i) **Membership**

Minimum of 6 Members none of whom may be members of Cabinet

##### (ii) **Role and Functions**

The Audit Committee will have the following roles and functions:

- (a) The approval of the Annual Statement of Accounts, income and expenditure and balance sheet pursuant to Schedule 1 part I para 8 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (b) Review of the Audit Plan and monitoring work undertaken by the Council's Internal Audit service
- (c) Approval of the Risk Management Strategy, and monitoring of Corporate Risks identified through the Strategy
- (d) Approval of the statement of Internal Control
- (e) Monitoring the work of the Council to comply with its duties in relation to Money Laundering and receiving reports in relation to allegations of fraud and corruption
- (f) Reviewing the Council's Corporate Governance policies and monitoring compliance with the local code of Corporate Governance
- (g) Receiving the Annual Management Letter from the Audit Commission

- (h) The power to make changes to Standing Orders in relation to Contracts pursuant to Schedule 1 part I para 15 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- (i) The identification of issues upon which advice is required from the Independent Remuneration Panel

(iii) **Quorum**

The quorum for a meeting of the Audit Committee shall be three.

#### 8.11 **The Independent Remuneration Panel**

(i) **Membership**

Minimum of three members not one of whom may be the elected member of any local authority or a person who would be disqualified from being an elected member of a local authority

The maximum duration of any individual appointment will be a period of four years.

(ii) **Chairmanship**

The Panel will elect its own chair.

(iii) **Role and Functions**

- (a) to make recommendations to the Council in respect of the amount of basic allowance which should be payable to its elected members
- (b) to make recommendations to the Council in respect of the roles and responsibilities for which a special responsibility allowance should be payable and as to the amount of each such allowance
- (c) to make recommendations to the Council in respect of the payment of allowances for travel and subsistence
- (d) to make recommendations as to whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined  
The Council is subject to a duty to have regard to such recommendations as are made by the Independent Remuneration Panel when paying allowances.

(iv) **Quorum**

The quorum for a meeting of the Independent Remuneration Panel shall be two.

#### 8.12 **The Whitby Harbour Committee**

The membership, role and functions are as set out in Article 17.

\*Members of these Committees and Sub-Committees are appointed in accordance with the Political Balance Rules in force for the time being.