

**TERMS OF REFERENCE**

- COUNCIL
- CABINET
- PLANNING
- LICENSING
- APPEALS
- SELECTION
- SCHOOLS ADMISSION FORUM
- STANDARDS COMMITTEE
- AUDIT COMMITTEE

## **MATTERS RESERVED TO THE COUNCIL**

1. Where the Council has delegated powers and duties to the Cabinet, Committees, Cabinet Members or to Chief Officers following appropriate consultation, the following matters shall be excluded from that delegation and reserved to the Council itself.
  - (i) Electoral**
    - (a) To appoint a Returning Officer for Local Government elections.
    - (b) To divide the constituency into polling districts.
    - (c) To exercise powers in respect of holding elections.
    - (d) To declare a vacancy in office under the provisions of Section 80, Local Government Act 1972.
    - (e) To give public notice of a casual vacancy.
    - (f) To appoint an Electoral Registration Officer.
    - (g) To make decisions concerning district boundaries, electoral divisions, wards, or polling districts.
  - (ii) Service Provision**
    - (a) To be responsible for admissions to maintained schools, of which the Authority is the admissions authority.
    - (b) Authorising applications to the Secretary of State for transfer of housing land.
  - (iii) Financial Provision**
    - (a) The adoption or approval of a budget, any supplementary estimates and any plan or strategy for the control of the Local Authority's borrowing or capital expenditure (the Capital Plan).
    - (b) Approval of capital programmes and revenue estimates.
    - (c) Setting Council Tax and council house rents.
  - (iv) Constitutional**
    - (a) To determine amendments to the Council's Constitution and Procedure Rules.
    - (b) The promotion of, or opposition to, any new legislation and the making or amendment of Bye-laws.
    - (c) To consider any strategic plan or policy referred to the Council by the Cabinet.

- (d) To receive the Leader's "Annual Borough Report".
- (e) To determine a Scheme and amounts of Members' Allowances upon recommendation from the Members' Remuneration Panel.
- (f) To appoint to the position of Mayor and Deputy Mayor.
- (g) To appoint the Leader of the Council.
- (h) To appoint members of the Cabinet.
- (i) To decide upon responsibilities for members of the Cabinet.
- (j) To appoint members of Overview and Scrutiny Commissions, Area Committees, Standards, Appeals, Regulatory and Selection Committees.
- (k) To adopt the Council constitution and any subsequent changes to it.
- (l) To adopt the Council's Code of Conduct.
- (m) To agree the Council's Policy Framework.
- (n) To take decisions in respect of functions which are the responsibility of the Cabinet, which are not in accordance with the Policy Framework or budget agreed by the Council.
- (o) To take decisions in respect of functions which are not the responsibility of the Cabinet and which have not been delegated by the Council to Committees, Sub-Committees, Officers or Cabinet Members.
- (p) To make arrangements for a discharge of the Council's functions by another local authority.
- (q) To decide upon appointments to outside bodies.
- (v) **Plans**

To be responsible for the approval of the following plans:-

- Annual Library Plan;
- Best Value Performance Plan;
- Children's Services Plan;
- Community Care Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Adult Learning Plan;

- Council's Corporate Plan;
- Early Years Development Plan;
- Education Development Plan;
- Local Agenda 21 Strategy;
- Local Transport Plan;
- Medium Term Financial Strategy;
- Plans and strategies which together comprise the Development Plan;
- Quality Protects Management Action Plan.
- The plan and strategy which comprise the Housing Investment Programme;
- Youth Justice Plan.

**(vi) Reporting**

- (a) Considering the Head of Paid Services' Report in accordance with Section 4 of the Local Government and Housing Act 1989.
- (b) Considering the Monitoring Officer's Report in accordance with Section 5 of the Local Government and Housing Act 1989.
- (c) Approving any draft Plans and Strategies which require ministerial approval.
- (d) Considering the Chief Financial Officer's Report in accordance with Section 115 of the Local Government and Finance Act 1988.
- (e) Considering the External Auditors' Public Interest Report.

**(vii) Staffing**

- (a) Appoint or confirm the appointment of the Head of Paid Service.
- (b) To deal with all aspects of discipline and dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer in accordance with statutory provisions.
- (c) To designate the posts of Head of Paid Service, Finance Officer and Monitoring Officer (upon recommendation from the Cabinet).

**(viii) Licensing**

- (a) The Council shall, from time-to-time, determine its policy in relation to licensing matters after it has consulted with such parties as the law may require and/or whom it considers to be appropriate and it shall cause that policy to be published.

- (b) The Council may, from time-to-time, establish byelaws to the extent permitted by law governing the administration of licensing matters, the conduct and behaviour of licence holders and for technical requirements and specifications for licensed premises and vehicles.

## TERMS OF REFERENCE OF THE CABINET

The Terms of Reference of the Cabinet are as follows:-

1. To advise the Council in the formation of the Corporate Plan, including the setting and means of attaining objectives and the establishment of priorities;
2. To review the Rules of Procedure of the Council and make recommendations thereon to Council;
3. To deal, on behalf of the Council, with any urgent business where –
  - (i) it is considered impracticable to obtain a decision in time by other means; and
  - (ii) a decision is necessary for the effective management of Council business;
4. To ensure the achievement of Best Value in service delivery;
5. To review the effectiveness of all the Council's works and the standards and levels of service provided and the operational working of Departments of the Council;
6. To be responsible for providing and allocating and overall management of the financial and land resources of the Council to the extent that these functions are not delegated to individual Cabinet Members or Chief Officers.
7. To keep under review the organisation and management processes of the Council, so as to ensure that they make an effective contribution towards the achievement of the Council's objectives;
8. To approve significant proposed amendments to the overall Departmental structure of the Council, including all matters pertaining to Chief and Deputy Chief Officer posts
9. To determine the Council's arrangements for dealing with complaints including, where necessary, consideration of reports of the Local Commission for Administration and approve any necessary action.
10. To deal with all matters relating to the Emergency Plan and carry out all the functions of the Council relating to emergencies or disasters under Section 138 of the Local Government Act 1972;
11. To be responsible for the corporate risk management functions and strategy, with the exception of functions under "***any relevant strategy provision***" within the meaning of Part 1 (Health, Safety & Welfare in connection with work and

- controlled dangerous substances) of the Health and Safety at Work Act 1974 to the extent that these functions are discharged otherwise and in the Council's capacity as an employer;
12. To approve the initial acquisition, disposal and detailed terms for the leasing and appropriation of land, property and assets in accordance with the Land and Property Protocol as required.
  13. To approve initiatives and priorities for urban redevelopment and other means of achieving economic development and priorities for industrial and economic development through various Council, Government and European programmes;
  14. To approve all matters relating to Best Value within the Authority;
  15. To approve energy conservation matters throughout the Authority;
  16. To approve applications for discretionary and hardship rate relief over £50,000;
  17. To undertake all functions in respect of which the Terms of Reference of the full Council refer to recommendations from the Cabinet;
  18. To transact all business not comprised in the functions allocated to the Council, Cabinet Members or Officers or any other Committee or Panel, or any matters specifically referred to the Cabinet by the Council;
  19. To deal with matters concerning the Council's parliamentary business and questions affecting the area and status of the Borough;
  20. To prepare the draft budget plans and strategies for submission to full Council to consider;
  21. To approve the Council Tax Base and recommend to the Council the amount of Council Tax for the ensuing year;
  22. To consider the Council's capital programme and revenue budget, and to make recommendations thereon to the Council;
  23. To consider strategies in connection with the powers and duties of the Council and refer these to the Council for approval;
  24. To amend, modify or vary any plan outlined in matters reserved to the Council in the Rules of Procedure, and any plan or strategy which requires amendment after Ministerial approval has been sought and granted to such amendment;
  25. To consider and determine all policy matters in relation to staffing, including the conduct of employees, conditions of service and consultation arrangements with

- the exception of any appeals lodged by employees under the Council's employment procedures;
26. To have responsibility for corporate policy in relation to industrial relations within the Council;
  27. To recommend the designation of the posts of Monitoring Officer, Chief Finance Officer and Head of Paid Service to the Council.
  28. To approve all new joint venture arrangement and to receive reports, at least annually, in respect of Joint Venture Companies and quarterly for all major joint venture arrangements.
  29. To make any decision about the establishment, alteration and closure of a maintained school where objections to such proposals have been received by the Council.

## REGULATORY AND OTHER COMMITTEES

### **Planning Committee**

To exercise the powers, duties and functions of the Council in respect of:

1. Except where the site is specifically allocated for that purpose in the Council's Unitary Development Plan, major applications (as defined in the General Permitted Development Procedure Order 1995) as follows:
  - a) The winning and working of minerals or the use of land for mineral working deposits.
  - b) Waste disposal.
  - c) The provision of dwelling houses where:
    - i) 10 or more dwellings are to be provided; or
    - ii) The site area is 0.5 of a hectare or more.
  - d) Buildings with a floor space of 1000 sq metres or more.
  - e) The development of sites of 1 hectare or more.
2. Applications which require an environmental statement.
3. Major town centre applications.
4. Applications which are Departures from the Council's Unitary Development Plan.
5. Applications which straddle an Area Committee boundary, or which are adjacent to a boundary and which have significant implications for the adjoining Area Committee by reason of traffic, noise, or pollution, or have a substantial environmental or visual effect.
6. Applications to be considered under the referral procedure.
7. Applications made by Councillors and (where known) officers of the Council which would normally be delegated to the Executive Director.
8. Applications to remove or vary conditions where the relevant decision was previously made by the Planning Committee.

9. Consultations from adjoining local authorities, including the Peak District National Park Authority, which fall into the categories 1 (a-e) above, where an objection is raised to the proposed development.
10. The nomination of a Member of the Committee to represent the Council at any subsequent hearing or inquiry where the decision was made contrary to officer advice.

### **Licensing Committee**

1. The Committee shall comprise of fifteen Elected Members subject to appropriate political balance; a quorum for the Committee being one quarter.
2. The Committee shall have delegated powers to consider and determine all applications for licences and permissions issued by or on behalf of the Council, including attaching conditions thereto, to consider and determine all applications for review, continuation, transfer, variation, renewal, suspension, closure orders, forfeiture or revocation of all licences and permissions issued by or on behalf of the Council, including attaching conditions thereto and to consider appeals against terminations of tenancy at will.
3. The Committee shall, from time-to-time, receive reports on the cultural, economic and tourism impact of its work and it shall, from time-to-time, as required by law or as it considers appropriate, make reports of its activity to Cabinet, Overview and Scrutiny Commissions and the Planning Committee.
4. The Committee may, from time-to-time and to the extent permitted by law, delegate any of its functions in paragraph 4 above to a body comprising not less than three Elected Members drawn from Members of the Committee to be known as a Licensing Panel. A quorum for a Panel being three Members. The Committee may establish more than one Panel and the membership of the Panels may be rotated as necessary amongst Members of the Committee.
5. The Committee may, from time-to-time and to the extent permitted by law, delegate any of its functions in paragraph 4 above to be discharged by an Executive Director. The Executive Director may delegate such powers, duties, responsibilities and functions as he considers appropriate, and to the extent permitted by law, to officers of the Council.

### **Commons Registration Committee**

To determine applications to amend the registers maintained under the Commons Registration Act 1965 (or any subsequent amending legislation) which the Solicitor to the Council confirms have been duly made.

## **Appeals Committees**

To determine appeals in accordance with the appropriate legislation and consideration of rights of appeals against permanent exclusion from membership of the NDC Board.

## **Selection Committee**

To recommend to Council the appointment of Head of Paid Service and to make appointments to Chief and Deputy Chief Officer posts (and such other posts as may be determined) within the Council.

## **Schools Admission Forum**

### **1. School Admission Forum**

The Council will establish a Schools Admission Forum.

### **2. Membership**

The Schools Admission Forum will comprise:

#### Core Membership

- Between one and five Councillors of the OMBC;
- Between one and three members nominated by community and voluntary controlled schools;
- Between one and three members nominated by foundation schools;
- Between one and three members nominated by voluntary aided schools;
- Between one and three representatives of the Church of England Diocesan Board;
- Between one and three representatives of the Roman Catholic Diocese representatives;
- Between one and three members Parent Governor representatives;
- Up to three representatives of the local community; and
- One representative per academy.

#### School Members

- All maintained schools, except special schools, in the local authority area must nominate a member to act as a 'school member' unless the school is already represented in the core membership.

## Other Members

- The core membership of the Schools Admission Forum may ask the local authority to appoint anyone it considers to represent significant interests in the local community to serve on the Forum.
- The Schools Admission Forum will invite a UK service representative or representatives of other significant concentrations of Crown servants (e.g. GCHQ personnel) to join.
- Where there are significant cross-border issues with neighbouring local authorities, the Schools Admission Forum will include representatives of those neighbouring local authorities, in addition to those of the home local authority.

Each representative of a school should be a head teacher or a governor (not a local authority appointed elected member governor).

The Schools Admission Forum will appoint representatives from faith groups not already represented, and minority ethnic groups, as required.

If appropriate, the Schools Admission Forum will appoint additional members to represent the interests of any section of the local community, for example, officers with expertise in children's social care to represent the interests of looked after children.

### **3. Appointment of Members**

3.1 The terms of office for members of the School Admission Forum will be:

- A period not exceeding 4 years for core members and school members, after which they will be eligible for reappointment;
- For all other members, the term of office will be determined by the core membership, including whether or not they are to be eligible for reappointment at the end of their term.

3.2 The membership of the School Admission Forum will be reviewed in September each year.

3.3 In the event that a school member ceases to be a head teacher or school governor then their membership of the Schools Admission Forum in that capacity will automatically cease.

### **4. Appointment of Chair and Vice-Chair**

4.1 The Schools Admission Forum will appoint a Chair and Vice-Chair at its first meeting in each Municipal Year.

4.2 The Chair and Vice-Chair of the Forum may or may not be members of the Forum.

## **5. Role and Functions**

5.1 The Schools Admission Forum will have the following roles and functions:

- a) to consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the authority;
- b) to promote agreement on admission issues;
- c) to consider the comprehensiveness and accessibility of the admissions literature and information produced for parents by each admission authority within the area of the forum;
- d) to consider the effectiveness of the authority's proposed co-ordinated admission arrangements;
- e) to consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;
- f) to monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the School Standards and Framework Act 1998 and in accordance with this Code (see Chapter 3);
- g) to promote the arrangements for children with special educational needs, children in care and children who have been excluded from school;
- h) to consider any other admissions issues that arise;
- i) to refer objections to the Schools Adjudicator as appropriate;
- j) to review the comprehensiveness, effectiveness and accessibility of advice and guidance for parents by the local authority;
- k) to agree, promote and monitor local authority In-Year Fair Access Protocols for potentially vulnerable children; and
- l) to prepare and publish an annual report in accordance with Regulations.

## **6. Meetings**

- 6.1 The Schools Admission Forum will meet at least four times each year, in June, September, December and March, unless otherwise agreed by the core membership.
- 6.2 All members of the Schools Admission Forum will be given at least seven working days notice of the time and date of a meeting of the Forum.
- 6.3 Any documentation relevant to a meeting of the Schools Admission Forum will be issued to members at least seven days prior to the meeting.

## **7. Sub-Committees and Working Groups**

- 7.1 The Schools Admission Forum may appoint Sub-Committees as required to support it in carrying out its role and functions.
- 7.2 The Schools Admission Forum may also appoint working groups which do not need to consist of Forum members to carry out investigate work as required.

## **8. Additional Requirements**

- 8.1 The Schools Admission Forum **will** seek to achieve a consensus among the whole membership rather than secure a majority opinion and **will** only promulgate advice that represents the agreed views of the Forum as a whole. However, where the Forum votes on a proposal to make an objection to the Schools Adjudicator, in order for the objection to be made, the proposal will first be approved by a simple majority of all members (not just Core members) voting.
- 8.2 The Schools Admission Forum's advice will be published by the local authority on the school admissions section of its website. The local authority will also send copies to all admission authorities in the area and the advice will also be included in the composite prospectus published by the local authority each year for parents.

## **Standards Committee**

The Council meeting will establish a Standards Committee.

### Composition

(a) **Membership** – The Standards Committee will be composed of at least:-

- Two Councillors from the controlling group;
- One Councillor from the largest non-administration party
- Four persons who are not Councillors or Officers of the Council, or any other

body having a Standards Committee (Independent Members);

- Two Parish Councillors comprising of a nomination from each Parish Council in the Borough

(b) **Independent Members** – independent members will be entitled to vote at meetings, one independent member will chair the meeting, and the chair will have a second or casting vote. A second independent member will act as Vice-Chair in the absence of the Chair.

(c) The quorum of the Standards Committee shall be three members.

### Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (b) assisting the Councillors, co-opted members and church 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 and responses to consultation documents;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) 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 an ethical standards officer to the Monitoring Officer;
- (h) the exercise of (a) to (g) above in relation to Parish Councils' wholly or mainly in its area and the members of those Parish Councils; and
- (i) assessing and reviewing complaints about Members of the Council
- (j) conducting determination hearings
- (k) granting exemptions for politically restricted posts
- (l) without the suspension of Standing Orders, the Chair of the Standards Committee may speak at Council with permission and, if requested, when Council is considering a report from the Chair of the Standards Committee.

## **Additional Roles of Standards Committees**

- overview of the whistle blowing policy;
- overview of complaints handling and Ombudsman investigations;
- oversight of the constitution following the Annual Council meeting; and
- receipt of reports from internal/external auditors and to make recommendations thereon to the Chief Executive as the Head of Paid Service.

That, in accordance with the Standards Committee (England) Regulations 2008, and taking into account any relevant guidance produced by the Standards Board for England, the Standards Committee will:

- i) Assess and review complaints about Members of the Council
- ii) Conduct determination hearings
- iii) Grant exemptions for politically restricted posts

## **Audit Committee**

1. In respect of Internal Audit and Counter Fraud
  - To approve the Internal Audit Strategy, Annual Audit Plan and performance criteria for the Internal Audit Service.
  - To review summary findings and the main issues arising from internal audit reports and seek assurance that management action has been taken where necessary.
  - To review and agree any improvements to the effectiveness of the anti-fraud and corruption arrangements throughout the authority.
  - Consider the annual report from the Head of Corporate Governance.
  - Assist the County Council to achieve Value for Money.
  - To review the effectiveness of the system of Internal Audit on an annual basis as per the 2006 Accounts and Audit Regulations.
2. To review the workplan outputs from the audit process, and performance of the External Audit.
3. To review, and recommend to the Council changes to Finance and Contract Procedure Rules.

4. In respect of financial statements/financial reporting.
  - To approve the annual Statement of Final Accounts.
  - To review the Annual Audit Letter and associated documents issued by the External Auditor.
  - To approve changes in accounting policy.
  - To assess the accuracy of financial reporting.
5. In respect of Corporate Governance.
  - To approve the local case of corporate governance.
  - To assess the effectiveness of the authority's Corporate Governance arrangements.
  - To review progress on the implementation of Corporate Governance arrangements throughout the authority.
  - To approve the annual Statement on Governance.
  - To review the annual Statements of Assurance provided by the Chief Executive and Corporate Directors.
  - To liaise, as necessary, with the Standards Committee on any matter(s) relating to the Codes of Conduct for both Members and Officers.
6. In respect of Risk Management:-
  - To assess the effectiveness of the authority's Risk Management arrangements.
  - To review progress on the implementation of Risk Management throughout the authority.
7. To meet not less than four times a year on normal business and review it's Terms of Reference on an annual basis.
8. To consider any other relevant matter referred to it by the Council Cabinet or any other Committee. In addition any matter of concern can be raised by this Committee to the County Council Cabinet or any other Member body.

## **8. Quorum**

8.1 The Quorum of the Audit Committee will be three elected Members.

## **9. Meetings**

9.1 The Audit Committee will meet normally 4 times per year in March, June, September and January to fit with internal and external audit reporting processes (the cycle could be adjusted if these changed).

9.2 The Director of Finance and ICT or the External Auditor may request a meeting of the Audit Committee if they consider it to be necessary.

9.3 Meetings are normally held at the Civic Centre, Oldham (near QE Hall).

## **10. Training**

10.1 Members of the Audit Committee will be given training as required. Training needs will be assessed/organised by the Head of Corporate Governance in consultation with the Assistant Director (Organisational Development) and Members of the Committee.

10.2 There will be an Independent Chair