

SCHEDULE 1

Council Committees; their membership and their powers.

1. Council
2. Planning Applications Committee
3. Planning Applications Sub-Committee
4. General Licensing Committee
5. General Act 2003 Licensing Committee
6. Licensing Sub-Committee
7. Standards Committee
8. Standards – Assessment Sub-Committee
9. Standards – Review Sub-Committee
10. Audit Committee
11. Human Resources Committee
12. Human Resources Chief Officers Appointments Panel (Sub-Committee)
13. Human Resources Panel (sitting as an Appointments Panel) (Sub-Committee)
14. Human Resources Panel (Sitting as JCC and Appeals Committee) (Sub-Committee)
15. Rights of Way Panel
16. Local Authority School Governors Appointments Committee

FULL COUNCIL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL All 53 Members of the Council	
OTHER MEMBERS	
TOTAL MEMBERSHIP –	53
QUORUM –	13

FUNCTIONS

Only the Full Council will exercise the following functions :-

adopting and changing the Constitution;

approving or adopting the policy framework upon recommendations from Cabinet, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

approving the strategic financing of the Council, including :-

- determination of the Financial Strategy
- approval of the Revenue Budget
- approval of the Capital Programme
- setting the Council Tax Base
- setting the Council Tax
- determination of fees, charges and rents; and
- utilisation of reserves.

subject to the urgency procedure, contained in the Access to Information Procedure Rules, as detailed in 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;

appointing the Leader, Deputy Leader and Members of the Cabinet;

agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;

receiving reports from the Cabinet and the Scrutiny Committees;

appointing representatives to outside bodies, unless the appointment is a Cabinet function;

adopting the Members' Allowances Scheme under Part 6 of this Constitution;

changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;

confirming and terminating the appointment of the Head of Paid Service;

making, amending, revoking, re-enacting or adopting Byelaws and promoting or opposing the making of local legislation or personal bills;

election functions, including electoral, boundary and parish issues;

all local choice functions, as set out in this Constitution, which the Council decides should be undertaken by itself rather than the Cabinet;

all other matters which, by law, must be reserved to Full Council, such as the Code of Conduct for Members and Co-opted Members;

maintaining the table of Local Choice Functions.

PROTOCOLS

The Mayor will be elected by the Council annually and will have the following responsibilities :-

to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members, who are not on the Cabinet or hold Committee Chairs, are able to hold the Cabinet and Committee Chairs to account;

to promote public involvement in the Council's activities;

to be the conscience of the Council and to uphold high standards of ethics and probity within the work of the Council; and

to attend such civic and ceremonial functions as the Council and he/she determines appropriate and to participate in activities and events that promote the Borough and benefit the status and traditions of the role.

PLANNING APPLICATIONS COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 3 Conservative Group Members, 1 Liberal Democrat Group Member and 1 Independent Member	7 x 3 x 1 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	12
QUORUM –	3

PROTOCOLS

The Cabinet Member with responsibility covering Development Plans shall be a Member of the Planning Applications Committee.

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Planning Applications Committee.

TERMS OF REFERENCE

To exercise functions relating to Town and Country Planning and Development Control (as set out in Part A, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853, as amended).

PLANNING APPLICATIONS SUB-COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 3 Labour Group Members and 2 Conservative Group Members	3 x 2
SUBSTITUTES	From the Planning Applications Committee:- 4 Labour 2 Conservatives
TOTAL MEMBERSHIP –	5
QUORUM –	3

PROTOCOLS

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Planning Applications Sub-Committee.

TERMS OF REFERENCE

To exercise functions relating to Town and Country Planning and Development Control (as set out in Part A, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No. 2853, as amended), so far as they relate to applications by individual householders for non-commercial reasons, which in the view of the Assistant Chief Executive (Regeneration) in consultation with the Chair of the Planning Applications Committee, have not received significant levels of interest or objection.

GENERAL LICENSING COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 4 Conservative Group Members and 2 Liberal Democrat Group Members	7 x 4 x 2
OTHER MEMBERS	
TOTAL MEMBERSHIP –	13
QUORUM –	3

PROTOCOLS

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Licensing Committee

TERMS OF REFERENCE

To exercise functions relating to Licensing and registration functions (as set out in Part B, Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (No 2853), as amended.

LICENSING ACT 2003 COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 4 Conservative Group Members and 2 Liberal Democrat Group Members	7 x 4 x 2
OTHER MEMBERS	
TOTAL MEMBERSHIP –	13
QUORUM –	3

PROTOCOLS

Cabinet Members cannot be appointed as Chair or Vice-Chair of the Licensing Committee

TERMS OF REFERENCE

- (a) To exercise Licensing functions (operating under the Licensing Act 2003).
- (b) Gambling Act 2005

LICENSING SUB-COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 to be nominated from another political Group	2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	3

PROTOCOLS

Members are drawn from the Membership of the Licensing Act 2003 Committee

TERMS OF REFERENCE

To deal with all contested applications.

STANDARDS COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Member	2 x 2x1
OTHER MEMBERS 3 Parish Councillors and 3 Independent Members	3 x 3
TOTAL MEMBERSHIP –	10
QUORUM –	3 (An independent Member must be in attendance for a quorum and will be entitled to vote at meetings).

PROTOCOLS

The Leader cannot be a Member of the Standards Committee.

A Member of the Cabinet may not Chair the Standards Committee.

A Parish representative will be entitled to vote and must be present when matters relating to those Parish Councils or their members are being considered.

The Committee has certain powers to discipline Members who may be in breach of the Code of Conduct for Members and Co-opted Members.

The Standards Committee does not have an investigatory role. Investigations carried out locally will be conducted by the Monitoring Officer.

The Committee receives guidance and support from the Monitoring Officer and may raise issues direct with that Officer.

Substitute Members are eligible to sit on this Committee, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

APPOINTMENT OF INDEPENDENT MEMEBRS

A Panel consisting of the Leader of the Council, the Deputy Leader and the Leader of the main opposition party shall meet and make recommendations to Council on the persons to be appointed as Independent Members,

TERMS OF REFERENCE

- (a) to be responsible for establishing and maintaining the highest standards of integrity within the Council at all levels of decision-making;
- (b) to formulate and recommend a Code of Conduct for Members and Co-opted Members;
- (c) to formulate advice to Members on declarations of interest and to review the arrangements for recording interests and to monitor interests recorded under the arrangements;
- (d) to review any lapses of standards and to make any recommendations;
- (e) to recommend a Code of Conduct for Employees and Confidential Reporting Policy and to review its operation;
- (f) to recommend a Protocol of Member/Officer Relations and to review its operation;
- (g) to review induction training and other Member training provided for Members in relation to propriety issues;
- (h) to continually review developments in best practice relating to the decision-making processes of the Council;
- (i) to monitor Members' attendances at training courses and to take or suggest appropriate sanctions against any Member failing to honour their written undertaking to attend a minimum of five training events per year;
- (j) to consider applications for dispensations from Members and Co-opted Members of the Borough Council and Members of Parish Councils; and
- (k) to assess, review, investigate and determine complaints made against Members of the Council or Parish Councillors, in accordance with the Council's procedures.

STANDARDS COMMITTEE – ASSESSMENT SUB-COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	There are no political balance arrangements to be considered in relation to the composition of this Committee.
OTHER MEMBERS	An Independent Member must be in attendance, and a Parish Council Representative must be in attendance when matters relating to Parish Councils or their members are being considered.
TOTAL MEMBERSHIP –	3
QUORUM –	3 (An Independent Member must be in attendance for a quorum).

PROTOCOLS

Members are drawn from the membership of the Standards Committee.

TERMS OF REFERENCE

To undertake the initial assessment of misconduct allegations made against Members of the Council, and Parish Councillors.

STANDARDS COMMITTEE – REVIEW SUB-COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	There are no political balance arrangements to be considered in relation to the composition of this Committee
OTHER MEMBERS	<p>An Independent Member must be in attendance, and a Parish Council Representative must be in attendance when matters relating to Parish Councils or their members are being considered.</p> <p>Members of the Standards Committee who sat on the Assessment Sub-Committee that considered the initial assessment are not eligible to sit on the Review Sub-Committee.</p>
TOTAL MEMBERSHIP –	3
QUORUM –	3 (An Independent Member must be in attendance for a quorum).

PROTOCOLS

Members are drawn from the membership of the Standards Committee.

TERMS OF REFERENCE

To undertake a review of the initial assessment of misconduct allegations made against Members of the Council, and Parish Councillors, when a review of the initial assessment is requested.

AUDIT COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 Conservative Group Member	2 x 1
OTHER MEMBERS One Officer from another Local Authority	1
TOTAL MEMBERSHIP –	4
QUORUM –	2

PROTOCOLS

The membership of the Audit Committee shall be restricted to one Member from the Executive (Cabinet) and Scrutiny and the Chair shall not be a Member of the Executive (Cabinet).

One Officer from another Local Authority shall be appointed as a non-voting member.

TERMS OF REFERENCE

In relation to Audit Activity :-

To consider the Head of Internal Audits annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission over the appointment of the Council's external auditor.

To commission work from internal and external audit

Regulatory Framework

To maintain an overview of the Council's constitution in respect of Contract Procedure Rules, Financial Procedure Rules.

To review any issue referred to it by the Chief Executive or a director, or any council body.

To monitor the effective development and operation of risk management and corporate governance in the council.

To approve and oversee the anti-fraud and anti-corruption strategy.

To oversee the implementation of the Confidential Reporting Strategy.

To oversee the production of, and approve, the Authority's Statement on Internal Control.

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other published standards and controls.

Accounts

To approve the annual statement of accounts, income and expenditure and balance sheet. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Annual Report

The Committee will report annually to Full Council on its workings.

HUMAN RESOURCES COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 7 Labour Group Members, 4 Conservative Group Members and 1 Liberal Democrat Group Member	7 x 4 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	12
QUORUM –	4

PROTOCOLS

The membership shall include :-

Leader of the Council
Deputy Leader of the Council
Cabinet Member with Resources Portfolio
Cabinet Member with Transport Portfolio
Cabinet Member with Children and Young People Portfolio
Chair of Resources Scrutiny Committee
Vice-Chair of Resources Scrutiny Committee

Substitute Members are eligible to sit on this Committee, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To undertake the interview and appoint process for the Chief Executive (Head of Paid Service) and to make recommendation to Full Council thereon.

HUMAN RESOURCES CHIEF OFFICERS APPOINTMENTS PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 5 Labour Group Members, 2 Conservative Group Members and 1 Liberal Democrat Group Member	5 x 2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	8
QUORUM –	3

PROTOCOLS

This panel is a sub-committee of the Human Resources Committee.

The membership shall include :-

Cabinet Member with Resources Portfolio
Chair of Resources Scrutiny Committee
Leader of the Council

Substitute Members are eligible to sit on this Panel, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To interview and appoint to all statutory posts (the Director of Corporate Services and the Director of Children's Services) and all non-statutory posts (all other Directors, the Assistant Chief Executive, the Borough Solicitor and the Head of Human Resource Management).

The Panel shall only make or approve the appointment where no well founded objection from any Members of the Cabinet have been received.

HUMAN RESOURCES PANEL (SITTING AS AN APPOINTMENTS PANEL)

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 3 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member	3 x 1 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	3

PROTOCOLS

This panel is a sub-committee of the Human Resources Committee.

The membership shall include :-

Cabinet Member with Resources Portfolio
2 relevant Cabinet Members

Substitute Members are eligible to sit on this Panel, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To interview and appoint to Head of Service posts

The Panel shall only make or approve the appointment where no well founded objection from any Members of the Cabinet have been received.

HUMAN RESOURCES PANEL (SITTING AS A JCC AND APPEALS COMMITTEE)

MEMBERSHIP	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>3 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member</p>	<p>3 x 1 x 1</p>
<p>OTHER MEMBERS</p>	<p>When meeting to consider employee consultation issues with Trade Unions the membership shall include :-</p> <p>Employees – One representative per recognised Trade Union (i.e. UNISON, G.M.B., U.C.A.T.T., AMICUS, T. and G.W.U./ACTS.B.E.C.T.U., A.T.L., N.A.H.T., N.A.S.W.U.T., N.U.T., S.H.A., P.A.T.) for each 300 members or part thereof and the Chair of the Safety Representatives Co-ordinating Committee.</p> <p>Officers – Head of Human Resource Management; and a Chief Officer (or his/her representative) from each of the Council's Department.</p>
<p>TOTAL MEMBERSHIP –</p>	<p>5</p>
<p>QUORUM –</p>	<p>One quarter of the membership</p>

PROTOCOLS

This panel is a sub-committee of the Human Resources Committee.

The membership shall include :-

Cabinet Member with Resources Portfolio
 Chair of the Resources Scrutiny Committee
 Vice-Chair of the Resources Scrutiny Committee

Substitute Members are eligible to sit on this Committee, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to

appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

When sitting as a Joint Consultative Committee, the Chair shall alternate on an annual basis between the Union Side and the Council.

TERMS OF REFERENCE

To consider appeals from employees in relation to human resource issues

In so far as it is specifically delegated appropriate employee consultations with recognised Trade Unions.

RIGHTS OF WAY PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 2 Labour Group Members and 1 Conservative Group Member	2 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	2

PROTOCOLS

TERMS OF REFERENCE

To carry out the powers and duties of the Council in relation to Definitive Map Modifications Orders.

LA SCHOOL GOVERNORS APPOINTMENTS COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 3 Labour Group Members, 1 Conservative Group Member and 1 Liberal Democrat Group Member	3 x 1 x 1
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	2

PROTOCOLS

Substitute Members are eligible to sit on this Panel, provided that at least 24 hours notice in advance of a meeting has been given to the Proper Officer by the Member who wishes to appoint a substitute. In unforeseen circumstances, a shorter period of notice can be given. The notice should indicate the name of the substitute Member.

TERMS OF REFERENCE

To appoint and dismiss Governors.