

## **SCHEDULE 1**

Council Committees; their membership and their powers.

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

## FULL COUNCIL

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL All 50 Members of the Council	
OTHER MEMBERS	
TOTAL MEMBERSHIP –	50
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
- annual 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 for a four year term of office;

power to remove the Leader before expiry of term of office;

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 5 of this Constitution;

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

confirming the appointment of the Head of Paid Service;

approving the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer;

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; and

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

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL  6 Conservative Group Members, 5 Labour Group Members, 1 Liberal Democrat Group Member and 1 Independent Group Member	6 x 5 x 1 x 1 x 0
OTHER MEMBERS	
TOTAL MEMBERSHIP –	13
QUORUM –	3

### PROTOCOLS

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).

## GENERAL LICENSING COMMITTEE

<b>MEMBERSHIP</b>	
<p><b>DARLINGTON BOROUGH COUNCIL</b></p> <p>6 Conservative Group Members, 5 Labour Group Members, and 1 Independent Group Member and 1 Green Group Member</p>	<p>6 x 5 x 0 x 1 x1</p>
<b>OTHER MEMBERS</b>	
<b>TOTAL MEMBERSHIP –</b>	13
<b>QUORUM –</b>	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.

## GENERAL LICENSING SUB-COMMITTEE

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL 5 Members to be drawn from the General Licensing Committee	
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
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

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL  6 Conservative Group Members, 5 Labour Group Members, 1 Independent Group Member and 1 Green Party Member	6 x 5 x 0 x 1 x 1
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); and
- (b) Gambling Act 2005

## LICENSING ACT 2003 SUB-COMMITTEE

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL  3 Members to be drawn from the Licensing Act 2003 Sub-Committee	3
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.

## MEMBER STANDARDS HEARING COMMITTEE

<b>MEMBERSHIP</b>	
<p><b>DARLINGTON BOROUGH COUNCIL</b></p> <p>2 Conservative Group Members, 2 Labour Group Members, and 1 Independent Group Member</p>	<p>2 x 2 x 0 x 1 x 0</p> <p>The Hearing Committee shall be drawn from :-</p> <p>3 Darlington Borough Council Councillors for a Borough Councillor complaint</p> <p>2 Darlington Borough Council Councillors and 1 Parish Councillor for a Parish Councillor complaint.</p>
<p><b>CO-OPTED MEMBERS</b></p> <p>3 Parish Councillors</p>	<p>3</p>
<p><b>QUORUM –</b></p>	<p>3 Darlington Borough Council Councillors for a Borough Councillor complaint</p> <p>2 Darlington Borough Council Councillors and 1 Parish Councillor for a Parish Councillor complaint.</p>

To consider complaints against Members which are referred to it by the Monitoring Officer (Assistant Director Law and Governance).

To determine what sanction should be applied and what form the sanction should take in cases of a breach of the Code of Conduct.

## **PROTOCOLS**

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

Investigations will be commenced, in appropriate cases, following the assessment of a complaint by the Monitoring Officer (Assistant Director Law and Governance).

The Committee receives guidance and support from the Monitoring Officer (Assistant Director Law and Governance) 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 Assistant Director Law and Governance 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.

## AUDIT COMMITTEE

<b>MEMBERSHIP</b>	
<p>DARLINGTON BOROUGH COUNCIL</p> <p>3 Conservative Group Members, 2 Labour Group Members and 1 Independent Member</p>	<p>3 x 2 x 0 x 0 x 0 x 1</p>
<p>TOTAL MEMBERSHIP –</p>	<p>6</p>
<p>QUORUM –</p>	<p>2</p>

### PROTOCOLS

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

### STATEMENT OF PURPOSE

The Audit Committee is a key component of corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Audit Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

## **GOVERNANCE, RISK AND CONTROL**

To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

To monitor the effective development and operation of risk management in the Council.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

## **INTERNAL AUDIT**

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the Chief Audit Executive to determine if there are any inappropriate scope or resource limitations.

To consider reports from the Chief Audit Executive on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
- Regular reports on the results of the Quality Assurance and Improvement Programme.
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement.

To consider the Chief Audit Executive's annual report : -

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the Chief Audit Executive has concluded that management has accepted a level of risk that may be unacceptable to the Authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, as required by the Accounts and Audit Regulations.

To support the development of effective communication with the head of internal audit.

## **EXTERNAL AUDIT**

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 commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

## **FINANCIAL REPORTING**

To review the annual statement of accounts prior to approval. 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.

## **TREASURY MANAGEMENT**

To examine effectively the treasury management strategy, policies and performance and recommend approval or otherwise by Council, via Cabinet.

## **ETHICAL VALUES**

To be satisfied that there are arrangements in place to discharge the Council's responsibility to promote and maintain high standards of conduct.

To review the effectiveness of the Council's whistleblowing arrangements.

## **ACCOUNTABILITY ARRANGEMENTS**

To report to full council on a regular basis on the Committee's performance in relation to its terms of reference and the effectiveness of the Committee in meeting its purpose.

## HUMAN RESOURCES COMMITTEE

<b>MEMBERSHIP</b>	
<p><b>DARLINGTON BOROUGH COUNCIL</b></p> <p>4 Conservative Group Members, 4 Labour Group Members, 1 Liberal Democrat Group Member and 1 Independent Member</p>	<p>4 x 4 x 1 x 0 x 0 x 1</p>
<b>OTHER MEMBERS</b>	
<b>TOTAL MEMBERSHIP –</b>	10
<b>QUORUM –</b>	3

### **PROTOCOLS**

The membership shall include :-

Leader of the Council  
 Deputy Leader of the Council  
 Cabinet Member with Stronger Communities Portfolio  
 Cabinet Member with Economy Portfolio

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 (Assistant Director Law and Governance) 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.

To hear and determine disciplinary issues warranting the dismissal of the Head of Paid Service (Chief Executive), the Chief Finance Officer (Group Director of Operations) or the Monitoring Officer (Assistant Director Law and

Governance) (taking account the views of the Human Resources Advisory Panel) (any decision to dismiss being referred to Full Council for confirmation).

## HUMAN RESOURCES CHIEF OFFICERS APPOINTMENTS PANEL

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL 4 Conservative Group Members, 3 Labour Group Members and 1 Liberal Democrat Group Member	4 x 3 x 1 x 0 x 0
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 Economy and Resources Scrutiny Committee  
Leader of the Council  
Relevant Cabinet Member/Scrutiny Chair

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 Assistant Director Law and Governance 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**

Apart from the Head of Paid Service (Chief Executive), to interview and appoint all Directors and all statutory and non-statutory Chief Officer posts (the Chief Finance Officer (Group Director of Operations, Monitoring Officer (Assistant Director Law and Governance), Director of Public Health, Group Director of People and the Assistant Director (Education and Inclusion ).

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)**

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL  2 Conservative Group Members, 2 Labour Group Members and 1 Liberal Democrat Group Member	2 x 2 x 1 x 0 x 0
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	3

### **PROTOCOLS**

This Panel is a Sub-Committee of the Human Resources Committee.

The membership shall include :-

The Leader of the Council  
Cabinet Member with Resources Portfolio

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 (Assistant Director Law and Governance) 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 Assistant Directors and other employees whose posts are Deputy Chief Officers.

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)

<b>MEMBERSHIP</b>	
<p><b>DARLINGTON BOROUGH COUNCIL</b></p> <p>2 Conservative Group Members, 2 Labour Group Members, and 1 Liberal Democrat Group Member</p>	<p>2 x 2 x 1 x 0 x 0</p>
<p><b>OTHER MEMBERS</b></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., B.E.C.T.U., N.A.H.T., N.A.S.W.U.T., UNITE, ASCL, NEU, Community TU) for each 300 members or part thereof and the Chair of the Safety Representatives Co-ordinating Committee.</p> <p>Officers – Assistant Director, Resources; and a Chief Officer (or his/her representative) from each of the Council's Department.</p>
<p><b>TOTAL MEMBERSHIP –</b></p>	<p>5</p>
<p><b>QUORUM –</b></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 Economy and Resources Scrutiny Committee

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 Assistant Director, Law and Governance 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.

## HUMAN RESOURCES ADVISORY PANEL

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL	
OTHER MEMBERS	<p>Persons appointed by the Council as an Independent Person, pursuant to S.28(7) of the Localism Act 2011</p> <p>In the advent of insufficient numbers to make a quorum, Independent Persons from other Local Authorities (from the Tees Valley or region) may be invited to sit on the Panel</p>
TOTAL MEMBERSHIP –	3
QUORUM –	2

### PROTOCOLS

The membership shall include :-

Persons appointed by the Council to carry out the role of ‘Independent Person’ pursuant to S.28(7) of the Localism Act 2011.

Should there be insufficient numbers to reach quorum, then persons appointed as Independent Persons by other Local Authorities (from the Tees Valley or region) may be invited to sit on this Panel.

### TERMS OF REFERENCE

To act as an advisory panel to the Council in respect of any recommendation that is made to dismiss an officer designated as the Council’s Head of Paid Service (Chief Executive), the Chief Finance Officer (Group Director of Operations) or the Monitoring Officer (Assistant Director Law and Governance).

## RIGHTS OF WAY PANEL

<b>MEMBERSHIP</b>	
DARLINGTON BOROUGH COUNCIL 2 Conservative Group Members and 1 Labour Group Member	2 x 1 x 0 x 0 x 0
OTHER MEMBERS	
TOTAL MEMBERSHIP –	3
QUORUM –	2

### PROTOCOLS

The membership shall not include a Member of the Cabinet.

### 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

<b>MEMBERSHIP</b>	
<p><b>DARLINGTON BOROUGH COUNCIL</b></p> <p>1 Conservative Group Member, 1 Labour Group Member, 1 Liberal Democrat Group Member and 1 Green Member</p>	<p>1 x 1 x 1 x 0 x 1</p>
<b>OTHER MEMBERS</b>	
<b>TOTAL MEMBERSHIP –</b>	4
<b>QUORUM –</b>	2

### **PROTOCOLS**

The Chair shall be the Cabinet Member with Children and Young People Portfolio

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 Assistant Director Law and Governance 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.

## HEALTH AND WELLBEING BOARD

<b>MEMBERSHIP</b>	
<b>DARLINGTON BOROUGH COUNCIL</b>  3 Conservative Members, 1 Labour Group Member and 1 Independent Group Member	3 x 1 x 0 x 1 x 0
<b>OTHER MEMBERS</b>	17
<b>TOTAL MEMBERSHIP –</b>	22
<b>QUORUM –</b>	

### **PROTOCOLS**

The membership shall include:-

- Leader of the Council
- Group Director of People, DBC
- Director of Public Health
- Cabinet Member Health and Housing Portfolio
- Cabinet Member with Children and Young People Portfolio
- Cabinet Member with Adults Portfolio
- Leader of the main Opposition Group on Darlington Borough Council
- Police, Crime and Victim Commissioner
- Chief Executive, Healthwatch Darlington
- Three Representatives, North East and North Cumbria Integrated Care Board
- Representative, County Durham and Darlington NHS Foundation Trust
- Representative, NHS England
- Representative, Tees, Esk and Wear Valleys NHS Foundation Trust

Representative, Darlington Primary Care Network  
Representative, Harrogate and District NHS Foundation Trust  
Representative, Voluntary and Community Sector Engagement Group  
Representative, Darlington Primary Schools  
Representative, Darlington Secondary Schools  
Representative, Darlington Post Sixteen Years  
Representative, School of Health and Life Sciences, Teesside University

The Health and Social Care Act 2012 states that following are the only statutory members of the Board and should a vote be taken, voting will be restricted to these categories :-

At least one Councillor  
Director of Public Health  
Director of Adult Social Care  
Director of Children's Services  
A representative of the Clinical Commissioning Group  
A representative of the Local HealthWatch organisation

## **TERMS OF REFERENCE**

The statutory functions of Health and Wellbeing Boards are to ensure that each area:-

- (a) encourages providers of Health and Social Care services to work in an integrated manner for the purpose of advancing the health and well being of the population; and
- (b) undertakes the Public Involvement functions that were previously outlined in the 2007 Health Act.

In addition to the above the Health and Wellbeing Board are required to:

- (a) develop a comprehensive Joint Strategic Needs Assessments (JSNA);
- (b) develop a robust Joint Health and Well Being Strategy; and
- (c) in preparing the Joint Health and Well Being Strategy, the responsible authority and each of its partner Clinical Commissioning Groups (CCGs) must consider the extent to which needs could be met more effectively by undertaking Section 75 of the NHS Act arrangements (joint commissioning).