

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

MEMBERSHIP	
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 :-

- (a) Adopting and changing the Constitution;
- (b) 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;
- (c) 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;

- (a) Appointing the Leader for a four year term of office;
- (b) Power to remove the Leader before expiry of term of office;
- (c) Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (d) Receiving reports from the Cabinet and the Scrutiny Committees;
- (e) Appointing representatives to outside bodies, unless the appointment is a Cabinet function;
- (f) Adopting the Members' Allowances Scheme under Part 5 of this Constitution;
- (g) Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (h) Confirming the appointment of the Head of Paid Service;
- (i) Approving the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer;
- (j) Making, amending, revoking, re-enacting or adopting Byelaws and promoting or opposing the making of local legislation or personal bills;
- (k) Election functions, including electoral, boundary and parish issues;
- (l) All local choice functions, as set out in this Constitution, which the Council decides should be undertaken by itself rather than the Cabinet;
- (m) 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
- (n) Maintaining the table of Local Choice Functions.

PROTOCOLS

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

- (a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary;
- (b) 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;
- (c) 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;

- (d) To promote public involvement in the Council's activities;
- (e) To be the conscience of the Council and to uphold high standards of ethics and probity within the work of the Council; and
- (f) 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, 4 Conservative Group Members, 2 Green Group Members and 1 Liberal Democrat Group Member
OTHER MEMBERS	
TOTAL MEMBERSHIP –	14
QUORUM –	4

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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	6 Labour Group Members, 4 Conservative Group Members, 2 Green Group Members, 1 Liberal Democrat Group Member and 1 non-aligned Independent Member
OTHER MEMBERS	
TOTAL MEMBERSHIP –	14
QUORUM –	4

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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	5 Members to be drawn from the General Licensing Committee
OTHER MEMBERS	
TOTAL MEMBERSHIP –	5
QUORUM –	4

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	6 Labour Group Members, 4 Conservative Group Members, 2 Green Group Members, 1 Liberal Democrat Group Member and 1 non-aligned Independent Member
OTHER MEMBERS	
TOTAL MEMBERSHIP –	14
QUORUM –	4

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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	3 Members to be drawn from the Licensing Act 2003 Sub-Committee
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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	<p>2 Labour Group Members, 1 Conservative Group Member and 1 Green Group Member and 1 non-aligned Independent Member</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>CO-OPTED MEMBERS</p> <p>3 Parish Councillors</p>	<p>3</p>
QUORUM –	<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>

TERMS OF REFERENCE

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

- (a) 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.
- (b) Investigations will be commenced, in appropriate cases, following the assessment of a complaint by the Monitoring Officer (Assistant Director Law and Governance).
- (c) The Committee receives guidance and support from the Monitoring Officer (Assistant Director Law and Governance) and may raise issues direct with that Officer.
- (d) 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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	3 Labour Group Members, 2 Conservative Group Members and 1 Green Group Member
TOTAL MEMBERSHIP –	6
QUORUM –	2

PROTOCOLS

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

STATEMENT OF PURPOSE

The purpose of the Audit Committee is to provide independent assurance to the members of the adequacy of the risk management framework and to the internal control environment. It provides independent review of governance, risk management and control framework 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.

The work of the Committee is informed by the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and recommended practice.

TERMS OF REFERENCE

- (a) To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- (b) Monitor the integrity of the Council's financial statements and review the Annual Statement of Accounts.
- (c) To review the Annual Governance Strategy.
- (d) To oversee risk management and the Council's risk registers.
- (e) To review any proposed changes to accounting policies and procedure rules.

- (f) To review the performance of the Treasury Management Strategy and forward any comments to Cabinet and Council.
- (g) To approve the role and responsibilities of the Internal Audit Service (the Services' functions, aims and objectives).
- (h) To receive and consider the Council's External Auditor's Audit Results Report.
- (i) To approve the internal audit plans.
- (j) To receive external audit plans.
- (k) To review Internal Audit work on a quarterly basis; internal and external annual reports together with any management response and receive details of specific significant issues highlighted via audit work and refer to Cabinet or Council as appropriate, any issues arising which are key in nature.
- (l) To consider the arrangements for the promotion of high standards of conduct and wider corporate governance.

HUMAN RESOURCES COMMITTEE

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	5 Labour Group Members, 3 Conservative Group Members, 1 Green Group Member, 1 Liberal Democrat Group Member and 1 non-aligned Independent Member
OTHER MEMBERS	
TOTAL MEMBERSHIP –	11
QUORUM –	4

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

- (a) To undertake the interview and appoint process for the Chief Executive (Head of Paid Service) and to make recommendation to Full Council thereon.
- (b) To hear and determine disciplinary issues warranting the dismissal of the Head of Paid Service (Chief Executive), the Chief Finance Officer (Executive Director Resources and Governance) 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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	4 Labour Group Members, 2 Conservative Group Members, 1 Green Group Member and 1 Liberal Democrat Group Member
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

- (a) 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 (Executive Director Resources and Governance), Monitoring Officer (Assistant Director Law and Governance), Director of Public Health, Executive Director Environment, Highways and Community Services, Executive Director Economy and Public Protection, the Executive Director People and the Assistant Director (Education and Inclusion).
- (b) 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	2 Labour Group Members, 2 Conservative Group Members and 1 Green Group Member
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

- (a) To interview and appoint to Assistant Directors and other employees whose posts are Deputy Chief Officers.
- (b) 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	
DARLINGTON BOROUGH COUNCIL	2 Labour Group Members, 2 Conservative Group Members, and 1 Green Group Member
OTHER MEMBERS	<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>
TOTAL MEMBERSHIP –	5
QUORUM –	One quarter of the membership

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

- (a) To consider appeals from employees in relation to human resource issues .
- (b) Insofar as it is specifically delegated appropriate employee consultations with recognised Trade Unions.

HUMAN RESOURCES ADVISORY PANEL

MEMBERSHIP	
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 (Executive Director Resources and Governance) or the Monitoring Officer (Assistant Director Law and Governance).

RIGHTS OF WAY PANEL

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	2 Labour Group Members and 1 Conservative Group Member
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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	2 Labour Group Members, 1 Conservative Group Member and 1 non-aligned Independent Member
OTHER MEMBERS	
TOTAL MEMBERSHIP –	4
QUORUM –	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

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL	2 Labour Group Members, 2 Conservative Group Members and 1 Green Group Member
OTHER MEMBERS	17
TOTAL MEMBERSHIP –	22
QUORUM –	The quorum for meetings shall be three voting members and must include at least one Darlington Borough Council Councillor and one representative of the North East and North Cumbria Integrated Care Board.

PROTOCOLS

The membership shall include :-

- Leader of the Council
- Executive Director of People, DBC
- Director of Public Health
- Cabinet Member Health and Housing Portfolio
- Two Conservative Group Members
- One Green Group Member
- 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
- 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
- Executive Director of People
- A representative of the North East and North Cumbria Integrated Care Board
- 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).