

Section 7. The Membership and Terms of Reference of Committees and Panels

Council Body	Membership
Council	All Councillors
District Executive	Ten Councillors, including the Leader and Deputy Leader as further described in Article 7
Scrutiny Committee	Fourteen Members politically balanced
Regulation Committee	Fourteen Members, politically balanced and, as far as practicable, drawn equally from each of the four area committees
Audit Committee	Ten Members - politically balanced
Licensing Committee	Fifteen Members
Area Committees	Each of the four area committees comprise all those District Council members elected from that area as further described in Article 10
Standards Committee	Six District Councillors and three parish representatives co-opted as non-voting members. Composition is further described in Article 9
Appointments Committee	Seven Members - politically balanced
Appeals Panel	Pool of Eight Members - politically balanced

Terms of Reference of Committees and Panels

1. District Executive

1.1 General

The District Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. It is responsible for all executive functions and those local choice functions specified as being the responsibility of the District Executive.

1.2 Specifically

The District Executive shall:

- Co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give the Area Committees strategic direction.
- Consider recommendations from Area Committees, Scrutiny Committee, Audit Committee and Portfolio holders on policy development and change.
- Recommend key priorities for the Council and the overall policy framework.
- Agree core minimum standards for service delivery.
- Consider Referrals from Area Committees on matters which have major policy or resource implications.
- Keep under review the Council's financial affairs and receive reports from the relevant Director and Section 151 officer on matters for which he/she is responsible.
- Recommend the Capital Programme, revenue budgets and the level of Council Tax.
- Agree resource allocation procedures and processes, including service planning and performance review arrangements.
- Receive reports on matters relating to the overall staff establishment, discipline, training and welfare, redundancies and early retirements, conditions of employment and performance monitoring.
- Approve strategic disposals and acquisition including:
 - leases
 - sales of land valued in excess of £10,000

2. Area Committees

2.1 General

Each Area Committee shall monitor service delivery in its area, provide leadership for its communities, and take decisions on regulatory matters such as planning applications and statutory orders. They shall also take executive decisions as specifically delegated by the Executive.

2.2 Specifically

The Area Committees shall:

- Within their area, take decisions in respect of non-executive functions as listed in section 3 of this Constitution; and
- take executive decisions as set out section 4 of Part 3 of this Constitution.
- They may also take all other non-executive (regulatory) decisions required to be made by the Council and affecting their area only, and which are not reserved to be taken by any other committee, or the Council itself.

- Determine planning applications within its area subject to guidelines in respect of referrals to the Regulation Committee.
- Discuss any matter of interest to the area.
- Oversee and monitor the operation of services in their area.
- Oversee capital schemes to include budgetary control in cases where this has been delegated by the District Executive.
- Manage local regeneration projects within financial limits agreed by District Executive.
- Prepare Area Action Plans.
- Make nominations to serve on outside bodies.
- Form working groups and panels subject to budgetary constraints and notification to the District Executive.
- Approve sales of land up to the value of £10,000.
- Play an enabling role by taking opportunities to provide services and benefits for the people of the area in collaboration with external agencies.
- Foster a close working relationship with Town and Parish Councils in the area.
- Consult and consider the views of the public on area priorities and provide opportunities for public participation, working in collaboration with external agencies.
- Submit to the District Executive ideas for improvements to services or innovative ways of working which may be of interest or benefit to other Areas.
- Contribute towards the formulation of district-wide policies.
- Be responsible for the local area aspects of the Community Plan.

2.3 Decisions to be the District Executive

The following decisions need to be referred to the District Executive:

- Matters of policy which have district wide significance
- Matters that might have an impact on more than one area (planning matters will be referred to the Regulation Committee in accordance with agreed guidelines)
- Expenditure not covered by an approved budget or within the approved capital programme
- Sales of land over £10,000.

3. Scrutiny Committee

The Scrutiny Committee shall monitor and scrutinise the performance of the Council and its services and make recommendations on any issue for which the Council is responsible or which affects the local community including those services provided by outside agencies. The Committee will undertake or commission reviews of policy, including value for money checks and keep an overview of the Council's political management arrangements.

The Scrutiny Committee is not able to take decisions but makes recommendations to either the District Executive or the full Council.

There are three main elements to the work of the Committee:

- a. To "call in" decisions taken by the Executive or Area Committees but not implemented. It can ask the District Executive or Area Committee to re-consider its decision.
- b. To review the implementation of decisions and ask the District Executive or full Council to look at a particular area of policy in respect of which the decision was made.

- c. To undertake detailed reviews of issues either within or outside the council

4. Audit Committee

4.1 Our Audit Committee is a key component of South Somerset District Council's 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 our 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 South Somerset District Council's 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.

4.2 Governance, risk and control

- (i) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- (ii) To review the AGS 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.
- (iii) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (iv) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (v) To monitor the effective development and operation of risk management in the council.
- (vi) To monitor progress in addressing risk-related issues reported to the committee.
- (vii) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- (viii) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- (ix) To monitor the counter-fraud strategy, actions and resources.
- (x) To review the governance and assurance arrangements for significant partnerships or collaborations.

4.3 Internal audit

- (i) To approve the internal audit charter.
- (ii) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (iii) 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.
- (iv) To approve significant interim changes to the risk-based internal audit plan and resource requirements.

- (v) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (vi) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- (vii) To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
 - b) regular reports on the results of the QAIP
 - c) reports on instances where the internal audit function does not conform to the PSIAS and LGAN, considering whether the non-conformance is significant enough that it must be included in the AGS.
- (viii) To consider the head of internal audit's annual report:
 - a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) 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 AGS.
- (ix) To consider summaries of specific internal audit reports as requested.
- (x) To receive reports outlining the action taken where the head of internal audit 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.
- (xi) To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- (xii) To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
- (xiii) To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

4.4 External audit

- (i) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- (ii) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (iii) To consider specific reports as agreed with the external auditor.
- (iv) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (v) To commission work from internal and external audit.

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

4.5 Financial reporting

- (i) To review the annual statement of accounts. 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.
- (ii) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- (iii) To review and recommend to Council changes to Financial Procedure Rules and Procurement Procedure Rules.

4.6 Treasury Management

- (i) To provide a scrutiny role in Treasury Management matters including regular monitoring of treasury activity and practices.
- (ii) The committee will also review and recommend the Annual Treasury Management Strategy Statement and Investment Strategy, MRP Strategy, and Prudential Indicators to Council.

4.7 Accountability arrangements

- (i) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- (ii) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- (iii) To publish an annual report on the work of the committee.

5. Standards Committee

- The Standards Committee promotes and maintains high standards of conduct by Members and Co-opted Members;
- Advises, trains or arranges to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- Recommends the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and monitors the operation of such code(s) of conduct;
- Deals with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where an investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.

- Takes decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
 - Reporting its findings to Council [or to the Parish Council] for information;
 - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
 - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
 - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Restricting contact to named officers or requiring contact be through named officers; or
 - The exclusion of [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Advises on the management of statutory and other registers of interest and gifts / hospitality received;
- Advises the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation to the key documents and protocols dealing with members conduct and ethical standards;

6. Regulation Committee

The Committee shall:

- Determine applications for planning permission referred from the Area Committees in accordance with the approved guidelines set out in this document and the Planning Reimagined Reports to Council in February 2021.
- Pass Resolutions in respect of significant Council applications for planning permission.

7. Licensing Committee

The Committee shall be responsible for those licensing functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by

members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

8. Appointment Committee

The Committee shall make appointments to director level posts in accordance with the Human Resources Management Rules (see Part 4)

9. Appeals Panel

The Panel will be constituted in line with the Council's Disciplinary Procedures.