

SECTION 8

OTHER COMMITTEES

1. Committees

1.1 The County Council will appoint the Committees listed below to perform functions which cannot be dealt with by the Executive. The Committees will be appointed at the Annual Meeting of the County Council under Standing Order 24 of the Procedural Standing Orders in Section 12 of this Constitution.

1.2 The responsibilities and powers of each Committee are listed below and any of their powers that are delegated to officers of the Council are recorded in the Scheme of Delegation to Officers in Section 11 of this Constitution.

2. Planning Committee

2.1 The Planning Committee will be responsible for the discharging the following functions and delegated powers:-

- Deciding applications for planning permission and whether to impose any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted and deciding any other terms to which any such approval, consent, licence, permission or registration is subject.
- Revoking, amending, modifying or varying any approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject.
- Deciding applications to develop land without compliance with conditions previously attached.
- Deciding to grant planning permission for developments already carried out.
- Declining to decide applications for planning permission
- Deciding applications for planning permission made by a local authority, alone or jointly with another person.
- Deciding, giving approvals and agreeing certain other matters relating to the exercise of permitted development rights.
- Deciding to enter into agreement regulating development or use of land.
- Granting consent for the display of advertisements.
- Power to determine applications for hazardous substances consent, and related powers
- Deciding conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- Deciding applications for listed building consent, and exercising the related powers and duties.
- Deciding applications for conservation area consent, and exercising the related powers and duties.
- Executing urgent works
- Making limestone pavement orders.
- Exercising the County Council's powers relating to the preservation of trees.
- Deciding whether, and how, to enforce any failure to comply with an approval, consent, licence, permission or registration; or a condition, limitation or term to which such approval, consent, licence, permission or registration is subject; and any other contravention in relation to a matter with regard to which the function

of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Cabinet. This includes the following powers:-

- To issue a planning contravention notice, breach of condition notice, stop notice (full) or temporary stop notice and to serve a completion notice.
- To require the discontinuance of a use of land.
- To issue or withdraw an enforcement notice and to waive or relax any requirement of the notice
- To apply for an injunction restraining a breach of planning control
- Exercising the County Council's powers and duties relating to Local Development Documents which are Development Plan Documents.
- Agreeing to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.
- To determine objections to proposed Traffic Regulation Orders received from local member(s) of the County Council affected thereby.

2.2 Where the Planning Committee are minded to refuse an application for planning permission which has been submitted on behalf of the Cabinet in respect of a County Council service, the application shall not be determined by the Planning Committee but shall be referred to a Special Ad Hoc Panel comprising five members of the Audit and Standards Committee who are not members of the Cabinet, the relevant Scrutiny Committee, or the Planning Committee.

2.3 Meetings of the Planning Committee will be subject to the Procedural Standing Orders in Section 10 of this Constitution and, in addition the Committee has agreed a protocol for Members of the public who have made representations to speak at meetings of the Committee. The operation of this protocol is regularly reviewed and the up to date version can be found at <http://www.staffordshire.gov.uk/yourcouncil/committeesold/planningcommittee/default.htm>.

2.4 In addition the Planning Committee will establish a **Countryside and Rights of Way Panel** and **Licensing Panel** of five members of the Committee with full delegated powers to deal with the following matters detailed below.

2.5 **Countryside and Rights of Way Panel**

2.5.1 The Countryside and Rights of Way Panel will be appointed at the first meeting of the Planning Committee in each municipal year. In addition to the five Members of the Panel, five additional Members will be appointed as substitutes to serve on the Panel in circumstances referred to in paragraph 2.5.4 below.

2.5.2 The functions and responsibilities of the Countryside and Rights of Way Panel shall be as follows:-

- Registering common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to – (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. C 118)
- Registering variation of rights of common
- Authorising erection of stiles etc. on footpaths or bridleways
- The creation of footpaths or bridleways, including by agreement.

- Keeping a register of information with respect to maps, statements and declarations.
- Stopping up footpaths and bridleways.
- Deciding applications for public path extinguishment orders.
- Making rail crossing extinguishment orders.
- Making special extinguishment orders.
- Diverting footpaths and bridleways.
- Making public path diversion orders.
- Making rail crossing diversion orders.
- Making special diversion orders.
- Requiring applicants for orders to enter into agreements.
- Making an Site of Special Scientific Interest diversion order.
- Keeping a register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- Deciding to decline to determine certain applications.
- Exercising the duty to assert and protect the rights of the public to use and enjoyment of highways.
- Exercising the duty to serve notice of proposed action in relation to obstruction.
- Applying for variation of orders under section 130B of the Highways Act 1980.
- Authorising temporary diversions of surface of footpath or bridleway.
- Divert footpaths or bridleways temporarily.
- Exercising functions relating to the making good of damage and the removal of obstructions.
- Exercising powers relating to the removal of things deposited on highways causing a nuisance.
- Extinguishing certain public rights of way.
- Keeping the definitive map and statement under review.
- Including modifications in other orders.
- Keep a register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.
- Reclassifying roads used as public paths.
- Preparing a map and statement by way of consolidation of definitive map and statement.
- Designating footpaths as cycle tracks.
- Authorising stopping up or diversion of highway under Section 247 of the Town and Country Planning Act 1980.
- Authorising stopping-up or diversion of footpath or bridleway under Town and Country Planning Act.
- Extinguishing public rights of way over land held for planning purposes.
- Deciding to enter into agreements with respect to means of access.
- Exercising the power to provide access in absence of agreement.
- Exercising powers relating to the protection of important hedgerows.

2.5.3 Meetings of the Countryside and Rights of Way Panel will be conducted in accordance with the Procedural Standing Orders in Section 12 of this Constitution.

2.5.4 For consideration of reports on applications for the registration of common land, or town or village greens and Section 53 items the Panel shall operate a formal substitute member system in cases where a full member of the Panel is the local member for the division in which the land is situated.

2.6 Licensing Panel

2.6.1 A Licensing Panel will be appointed by Planning Committee when necessary to deal with matters in respect of the following functions and responsibilities:-

- Keeping a list of persons entitled to sell non-medicinal poisons
- Registering animal trainers and exhibitors
- Licencing the employment of children
- Approving premises for the solemnisation of marriages
- Granting a street works licence
- Licencing agencies for the supply of nurses
- Issuing licences for the sale or movement of pigs and licencing collecting centres for the movement of pigs.
- Issuing licences to move cattle from a market.
- Granting permission for the provision etc. of services, amenities, recreation and refreshment facilities on highway, and related powers
- Publishing notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980
- Permitting deposit of builder's skip on highway
- Licencing planting, retention and maintenance of trees etc in part of highway
- Licencing works in relation to buildings etc. which obstruct the highway
- Consenting to temporary deposits or excavations in streets
- Dispensing with obligation to erect hoarding or fence
- Restricting the placing of rails, beams etc over highways
- Consenting to the construction of cellars etc under street.
- Consenting to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- Sanctioning the use of parts of buildings for storage of celluloid.
- To conduct a public hearing for objections received to applications for licences to manufacture and/or store explosives and to decide whether to assent to the application.

3. Audit and Standards Committee

3.1 The purpose of our audit committee is to provide independent assurance on the adequacy of the risk management framework and the internal control environment. It provides independent review of Staffordshire County 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. It also oversees the Council's democratic processes and the content and application of the Code of Conduct for Councillors and Co-opted members.

3.2 The Audit and Standards Committee has the following functions and responsibilities:

Audit Matters

Governance and Risk Control

- To approve, monitor, review and amend from time to time the Council's Code of Corporate Governance including the ethical framework to ensure that it is adequate and effective.

- To review the Annual Governance Statement (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.
- To monitor the adequacy and effectiveness of the Authority's risk management processes and to:-
 - Approve the Risk Management Policy Statement and monitor its implementation
 - Approve the content of the Corporate Risk Register and proposed Risk Mitigation Action Plan and monitor its implementation
- To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To monitor the Counter Fraud Strategy, actions and resources and review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.
- To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements
- To consider the governance and assurance arrangements for significant partnerships and/or collaborations, where required to do so in delivering the Internal Audit Plan.

Internal Audit

- To work with and advise the Director of Finance and Resources in ensuring arrangements for the provision of an adequate and effective Internal Audit.
- To monitor the adequacy and effectiveness of the Internal Audit service and Chief Officers' responsibilities for ensuring an adequate control environment including:-
 - Approving the Internal Audit Charter
 - Receiving an annual risk based internal audit plan from the Head of Internal Audit;
 - Monitoring progress against the plan through the receipt of periodic progress performance reports and an annual Internal Audit report;
 - Receiving and considering major Internal Audit findings and recommendations;
 - Monitoring the response to major findings and the implementation of key recommendations;
 - Considering the Head of Internal Audit's annual Internal Audit report:-
 - The statement of the level of conformance with the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN) and the results of the Quality Assurance and Improvement Programme (QAIP) that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - The effectiveness of Internal Audit to support the AGS.
 - 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.
- To contribute to the QAIP and in particular, the periodic external quality assessment of Internal Audit.

- 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.
- To review any issue referred to it by the chief executive or a director, or any council body.
- To provide free and unfettered access to the Audit and Standards Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

External Audit

- To determine the procurement process to be taken by Staffordshire County Council for the appointment of external Auditors either via means of an auditor panel or through Public Sector Audit Appointments (PSAA) and to express an opinion on their selection and rotation.
- To monitor the independence, adequacy and effectiveness of the External Audit service and respond to its findings. This will include:-
 - Discussing the nature and scope of the audit of Staffordshire County Council services and functions, and considering the external audit fee and terms of engagement;
 - Receiving and considering the external auditor's annual letter, relevant reports and the report to those charged with governance and advising the Council as appropriate;
 - Commenting on the scope and depth of external audit work and to ensure it gives value for money.
 - Monitoring the County Council's response to the external auditors findings and the implementation of external audit recommendations.
 - To support the independence of external auditor's findings and the implementation of external audit recommendations.
 - To support the independence of external audit through consideration of the external auditors annual assessment of its independence and review of any issues raised by PSAA or the auditor panel, as appropriate.

Financial Reporting

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

Accountability Arrangements

- 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, where required.
- To publish an annual report on the work of the committee including its performance in relation to the terms of reference and its effectiveness in meeting its purpose.

Standards Matters

- To make recommendations to Full Council on the Code of Conduct (including associated Protocols) for Councillors and Co-opted members and to monitor its application and effectiveness including overseeing training for Councillors and Co-opted members.
- To oversee the Register of Members' Interests.
- To oversee the effectiveness of the Council's procedures for investigating and responding to complaints about Councillors and Co-opted members (as approved by Full Council on 19 July 2012).
- To appoint a Panel of five members of the Committee to:
 - Interview and make recommendations to Council on the appointment of Independent Persons in accordance with the Localism Act 2011 and an Independent Person to serve on the Audit and Standards Committee should CIPFA's Practical Guidance for Local Authorities (2018 Edition) on Committee membership be adopted.
 - Consider alleged breaches of the Code of Conduct.
- To consider and, where applicable, make recommendations to Full Council on decisions of the Standards Panel on breaches of the Code of Conduct considered by that Panel.
- To oversee the maintenance of the List of Politically Restricted Posts.

Elections

- To oversee the actions of the Returning Officer with regard to the delivery and conduct of the County Council elections and casual vacancies, and any peripheral responsibilities.

Governance and Decision-Making

- To oversee, review and make any recommendations on, the effectiveness and operation of the Constitution and any of the provisions of it.
- To monitor the adequacy and effectiveness of the County Council's Information Governance arrangements.
- To establish Panels of five members of the Committee, as and when required, with delegated powers to deal with:
 - Appeals by officers against disciplinary, grading or employment related action (including in respect of the List of Politically Restricted Posts)
 - Appeals against dismissal from teachers employed in Education Support Units.
 - Appeals against any Executive decision where the law requires that a person shall have a right of appeal within the Council against that decision and for which no other provision is made under this Constitution.
 - Planning Applications referred to in paragraph 2.2 of Section 8 of this Constitution (ie where the Planning Committee is minded to refuse an application for planning permission submitted on behalf of the Cabinet in respect of a County Council service (membership of this Panel shall not include members of the Cabinet, relevant Scrutiny Committee or Planning Committee).

Miscellaneous

- For functions which are not a function of the Executive – to authorise, or revoke the authority of, a person to exercise a function to which Section 70 of the Deregulation and Contracting Out Act 1994 applies.
- To deal with any other matter (regulatory, judicial, quasi-judicial or licensing) which by law cannot be the responsibility of the Executive for which no other provision exists in this Constitution.
- To make payments or other benefits in cases of maladministration etc.

Health and Safety

- To monitor the adequacy and effectiveness of the County Council's Corporate Health and Safety policies and to approve the annual Action Plan and key priorities.

4. Pensions Committee

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Terms of Reference to be gradually phased out, with effect from 1 April 2017, to co-incide with the establishment of LGPS Central Limited, the transfer of Pension Fund investment management activity to that company and the establishment of associated revised governance arrangements

Red (Italic) Text

Terms of Reference to be to gradually phased in, with effect from 1 April 2017, to co-incide with the establishment of LGPS Central Limited, the transfer of Pension Fund investment management activity to that company and the establishment of associated revised governance arrangements.

4.1 The Pensions Committee will have full delegated powers to deal with all Functions relating to Local Government Pensions on behalf of the County Council.

4.2 The Committee shall comprise nine elected members and six non-voting co-opted members representing the following categories:-

- Local Authorities/Staffordshire Police Authority/ Combined Fire Authority (1 seat)
- Contractors (1 seat)
- Other Scheduled Bodies (1 seat)
- Trades Unions (2 seats)
- Pension Recipients (1 seat)

4.3 The terms of reference of the Pensions Committee will be:-

- To decide and set from time to time:-
 - The strategic asset allocation and objectives of the Staffordshire Pension Fund (“the Pension Fund”);
 - The strategic benchmarks for the performance of the Pension Fund against which the actual performance is to be measured;

- The strategic targets against which the performance of the Pensions Panel **and Fund Managers** is to be measured;
- The arrangements for consultation with the stakeholders that have an interest in the affairs of the Pension Fund.
- To review at not more than yearly intervals the performance of the Pension Fund and the Pensions Panel against the strategic objectives, benchmarks and targets set by them and to consider if, and to what extent, any change may be necessary to ensure the efficient and effective performance of the Pension Fund;
- *Selection, appointment and dismissal of an investment pooling operator to manage the assets of the Fund.*
- *Determining what the administering authority requires the pool to provide to enable it to execute its local investment strategy effectively.*
- *Receiving and considering reports and recommendations from the Joint Committee and Practitioners Advisory Forum, established to oversee the pool, to ensure that the Fund's investor rights and views are represented effectively.*
- *Identifying and managing the risk associated with investment pooling.*
- *Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling.*
- *Ensuring the responsible investment, corporate governance and voting policies of the Fund are delivered effectively.*
- To approve and keep under review the Investment Strategy Statement and Funding Strategy Statement.
- To maintain a Communication Strategy.
- To approve the Pension Fund Annual Report and Accounts.
- To receive a report at least annually on pensions administration activities.
- To approve and keep under review the Fund's Additional Voluntary Contribution (AVC) arrangements.
- To approve the formal Actuarial Valuation.
- To approve the admission of employing organizations to the Fund where there is discretion to do so.
- To have due regard to the advice of the Director of Finance and Resources and to the advice of Consultants appointed by the Committee for the purpose (the appointment of whom may be made by the Committee on such terms and conditions and for such duration as the Committee may consider appropriate) with expertise in either or both of the following fields:-
 - Actuarial matters and Risk/Liability assessment
 - Investment Strategy and Allocation;
- To monitor from time to time the advice received from Consultants.
- To have regard to the advice of the Pensions Panel on matters referred to the Committee for consideration by the Panel and to call for advice from any Adviser or Manager who could have been asked by the Pensions Panel to give the Panel advice.
- If the Pensions Committee shall disregard the advice of Consultants their reasons for so doing shall be recorded in the minutes of the Committee.

- To deal with any other matters arising in respect of Local Government Pensions.
- To appoint a Pensions Panel of five Members of the Committee.
- To appoint a Pensions Board of a maximum of seven members (comprising two employer representatives, two employee representatives and a maximum of three 'independent' members).

4.4 The Pensions Panel

4.4.1 The Pensions Committee will constitute a Pensions Panel of five members of the Committee with full delegated powers to deal as and when appropriate with the following matters:-

- The structure of the management arrangements necessary to achieve the effective management of the Pension Fund to meet the objectives set by the Pensions Committee;
- **The selection, appointment and dismissal of, and the monitoring of the performance of, the Managers of the Pension Fund**
- The allocation of the assets of the Pension Fund and the generic selection of asset portfolios in order to meet the objectives set by the Pensions Committee;
- The monitoring of the performance of the Pension Fund **and its portfolios** on a regular and routine basis across all sectors of investment and management and the reporting arrangements to Panel *that may be* required from time to time for this purpose;
- *The monitoring of the performance and effectiveness of the investment pooling operator to ensure it is providing an effective means of delivering the investment strategy (e.g. types of assets and style of investment management) and it is meeting the objectives that have been set (including requirements in relation to responsible investment).*
- **To agree from time to time any restrictions to be placed on any one or more Managers of the Pension Fund as to particular classes of authorised investment or decisions they may take on behalf of the Pension Fund or as to the exercise of voting rights.**

4.4.2 The Pensions Panel will review regularly and make recommendations to the Pensions Committee on the following matters:-

- Strategic Asset Allocation.
- Strategic Benchmarks.
- Strategic Performance Targets.
- **The performance of Investment Fund Managers**
- The Investment Strategy Statement and the Funding Strategy statement.
- Legislative, financial and economic changes which impact on the investment activity of the Fund.
- The advice from advisers appointed by the Panel.

4.4.3 The Pensions Panel shall have regard to the advice of the Chief Finance Officer and to the advice of Independent Advisers appointed by the Panel for the purpose (the appointment of whom may be made by the Panel on such terms and conditions and for such duration as the Panel may consider appropriate) with expertise in any one or more of the following fields:-

- Tactical Asset Allocation/Investment Strategy Implementation;
- Equities/Stocks/Shares/Securities (whether in UK or Overseas)

- Property
- Bonds and Gilt-edged Investments
- **Manager Selection and Performance Monitoring**

and to the advice of any one or more Managers of the Pension Fund as the Panel may request.

4.4.4 The Pensions Panel may make recommendations to the Pensions Committee on any other matter whether or not it falls within the delegated powers available to the Pensions Panel.

4.5 **The Pensions Board**

4.5.1 The Pensions Board will be established under the provisions of Regulation 106(5) of the Pension Local Government Pension Scheme Governance Regulations 2014 and will comprise three representatives of employers and three representatives of employees. Upon receipt of written approval from the Scheme Manager, the Pension Board may appoint a non-voting independent advisor to the Pension Board

4.5.2 The Pensions Board will be constituted and conduct its business in compliance with its formal constitution as approved by the Pensions Committee on 24 October 2014 (and any formally approved subsequent version thereof).

4.5.3 The main purpose and role of the Board will be to:

a) Assist the Administering Authority, as Scheme Manager:

- To secure compliance with the LGPS Regulations and any other legislation relating to governance and administration of the LGPS
- To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator including but not limited to the regulatory strategy of public service pension schemes (as amended);
- In such matters as the LGPS regulations may specify

b) Secure the effective and efficient governance and administration of the LGPS for the Staffordshire Pension Fund.

c) Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.

d) To ensure the Staffordshire Pension Fund effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

e) Help ensure that the Staffordshire Pension Fund is managed and administered effectively and efficiently in terms of administration and governance including investments and funding and complies with the Code of Practice on the governance and administration of public service pension schemes issued by the Pensions Regulator.

f) Meet sufficiently regularly to discharge its duties and responsibilities effectively.

4.6 LGPS Central Joint Committee

4.6.1 *The LGPS Central Joint Committee will be the forum for discussing common investor / customer issues relating to LGPS Central Limited.*

4.6.2 *The Staffordshire Pension Fund will be represented on the Joint Committee by the Chairman of the Staffordshire Pension Panel, or their nominated representative.*

4.6.3 *The Joint Committee's role is to support and provide assistance and guidance and recommendations to the 8 participating Council's in connection with common investor issues such as:*

- (a) Operator service delivery and KPIs; and*
- (b) Other Pool related investment issues, for example adopting common approaches to investment policies (for example common social, environmental and corporate governance policies or policies on voting rights).*

4.6.4 *The Joint Committee shall with the support of the Practitioners Advisory Forum act as the initial forum for LGPS Central to engage with, in connection with general service and performance issues applicable to the wider LGPS Central Pool. This will not preclude LGPS Central engaging directly with Councils in relation to specific matters relating to individual Councils only.*

4.6.5 *It is expected the Joint Committee will meet twice a year.*

5. Charities and Trust Committee

5.1 The purpose of a Charities and Trusts Committee is:

- To exercise those powers and duties held by the County Council in its capacity as a Trustee for Charities and Trusts registered with the Charity Commission and recording the County Council as a Trustee.

5.2 The Charities and Trusts Committee has the following functions and responsibilities

- to approve annual reports and accounts
- to approve Charity Commission returns and other regulatory documents
- to respond to enquiries from auditors and independent examiners
- to make decisions on the use/disposal of charity property and assets
- to oversee the management of any Charity and Trust for which the County Council is a Trustee
- to act as the accountable manager for, and take all necessary administrative decisions on any Charity and Trust for which the County Council is the a Trustee
- To compile and maintain an up to date list of Charities and Trusts for which the County Council is a Trustee
- to take any other action required to ensure the proper management and administration of Charities and Trusts for which the County Council is a Trustee.
- to report annually to the full County Council on decision made on its behalf.

5.3 Membership

- The Committee shall comprise 5 members (Cabinet members shall not be eligible for appointment to this Committee).

5.4 Frequency of Meetings

- The Committee shall hold a minimum of 2 meetings per municipal year. Additional meetings to be held as and when required.