

Part 3A - Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees & Sub-Committees of the Council

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Full Council

Comprised of all [98426](#) elected Members, the full Council is responsible for:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive 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;
- (d) appointing and removing the Leader;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.5 and amending, revoking or replacing such a scheme;
- (h) confirming and terminating the appointment of the head of paid service;
- (i) receive the final accounts for information;
- (j) those non-executive functions specified as being the responsibility of the Council in this Constitution;
- (k) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000 (“the 2000 Act”), the functions of:
 - i. making arrangements for the discharge of functions by a joint committee or officer under section 101(5) of the Local Government Act 1972 (“the 1972 Act”); and
 - ii. making appointments under section 102 (appointment of committees) of the 1972 Act;
- (l) Functions relating to elections as set out in Section D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 (“the 2000 Regulations”);

- (m) Functions relating to name and status of areas and individuals as set out in Section E of Schedule 1 to the 2000 Regulations;
- (n) Functions relating to changing governance arrangements as set out in Section EA of Schedule 1 to the 2000 Regulations;
- (o) Making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- (p) Functions relating to community governance as set out in Section EB of Schedule 1 to the 2000 Regulations;
- (q) Power to make, amend and revoke byelaws;
- (r) Promotion or opposition of local or personal Bills;
- (s) Power to make standing orders;
- (t) Power to make standing orders as to contracts;
- (u) Powers in relation to staff under section 112 of the 1972 Act unless delegated to a committee or an officer;
- (v) Duty to make arrangements for the proper administration of the Council’s financial affairs;
- (w) Appointment of “proper officers” for particular purposes under the 1972 Act;
- (x) Duty to designate an officer as the head of the council’s paid service and to designate an officer as the monitoring officer and to provide them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed;
- (y) Dismissal of Statutory Officers in accordance with the procedure set out in the Officer Employment Procedure Rules;
- (z) Functions relating to sea fisheries; and
- (aa) all other matters which, by law, must be reserved to the Council.

Committees / Sub-Committees of the Council

Responsibility for Non-Executive or Council functions (* Denotes a local choice function)

- (a) The Council will appoint Members to the Committees set out in this Part. The committees may then appoint sub-committees or panels to consider and, where appropriate, determine any matter falling within the remit of the committee.
- (b) The committees may co-opt to their membership or the membership of any sub-committee or panel, person(s) from outside the Council having an interest in the business of the committee, sub-committee or panel but such co-opted person(s) may not vote on any matter.
- (c) Certain non-executive functions have been delegated to officers. Details of those delegations can be found in the Officer Scheme of Delegations at Part 3C of the Constitution. The committees set out below may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.

1. Overview and Scrutiny

1.1 Corporate Overview and Scrutiny Management Board

Comprising ~~216~~ Members of the Council including the Chairs and Vice Chairs of the other 5 Scrutiny Committees, this Committee will:

- (a) Oversee and co-ordinate the work of Overview and Scrutiny and its committees.
- (b) Ensure effective liaison across the work of the committees re: cross cutting issues.
- (c) Be a strategic driver of the Overview and Scrutiny function.
- (d) Consider as appropriate scrutiny member involvement in regional scrutiny arrangements within the context of any regional strategies.
- (e) Establish appropriate liaison with the Executive in the interests of achieving common aims and continuous improvement for the Council.
- (f) Encourage appropriate community involvement in the Overview and Scrutiny role.
- (g) Consider the Council Plan and Notice of Key Decisions and to monitor performance against these plans.
- (h) Deal with petitions in accordance with the Council's Protocol for petitions.
- (i) Consider the Council's annual budget.
- (j) Assist the Executive in the development of the Council's annual budget and to review and scrutinise budgetary management.
- (k) Assist the Executive in ensuring the provision of efficient and effective corporate management and support arrangements.
- (l) Assist the Executive in the development of asset management.
- (m) Scrutinise delivery of the County Durham Vision 2035 and Council Plan and the Our Council theme corporate initiatives the Council has identified ~~ambition of an excellent council and associated objectives~~ of:
 - i. ~~Our resources will be managed~~ Effectively managed resources.
 - ii. ~~A~~ We will create a workforce for the future.
 - iii. ~~Services co-produced~~ We will design our services with service users.
 - iv. ~~U~~ We will use data and technology more effectively.

- v. A healthy workforce~~We will actively performance manage our services.~~
 - vi. Fewer people ~~will be~~ affected by poverty and deprivation ~~in the County.~~
- (n) The Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board, shall be members of all other Scrutiny Committees.
- (o) In the event of any educational related matter being subject to call-in, the 7 voting faith and parent governor representatives shall be invited to attend the Corporate Overview and Scrutiny Management Board that considers that call-in.
- ~~(e)~~(p) To call Cabinet to account for the progress in relation to any company for which the Council is shareholder and any returns it is making.

1.2 Adults Well-Being and Health Overview and Scrutiny Committee

This Committee will be the Council's designated Health Scrutiny Committee in accordance with the Health and Social Care Act 2012.

Comprised of ~~16~~24 Members of the Council plus up to 2 non-voting co-optees, the Adults, Well-being and Health Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of People live long and Independent Lives and Council Plan Our People ambitions/objectives in relation to Adults wellbeing and Health of:

- (a) Furth~~Better~~ integration of health and social care services.
- (b) Support people~~People will be supported~~ to live independently for as long as possible in their own homes - by delivering more homes for to meet the needs of older and disabled people.
- (c) Tackling ing the stigma and discrimination of poor mental health and building resilient communities.
- (d) Promotion of positive behaviours.
- (e) Support people whose circumstances make them vulnerable and protect adults with care and support needs from harm.
- (f) Protect and improve the health of the local population, tackling leading causes of illness and death
- ~~(d)~~(g) Continue to reduce the inequalities gap between our communities.
- ~~(e)~~(h) Lead on the review and scrutiny of NHS Services, Adults social care, Health inequalities and improvement and Public Health Service.

1.3 Children and Young People's Scrutiny Committee

Comprised of ~~16~~24 Members of the Council including the Chair or Vice Chair of Corporate Parenting Panel plus 7 voting faith and parent governor

representatives and up to 2 non-voting co-optees, including young people, the Children and Young People's Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of More and Better Jobs, People Live Long and Independent Lives and Connected Communities in relation to Children and Young People and Council Plan Our Economy and Our People ~~ambitions~~objectives of:

- (a) Young people ~~will have~~ accessing good quality education, training and employment.
- (b) Children and young people ~~will enjoying~~ the best start in life, good health and emotional wellbeing and a safe childhood.
- (c) Children and young people with special educational needs and disabilities will achieve the best possible outcomes.
- (d) Promotion of positive behaviours.
- (e) Continue to reduce the inequalities gap between our communities.
- ~~(d)(f)~~ Fewer people affected by poverty and deprivation. All children and young people will have a safe childhood.

1.4 Economy and Enterprise Overview and Scrutiny Committee

Comprised of ~~1624~~ Members of the Council and up to 2 non-voting co-optees, the Economy and Enterprise Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of More and Better Jobs and Connected Communities and Council Plan Our Economy and Our Communities ~~ambitions~~objectivesambitions of:

- ~~(a)~~ A~~Delivery of a~~ range of employment sites ~~across the county.~~
- (b) A strong, competitive economy ~~and County Durham will be a premier place in the North East to do business.~~
- (c) A broader experience for residents and visitors, ~~to the county.~~
- (d) Young People. People will have good accessing good quality education, training and employment.
- ~~(d)(e)~~ (e) Good access to workplaces, services, retail and leisure opportunities.
- (f) Helping all people into rewarding work
- ~~(e)(g)~~ (g) Fewer people affected by poverty and deprivation.
- ~~(f)(h)~~ (h) Standards will be maintained or improved across the County Durham's Housing stock.
- (i) More~~Delivery of new~~ high-quality housing which is accessible and meets the needs of our residents.
- (j) Towns and Villages which are vibrant, well used, clean, attractive and safe.
- (k) Enable rural communities to become sustainable whilst retaining their distinctiveness.
- ~~(g)(l)~~ (l) Continue to reduce the inequalities gap between our communities.

1.5 Environment and Sustainable Communities Overview and Scrutiny Committee

Comprised of 1624 Members of the Council and up to 2 non-voting co-optees, The Environment and Sustainable Communities Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of People Live Long and Independent Lives and Connected Communities ~~in relation to the Environment and sustainable communities~~ and Council Plan Our Environment and Our Communities ~~ambitions~~ objectives of:

- (a) ~~A~~ Creating a physical environment that will contribute to good health.
- (b) A net zero and resilient ~~Working with others to achieve a carbon neutral~~ county.
- (c) ~~Reducing the~~ Reducing the impact of waste and pollution on our environment.
- (d) A protected, restored and sustained ~~Protecting, restoring and sustaining our natural environment for the benefit of future generations.~~
- (e) Towns and villages which are vibrant, well used, clean, attractive and safe.
- (f) Good access to workplaces, services, retail and leisure opportunities.
- (g) Enable rural communities to become sustainable whilst retaining their distinctiveness.
- ~~(d)~~(h) Continue to reduce the inequalities gap between our communities.

1.6 Safer and Stronger Communities Overview and Scrutiny Committee

This Committee shall be the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.

Comprised of 1624 Members of the Council with up to 2 non-voting co-optees, plus co-opted employees or officers of a responsible authority or of a co-opting person or body, in accordance with Crime and Disorder (Overview and Scrutiny) Regulations 2009. The Safer and Stronger Communities Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision ambitions of People Live Long and Independent Lives and Connected Communities in relation to safer and stronger communities and Council Plan Our People and Our Communities ~~ambitions~~ objectives of:

- (a) Promotion of positive behaviours.
- ~~(a)~~(b) All children and young people will have a safe childhood and victims of crime will have easy access to the services and support they require.
- (c) Towns~~Our villages~~ and villages which are ~~will be~~ vibrant, well used, clean, attractive and safe.
- (d) Communities ~~able~~~~will~~~~to~~ come together ~~to accept~~ and support each other.
- (e) Enable rural communities to become sustainable whilst retaining their distinctiveness.

(b)(f) Continue to reduce the inequalities gap between our communities.

2. Regulatory Bodies

2.1 Audit Committee

1. Governance

- 1.1 The Audit Committee is an advisory committee to both the Council and the Executive. The Committee's purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. Its role in ensuring there is sufficient assurance over the governance, risk and control gives greater confidence to Cabinet and Full Council that the arrangements are effective.
- 1.2 The Committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.
- 1.3 The Chair of the Audit Committee reports on the work undertaken by the Committee to Full Council.
- 1.4 To help maintain its independence, the Audit Committee has the right to meet privately with the External Auditor and the Chief Internal Auditor and Corporate Fraud Manager as considered necessary.
- 1.5 The Audit Committee can request employees, elected members, partners, contractors and the public to attend meetings in order to seek information and explanations as is considered necessary to fulfil its role.
- [1.6](#) The Committee has access to other committees, e.g. Overview and Scrutiny, from which it can gain assurance on the adequacy and effectiveness of the Council's governance arrangements.

~~4.61.7~~ [To give assurance to governance arrangements to receive and review the Council's annual accounts, the annual accounts and audit reports of Council's wholly owned subsidiary companies.](#)

2. Composition and Meetings

- 2.1 The membership of the Audit Committee shall comprise of nine Members of the Council and two co-opted non-voting members.
- 2.2 A quorum of three elected members (including the Chair or Vice Chair) is required for decisions of the Committee to be ratified.

- 2.3 The Chair of the Audit Committee will be independent of the Executive and will not be the Chair of a Scrutiny Committee or the Standards Committee.
- 2.4 The Audit Committee will meet at least four times a year. Meetings will be open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed.

3. Terms of Reference

Governance, Risk and Control

- 3.1 To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance.
- 3.2 To monitor the effective development and operation of risk management in the Council.
- 3.3 To monitor progress in addressing risk-related issues reported to the Committee.
- 3.4 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 3.5 To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- 3.6 To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 3.7 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 3.8 To monitor the counter fraud strategy, actions and resources.
- 3.9 To review the governance and assurance arrangements for significant partnerships or collaborations.

Financial and Governance Reporting

Governance Reporting

- 3.10 To review and approve the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk

environment and supporting assurances, including the head of internal audit's annual opinion.

- 3.11 To consider whether the annual elevation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.

Financial Reporting

- 3.12 To monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met,
- 3.13 To approve 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.
- 3.14 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 3.15 To provide independent and effective assurance over the adequacy of the Council's financial management and reporting, treasury management strategy, risk management framework, and other processes required to achieve the Council's corporate and service objectives.

Arrangements for audit and assurance

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

External Audit

- 3.17 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.
- 3.18 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 3.19 To consider specific reports as agreed with the external auditor/
- 3.20 To comment on the scope and depth of external audit work and to ensure that it gives value for money.
- 3.21 To consider additional commissions of work from external audit.

- 3.22 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- 3.23 To provide free and unfettered access to the Audit Committee Chair for the auditors, including the opportunity for a private meeting with the Committee.

Internal Audit

- 3.24 To approve the internal audit charter.
- 3.25 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 3.26 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.
- 3.27 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- 3.28 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- 3.29 To consider any impairments to the independence or objectivity of the Head of Internal Audit arising from additional role or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments.
- 3.30 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:
- 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 (QUAIP).
 - reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAs) and Local Government Application Note (LGAN), considering

whether the non-conformance is significant enough that it must be included in the AGS.

- 3.31 To consider the Head of Internal Audit's annual report, including:
- 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).
 - 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).
- 3.32 To consider summaries of specific internal audit reports as requested.
- 3.33 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.
- 3.34 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.
- 3.35 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.
- 3.36 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.

Accountability arrangements

- 3.37 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.
- 3.38 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.
- 3.39 To publish an annual report on the work of the Committee, including a conclusion on the compliance with the CIPFA Position Statement.

2.2 General Licensing and Registration Committee

Comprised of 27 Members of the Council the General Licensing and Registration Committee is responsible for:

- (a) Reviewing and making recommendations to the Council where appropriate on policies in relation to the licensing functions set out below.
- (b) Except where the matter is delegated to a Sub Committee or to an officer:
 - i. To discharge the Council's licensing and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to:
 - hackney carriages and private hire vehicles;
 - sex shops and sex cinemas and sexual entertainment venues and licensing matters provided for in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982;
 - market and street trading;
 - ii. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- (c) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.

2.3 General Licensing and Registration Sub-Committees

There are three General Licensing and Registration Sub-Committees, each comprised of 4 Members of the Council plus either a Chair or Vice-Chair, appointed by the Director of Legal and Democratic Services on a rota basis. The quorum for a meeting of this committee shall be 3 and the panels will be identified by the Director of Legal and Democratic Services for each scheduled meeting at the start of the municipal year. The Sub-Committees will discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.

2.4 Statutory Licensing Committee

The Statutory Licensing Committee comprises of 15 Members of the Council drawn from the 27 members of the General Licensing and Registration Committee, who, whilst predominantly serving the Statutory Licensing Committee and its sub committees, can when occasion demands also serve on

other sub committees of the General Licensing and Registration Committee. The functions discharged by the Statutory Licensing Committee are:

- (a) To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy.
- (b) To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy.
- (c) To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles.
- (d) To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy.
- (e) To arrange for the discharge of any of the Licensing functions exercisable by the Committee by an Officer of the Licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005.
- (f) To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.

2.5 Statutory Licensing Sub-Committees

There are 3 Statutory Licensing Sub-Committees, each comprised of 4 Members sitting with the Chair or Vice-Chair, appointed by the Director of Legal and Democratic Services. The quorum for meetings of these Sub-Committees shall be 3 and only 3 of the 5 who are asked to attend will make up the actual sub-committee, the remaining 2 to be substitutes if need arises. Each Statutory Licensing Sub-Committee will discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.

2.6 Area Planning Committees

There are three Area Planning Committees:

- i. North Durham (comprising the former District Council areas of Chester le Street and Derwentside)
- ii. Central and East Durham (comprising the former District Council areas of Durham City and Easington)

- iii. South and West Durham (comprising the former District Council areas of Sedgfield, Teesdale and Wear Valley)

with each area committee comprised of 16 Members of the Council excluding Members of the Executive. Except where the matter is delegated to an officer, Area Planning Committees will have the following functions for the areas:

- (a) Functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations unless those matters fall within the remit of the County Planning Committee
- (b) Power to make limestone pavement order
- (c) Powers relating to the protection of important hedgerows
- (d) Powers relating to the preservation of trees
- (e) Powers relating to complaints about high hedges.

2.7 County Planning Committee

Comprising 16 Members of the Council, excluding Members of the Executive. The County Planning Committee is responsible for the following, except where delegated to an officer:

- (a) To exercise the Council's functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations, in relation to the following matters:
 - i. Residential development proposals involving 200 or more dwellings or a site area of 4 hectares or more.
 - ii. All non-residential development proposals (including commercial, retail and industrial developments) of 10,000 or more square metres floorspace or a site area of 2 hectares or more.
 - iii. Development proposals involving the erection of one or more wind turbines described as Medium-Large or Large and having a height in excess of 40 metres to the blade tip or a site area of 1 hectare or more.
 - iv. Applications for renewable energy developments (including Biomass, Hydro-Electric, Geothermal, Gasification or Photovoltaics) of 1 hectare or more.
 - v. All development proposals relating to minerals or waste.
- (b) Development which in the opinion of the Head of Planning Services is of strategic significance, including strategic schemes promoted by the County Council.

2.8 The Standards Committee

The Standards Committee comprises 11 Council Members with two non-voting co-optees from the parish councils.

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
- (b) assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
- (d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
- (e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
- (f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
- (g) to approve the arrangements under which allegations of a failure to comply with Council's Code of Conduct for Members can be investigated and decisions on allegations can be made, pursuant to section 28(6) of the Localism Act 2011.
- (h) To approve the appointment of at least one independent person to discharge the functions set out in section 28(7) of the Localism Act 2011.
- (i) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
- (j) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;

- (k) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
- (l) overview of the Officers' Code of Conduct;
- (m) overview of the Protocol on Member / Officer Relations.

3. Other Bodies

3.1 Appeals and Complaints Committee

30 Members of the Council will form this Committee, with individual appeals or complaint hearings being conducted by Sub-Committees of 3 Members of the Committee, appointed by the Director of Legal and Democratic Services on a rota basis. The quorum for meetings of this Sub-Committee shall be 3, and it will discharge the following functions:

- (a) The determination of an appeal made against any decision made by or on behalf of the Council including staff disciplinary and grievance appeals.
- (b) Consideration of complaints under Stage 3 of the Council's Corporate Complaints Policy and Procedure, where referred by the Director of Legal and Democratic Services.

3.2 Chief Officer Appointment Committee

Comprised of 11 Members of the Council including the Leader and Deputy Leader (who are the Chair and Vice-Chair respectively of the Committee), the Chief Officer Appointment Committee will expand to include 2 voting co-opted Independent Persons in the case of proposed disciplinary action against a Statutory Officer, and shall be responsible for:

- (a) Appointment of the Chief Executive (subject to confirmation by the full council) and chief officers and associated functions under Section 112 of the Local Government Act 1972 in relation to those officers.
- (b) Dismissal of Chief Officers, subject to the provisions contained in the Officer Employment Procedure Rules regarding the dismissal of Statutory Officers.
- (c) Appointment and dismissal of the Director of Public Health (committee to act as advisory appointments committee, the appointment is subject to the approval of the Secretary of State for Health)
- (d) To make recommendations to Full Council regarding a decision to dismiss a Statutory Officer.
- (e) To approve the creation of posts where the salary package is £100,000 or more which will be reported to the next convenient meeting of Council for information.
- (f) To approve officer severance packages of £100,000 or more which will be reported to the next convenient meeting of Council for information.

3.3 Corporate Parenting Panel

The Corporate Parenting Panel is formed of 21 Members of the Council including the member of the Executive or Executive Support for Children and Young People's Services and the Chair or Vice-Chair of Children and Young People's Overview and Scrutiny Committee, plus a maximum of 10 non-voting Co-opted Members, consisting of school representatives and representatives from other agencies. The functions of the Corporate Parenting Panel are:

- (a) To ensure that the Council acts as a good corporate parent to children and young people in care and care leavers, including:
 - i. Children and Young people in residential care
 - ii. Children and Young people in foster care
 - iii. Children and Young people placed for adoption
 - iv. Children and Young people placed at home under Care Planning, Placement and Case Review Regulations
 - v. Young people who are living in supported lodgings
 - vi. Young people in secure services
 - vii. Young people in custody
- (b) To take an overview of the Council's and partner agencies responsibilities toward children and young people in care and care leavers.
- (c) To monitor performance of services for children for whom we are corporate parents, including care leavers, receipt of information on regulation 44 visit and inspections, referring any systemic issues to Cabinet and/or scrutiny as required.
- (d) To maintain a strategic overview of all developments, plans, policies and strategies for children whom the Council is a corporate parent and make appropriate recommendations for action.
- (e) Ensure all members of the Council are regularly updated on issues affecting children for whom they are the corporate parent including care leavers through an annual report to Council, Cabinet and scrutiny and inform training.
- (f) Receive an overview of Regulation 44 visits and inspections of private children's homes within the County Durham area. Agree an annual work programme based on corporate parenting strategy priorities.
- (g) Receive an update on independent residential homes within County Durham and their Ofsted inspection reports outcomes.
- (h) Agree an annual work programme based on corporate parenting strategy and priorities.

- (i) To engage and listen to the views of children, young people and their carers for whom the Council is the parent, including: -
- i. Provide a forum for children and young people in care and care leavers to participate and influence policy and have an opportunity to talk about their experiences of the services they have received.
 - ii. Ensure that positive experiences are maintained, and lessons learnt, and changes made in areas that require improvement.
 - iii. Meet with children for whom the council is corporate parent and their carers on a regular basis and celebrate their achievements.
 - iv. Participate in Regulation 44 visits quarterly will allow the Panel to improve planning understanding of care in residential homes.
 - (b)v. Ensure that leisure, cultural, further education and employment opportunities are offered and taken up by our looked after children and care leavers.
- (j) To work in partnership with other statutory agencies to drive forward improvements in care, including: -
- I. Examine ways that the Council as a whole and partner agencies can improve life chances of children in care and care leavers.
 - II. Ensure there is good joined up working with partner agencies.
 - I. Develop links with the Local Safeguarding Children's Board including a picture of Serious Case Reviews of Looked After Children.
 - III. _____
- (k) To act as the governing body for the Virtual School for looked after children and young people, including: -
- I. Maintain an overview and provide challenge of governance arrangements for the virtual school.
 - II. To monitor and bring challenge to ensure looked after children's educational attainment and performance is optimised.
 - III. To encourage and support each looked after child to achieve optimum educational outcomes at each stage of their schooling.

(l) To act as the governing body for Aycliffe secure services, monitoring and ensuring the quality of secure accommodation, including: -

- I. Maintain an overview and provide challenge of governance arrangements for Aycliffe Secure Services.
- II. Support and bring challenge to achieve the best outcomes for looked after children who are in secure services.
- III. Agree the themes and performance, on an annual basis that enhance corporate parenting of looked after children in secure services.

Accountability/Governance

- (m) Prepare and provide an annual written report to Cabinet, Scrutiny and Council setting out the Corporate Parenting Panel's achievements, challenges within the year and priorities for the year ahead.
- (n) Where appropriate the Corporate Parenting Panel refer matters to Children and Young People's Overview and Scrutiny for further investigation and similarly the Children and Young People's OSC refer matters to the Corporate Parenting Panel where appropriate.
- (o) Regular meetings held between the Chair of Corporate Parenting Panel, another panel member, an officer from Children's Services and representatives from Service Direct to discuss the fabric of our children's homes and any repairs that are planned or may be needed.
- (p) Prepare and publish the Corporate Parenting Panel's terms of reference and work programme on the Council's website on an annual basis.

Administration

- (q) The Chair of Corporate Parenting and the Corporate Director of Children and Young People's Services or person designated as lead officer agree the agenda for each panel meeting as part of an ongoing work plan for the municipal year.
- (r) Legal and Democratic Services will provide administrative arrangements (including arrangement of meetings, publication and despatch of agendas and minute taking responsibilities) and constitutional guidance to the panel.
- (s) The Portfolio Holder for Children and Young People, the Chair of Corporate Parenting Panel and the Corporate Director of Children and

[Young People's Services will review the terms of reference of the Corporate Parenting Panel on an annual basis.](#)

(d)

3.4 Highway Committee

Formed of 21 Members of the Council, except where the matter is delegated to an officer, the Highway Committee is responsible for:

- (a) Functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations in cases where objections have been made and not withdrawn.
- (b) Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions under the Road Traffic Regulation Act 1984, where objections have been made and not withdrawn.
- (c) Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions under sections 4, 5, 6 and 7 of the Local Government (Miscellaneous Provisions) Act 1953 where objections or representations are made and not withdrawn.
- (d) Any other non-executive functions specified in the 2000 Regulations relating to highways or public rights of way which require a statutory notice or consultation and where objections have been made and not withdrawn.
- (e) To discharge the Council's licensing, registration and regulatory functions in relation to common land and town and village greens.
- (f) Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions to determine proposals to appropriate or dispose of open space or public walks and pleasure grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875, if there are any unresolved objections to the proposals.

3.5 Pension Fund Committee

The Pension Fund Committee is comprised of:

- (a) 11 Members of the Council
- (b) 2 Members appointed by Darlington Borough Council

- (c) 1 Member representing the Further Education Colleges
- (d) 1 Member drawn from other statutory bodies including Police, Fire, Probation, Town and Parish Councils
- (e) 1 Member representing Admitted Bodies
- (f) 2 Scheme Member representatives

and is responsible for exercising the Powers and duties arising from Section 7 of the Superannuation Act 1972 and Regulations made thereunder including:

- (a) approval of applications from bodies seeking admission to the Local Government Pension Scheme
- (b) appointment of external investment managers and advisers

as well as discharging the Council's functions relating to local government pensions other than policy formulation and review.

4. Joint Arrangements

4.1 Health and Wellbeing Board

This Board comprises of:

- (i) representatives nominated by the Leader being currently:
 - a. Portfolio Holder for Adult and Health Services;
 - b. Portfolio Holder for Children and Young People's Services; and
 - c. Portfolio Holder for Finance
- (ii) representation from the North East and North Cumbria Integrated Care Board;
- (iii) a representative from Local Healthwatch;
- (iv) Corporate Director of Adult and Health Services;
- (v) Corporate Director of Children and Young People's Services;
- (vi) Corporate Director of Regeneration, Economy and Growth (nominated housing representative is the Strategic Manager for Housing);
- (vii) Director of Public Health (also a member of the County Durham Environment and Climate Change Partnership)
- (viii) Director of Integrated Community Services (a joint representative of Durham County Council and Health Partners).

and nominated representation from each of the following:

- (ix) Chief Executive of Tees Esk and Wear Valley NHS Foundation Trust;

- (x) Chief Executive of County Durham and Darlington NHS Foundation Trust;
- (xi) Chief Executive of City of Sunderland NHS Foundation Trust;
- (xii) Chief Executive of North Tees and Hartlepool NHS Foundation Trust;
- (xiii) Chief Executive of Harrogate and District NHS Foundation Trust;
- (xiv) Office of Police and Crime Commissioner;
- (xv) County Durham and Darlington Fire and Rescue Service;
- (xvi) Durham University;
- (xvii) Durham Community Action;
- (xviii) County Durham Economic Partnership;
- (xix) County Durham Care Partnership – Lay Member for Engagement.

The Health and Wellbeing Board has the following roles and functions:

- (a) Promote integrated working between commissioners of health services, public health and social care services, for the purposes of advancing the health and wellbeing of the people in its area;
- (b) Encourage those who provide services related to wider determinants of health, such as housing, to work closely with the Health and Wellbeing Board;
- (c) Develop and agree the Joint Strategic Needs and Assets Assessment (“JSNAA”), Joint Local Health and Wellbeing Strategy (“JLHWS”) which provides an overview of the current and future health and wellbeing needs of the people of County Durham
- (d) produce a Pharmaceutical Needs Assessment (“PNA”) which looks at the current provision of pharmacy services across County Durham, and whether there are any potential gaps to service delivery;
- (e) Be involved throughout the process as the Integrated Care Board develops its Strategy and ensure they take account of the County Durham Joint Local Health and Wellbeing Strategy when developing this;
- (f) Provide advice and assistance or other support as it thinks appropriate for the purposes of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006; and
- (g) Sign off the Better Care Fund Plan.

4.2 The Joint Health Overview and Scrutiny Committee

The Joint Health Overview and Scrutiny Committee is established in accordance with section 244 and 245 of the National Health Service Act 2006. This Joint Committee is made up of 12 members, comprising 1 from each of the 12 constituent Authorities. The purpose of the Joint Committee is to

scrutinise issues around the planning, provision and operation of health services in and across the North-East region, comprising for these purposes of the areas covered by all the constituent Authorities. A copy of the terms of reference and protocol can be obtained from the Scrutiny Officer upon request.

4.3 County Durham Care Partnership Executive

The Executive provides system wide leadership and accountability for the delivery of integrated service models within County Durham's health and care sector.

4.4 County Durham Safeguarding Adults Inter-agency Partnership

- i) The County Durham Safeguarding Adults Inter-Agency Partnership is a range of public authorities who share a duty to keep adults in County Durham safe from abuse, harm and neglect. It comprises representatives from:
 - a. Durham Constabulary
 - b. Children and Adults Services - Durham County Council
 - c. County Durham Clinical Commissioning Group (from 1st July 2022 will be known as Integrated Care System)
 - d. Primary Care - NHS North Durham Clinical Commissioning Group (from 1st July 2022 will be known as Integrated Care System)
 - e. Tees, Esk and Wear Valley Foundation Trust
 - f. County Durham and Darlington NHS Foundation Trust
 - g. Age UK Durham
 - h. Her Majesty's Prison Service
 - i. Care Quality Commission
 - j. National Probation Service
 - k. NHS England
 - l. The Fire Service
 - m. Higher/Further Education

- ii) And fulfils the following functions:
 - a. The promotion of health and wellbeing for adults with needs for care and support, and carers.
 - b. Communicating and engaging with wider agencies and communities of interest to help to make adults safer, and ensure the 'voice' of adults is heard.
 - c. Complying with local policy, monitoring that compliance and measuring its effectiveness.
 - d. Reviewing and analysing safeguarding activity across the partnership to identify and action improvements.
 - e. Monitoring the impact safeguarding training provision;

- f. Maintaining and strengthening links and reporting to relevant forums, such as, the Local Safeguarding Children Partnership, Safe Durham Partnership, Health and Wellbeing Board and Overview and Scrutiny Committees;
- g. Working in cohesive and collaborative ways with statutory and non-statutory partners;
- h. Regularly reviewing the governance arrangements and checking statutory obligations are being complied with.

4.5 Durham Safeguarding Children Partnership

- i) Durham Safeguarding Children Partnership (DSCP) was established in April 2019 following the dissolution of the Local Safeguarding Children's Board by the Children Act 2004, as amended by the Children and Social Work Act 2017.
- ii) There are three Statutory Safeguarding Partners in Durham, namely County Durham Clinical Commissioning Group, Durham County Council (Children and Young People's Service) and Durham Constabulary.
- iii) The Safeguarding Partners share responsibility for ensuring effective local safeguarding arrangements.
- iv) The relevant agencies required to provide virtual representation or representation at subgroups, development session and agency groups are:
 - a. County Durham & Darlington NHS Foundation Trust.
 - b. Tees, Esk & Wear Valleys NHS Foundation Trust.
 - c. Harrogate & District NHS Foundation Trust.
 - d. North Tees and Hartlepool NHS Foundation Trust.
 - e. City Hospitals Sunderland NHS Foundation Trust.
 - f. North East Ambulance Service.
 - g. Durham Voice (Voluntary Sector).
 - h. Further Education Settings.
 - (i) Bishop Auckland College.
 - (ii) New College Durham.
 - (iii) East Durham College.
 - (iv) Derwentside College.
 - i. Children and Family Court Advisory and Support Service (Cafcass).
 - j. Education.
 - k. Independent Schools.
 - l. Schools.
 - m. Public Health.
 - n. National Probation Service Durham.
 - o. Durham Tees Valley Community Rehabilitation Company.
 - p. County Durham Youth Offending Service.
 - q. Housing Services.

- r. NHS England.
 - s. The Local Authority Adult & Health Services.
 - t. The Local Authority Early Help, inclusion and vulnerable children Services.
 - u. The Local Authority Legal Services.
 - v. The Prison Service.
 - w. County Durham & Darlington Fire & Rescue Service.
 - x. British Transport Police.
 - y. Faith Groups.
- v) Out of the relevant agencies, there will be 4 agency groups that will be expected to meet and provide assurance reports to the Executive Group on an annual basis. Relevant agencies will not be required to attend every meeting but will nevertheless have a part to play in the business of the Durham Safeguarding Children Partnership.
- vi) And fulfils the following functions to support and enable local organisations and agencies to work together in a system where children are safeguarded, and their welfare promoted.
- a. partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children
 - b. organisations and agencies challenge appropriately and hold one another to account effectively
 - c. there is early identification and analysis of new safeguarding issues and emerging threats
 - d. learning is promoted and embedded in a way that local services for children and families can become more reflective and implement changes to practice
 - e. information is shared effectively to facilitate more accurate and timely decision making for children and families
- vii) In order to work together effectively with local organisations and agencies the Safeguarding Partners will develop processes that:
- a. facilitate and drive action beyond usual institutional and agency constraints and boundaries
 - b. ensure the effective protection of children is founded on practitioners developing lasting and trusting relationships with children and their families.

4.5 Durham Police and Crime Panel

The Police and Crime Panel is established under the Police Reform and Social Responsibility Act 2011. The Panel is made up of 7 members from Durham County Council, 3 members of Darlington Borough Council and 2 independent

co-opted members. All members of the Police and Crime Panel, including independent co-opted members, may vote in proceedings of the panel. The purpose of the Panel is to scrutinise and support the work of the Police and Crime Commissioner. The terms of reference and rules of procedure can be obtained from the Monitoring Officer upon request.

4.6 County Durham and Darlington Fire and Rescue Authority

County Durham and Darlington Fire and Rescue Authority is a combined authority created by the Durham Fire Services (Combination Scheme) Order 1996. Membership comprises of 21 Members from Durham County Council and 4 Members from Darlington Borough Council (representation from each authority being determined by the size of the electoral representation within each authority). The Fire Authority's political balance is also a reflection of that of the two local authorities. The Authority is a legal body with statutory duties and responsibilities which include:

- a. Providing a safe and effective operational response to meet a wide range of incidents, including fires, road traffic collisions, building collapse, water rescue, including flooding, rope rescue, hazardous materials incidents and mass decontamination, national and international rescue.
- b. Participating in the National Resilience Programme which prepares for and responds to major emergencies and unexpected events such as natural disasters or terrorist incidents. The resources maintained to support this programme include High Volume Pumps, Mass Decontamination Equipment and hazardous materials specialists who are trained to detect, identify and monitor chemicals.

4.7 North East Combined Authority

This body brings together the four councils which serve County Durham, Gateshead, South Tyneside and Sunderland. The ambition of the Authority is to create the best possible conditions for growth in jobs, investment and living standards, to make the North East an excellent location for business, to prioritise and deliver high quality infrastructure and to enable residents to raise their skill levels and to benefit from economic growth long into the future.

4.8 The Mountsett Crematorium Joint Committee

This Joint Committee operates under an Agreement dated 8 September 1983 (which was supplemental to earlier Agreements) made between Derwentside District Council and Gateshead Borough Council. The purpose of the Agreements is to provide and maintain a crematorium to serve the areas of the respective councils, known as the Joint Crematorium District. On 1 April 2009 Durham County Council assumed the rights and liabilities of Derwentside District Council under the Agreements referred to above. On 19 June 2019 the

Full Council of Durham County Council agreed to update/amend the terms of reference and its Constitution.

4.9 The Central Durham Crematorium Joint Committee

This Joint Committee operates under an Agreement dated 3 May 1983 made between Durham City Council and Spennymoor Town Council. The purpose of the Agreement is to provide and maintain a crematorium to serve the areas of the respective councils. On 1 April 2009 Durham County Council assumed the rights of liabilities of Durham City Council under the Agreement referred to above. On 19 June 2019 the Full Council of Durham County Council agreed to update/amend the terms of reference and its Constitution.

4.10 The Safe Durham Partnership

The Safe Durham Partnership forms part of the delivery mechanism for the Count Durham Vision 2035, with a remit to deliver the following vision objectives and also work with other partnerships on shared priorities and cross-cutting issues. Along with its subgroups, it takes the lead on delivering the following Vision objectives:

- A future free from harm due to drug and alcohol misuse
- Support for victims to cope, recover and engage in the justice system
- To work with communities most affected by long-term empty properties
- Tackle crime and anti-social behaviour
- Address the underlying causes of crime and community tensions
- Actively take steps to encourage community cohesion
- Provide a range of activities and opportunities to divert people away from crime and anti-social behaviour
- Approach to selective licensing of private landlords

The Safe Durham Partnership works closely with the Durham Safeguarding Children Partnership and the Durham Safeguarding Adults Partnership to make sure that the appropriate measures are in place to safeguard the county's children, young people and adults.