

## Appendix 3 - Terms of Reference for the Full Council and other Council Committees, Sub-Committees, Advisory Panels and Joint Arrangements

### 1. Introduction

- 1.1. This appendix sets out the Terms of Reference for the Full Council and all other Council Committees, Sub-Committees, Advisory Panels, and Joint Arrangements.
- 1.2. Where a decision or action needs to be taken, but it is not clearly in the purview of any of the Terms of Reference set out below, it must be brought to the attention of the Chair and Vice Chair of the Strategy and Resources Committee. They shall, in consultation with the Monitoring Officer, determine who shall make the decision, and/or if any amendments to the Terms of Reference are needed to rectify a gap.
- 1.3. Where a decision or action needs to be taken, but it potentially falls within the purview of two or more Terms of Reference, the conflict of responsibility must be brought to the attention of the Chair and Vice Chair of the Strategy and Resources Committee. They shall, in consultation with the Monitoring Officer, resolve any such conflict and determine who shall make the decision, and/or if any amendments to the Terms of Reference are needed to rectify an overlap.

## 4.2. Full Council and Committees

Full Council	All councillors
<p><b>Terms of reference:</b></p> <p>The Full Council will exercise the following functions:</p> <ol style="list-style-type: none"> <li>1. Adopting and changing the Constitution.</li> <li>2. Approving and adopting the policy framework, the budget and the annual council tax requirements, and any application to the Secretary of State in respect of any housing land transfer.</li> <li>3. Making decisions about any matter relating to the discharge of a function covered by the policy framework or budget where a decision would be contrary to the policy framework or contrary or not wholly in accordance with the budget.</li> <li>4. Agreeing and / or amending the terms of reference for committees, deciding on their composition and making appointments to them (except for authorised substitutions in accordance with the relevant rules of procedure in Appendix 4 and Appendix 5).</li> <li>5. Appointing annually the Mayor and Deputy Mayor.</li> <li>6. Appointing representatives to outside bodies unless the <u>council has otherwise delegated the making of a particular</u> appointment <del>has been delegated by the council.</del></li> <li>7. Creating, amending or dissolving committees (including joint committees) of the council and determining the terms of reference of such committees and appointing members to serve on its committees.</li> <li>8. Delegating functions to other local authorities or their executives and deciding whether or not to accept such a delegation from another local authority.</li> </ol>	

<p>9. Adopting a Members' Allowance Scheme.</p> <p>10. Changing the name of the Borough.</p> <p>11. Conferring the titles of Honorary Alderman or Honorary Freeman.</p> <p>12. Confirming the appointment, redundancy or early retirement of the Chief Executive, <del>Directors</del>, and statutory officers.</p> <p>13. Determining any delegation to officers which does not fall with the remit of any committee, <u>or Appendix 2.</u></p> <p>14. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills.</p> <p>15. Determining the level of disciplinary action or dismissal of specified statutory senior officers.</p> <p><u>16. Appointing the Independent Person or a Panel of such from which an Independent Person may be called upon when required.</u></p> <p><u>16-17. Appointing members of the Independent Remuneration Panel.</u></p> <p><u>17-18. Adopting the Code of Conduct for Members (Appendix 1) and the arrangements for dealing with complaints.</u></p> <p><u>18-19. Considering those matters referred to it from time-to-time by Audit and Scrutiny Committee and by other council committees.</u></p> <p><u>19-20. Considering petitions which are referred to Full Council under the Petition Scheme.</u></p> <p><u>20-21. All other matters which by law must be reserved to the Full Council.</u></p>	
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<b>Standards and Constitution Committee</b>	6 members
<p>The council has chosen to appoint a Standards &amp; Constitution Committee in accordance with the Localism Act 2011. The Committee is responsible for considering complaints about the conduct of members and any co-opted members, which are not determined by the Monitoring Officer. The Committee has set up a Standard Hearing Sub-Committee for the determination of such matters.</p> <p>The Standards &amp; Constitution Committee will be politically balanced. Full Council will appoint an Independent Person, or a panel of such, to advise it and any councillor when matters of conduct arise.</p> <p>All hearings and assessments of complaints against councillors and co-opted members, will be conducted in accordance with current legal requirements and (subject to those) relevant provisions set out in in this Constitution.</p> <p><b>Terms of reference:</b></p> <ol style="list-style-type: none"><li>1. Promoting and maintaining high standards of conduct by councillors in accordance with the duty contained in Section 27 of the Localism Act 2011.</li><li>2. Assisting councillors to observe the councillors Code of Conduct.</li><li>3. Advising the Full Council on the adoption or revision of the Code of Conduct.</li><li>4. Granting dispensations under Section 33 of the Localism Act 2011 to councillors from the requirements relating to interests set out in the Code of Conduct.</li><li>5. Making arrangements for investigating and determining complaints regarding alleged breaches of the Code of Conduct, including an annual report.</li><li>6. Discharging, through a Hearings Panel, decisions made following consideration of reports by an Investigating Officer in connection with 5. above.</li><li>7. Receiving requests for, and / or proposing, review of the Constitution or parts thereof as necessary; and then recommending changes to Full Council.</li><li>8. Arrangements for dealing with standards allegations under the Localism Act 2011.</li><li>9. Work jointly on the corporate governance framework with the Chairs of Audit and Scrutiny and Strategy and Resources committees, incorporating strategic planning, corporate risk and performance management.</li></ol> <p><b>To make recommendations regarding:</b></p>	

1. Significant revisions to the Constitution (subject to other policy committees being able to make recommendations direct to council about proposed changes to their terms of reference).
2. The adoption and revision of the Councillors' Code of Conduct.
3. Changes to the committee's terms of reference.
4. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.

**To resolve:**

- a. The granting of dispensations in the following circumstances (under Section 33 of the Localism Act 2011) to councillors from the requirements relating to interests set out in the councillors' Code of Conduct:
  - i. That without the dispensation, the representation of Political Groups transacting the business would be so upset as to alter the outcome of any vote on the matter.
  - ii. That dispensation is in the interests of persons living in the authority's area.
  - iii. It is otherwise considered appropriate to grant a dispensation.

**Delegation to Hearing Panels:**

1. Determination of complaints referred by an Investigating Officer regarding alleged breaches of the councillors' Code of Conduct shall be delegated to Hearing Panels.
2. Such panels shall comprise three Borough councillors serving on the Standards and Constitution Committee.

**Delegation to officers:**

1. All delegations to Officers must be made in accordance with Appendix 2.
- ~~1.2.~~ To the Monitoring Officer (see Annex 3.3), in consultation with the Chair of the Standards and Constitution Committee, to grant dispensations in situations where so many councillors of the decision-making body have Disclosable Pecuniary Interests in a matter that it would otherwise impede the transaction of the business.
- ~~2.3.~~ To the Monitoring Officer (see Annex 3.3) ~~and / or Deputy Monitoring Officer~~ respectively the power to determine matters in respect of the councillors' Code of Conduct and arrangements for dealing with allegations of breach (following consultation with the Independent Person where required) except for those which are identified above as reserved for determination by the Full Council, other committees or Hearings Panels.

<b>Audit and Scrutiny Committee</b>	8 members
<b>Terms of reference:</b>	
<ol style="list-style-type: none"><li>1. To be responsible for the scrutiny and review of the decisions and performance of the council.</li><li>2. To carry out the functions falling within the committee’s area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain the reserve of the Full Council or have been delegated to another committee. <u>Where a new or changed policy will have a budget impact outside the budget approved by the Full Council, this must be referred to the Strategy and Resources Committee. <del>within the council’s scheme of delegation.</del></u></li><li>3. To seek assurance of the existence and application of key policies and strategies as well as undertaking scrutiny of performance monitoring to evaluate whether expected outcomes are being achieved in accordance with the council’s corporate plan.</li><li>4. To establish sub-committees to progress work of the committee.</li><li>5. To decide on matters falling within its responsibility or delegate decision making to Directors of the council, <u>in accordance with Appendix 2</u>. However, this does not prevent the committee from choosing to exercise the function itself.</li></ol>	
<b>Areas of responsibility:</b>	
<ol style="list-style-type: none"><li>a. Overall responsibility for audit and governance frameworks (including functions of an audit committee).</li><li>b. Oversee compliance with the council’s duties concerning Best Value.</li><li>c. Monitor implementation of agreed recommendations and actions from both the Internal and External audit reports.</li><li>d. Monitor progress on the council’s annual plan.</li><li>e. Review and approve the Annual Governance Statement.</li><li>f. Exercise scrutiny over the council’s budget; the management of its budget, capital programme, treasury management, reserves, revenue borrowing and assets and the audit arrangements thereof, plus associated strategy and policies.</li><li>g. Exercise scrutiny of the quarterly budget monitoring reports.</li><li>h. Exercise scrutiny and approval (where applicable) of the annual Statement of Accounts, financial outturn, and external audit reports.</li><li>i. Receive an annual report setting out the activities relating to compliance with key council policies including (but not limited to) anti-bribery, anti-corruption, whistleblowing policies, modern slavery and equality, diversity and inclusion.</li></ol>	

- j. Receive and review the Local Government and Social Care Ombudsman's annual report.
- k. Receive and review, on a quarterly basis, the latest version of the key performance indicators and targets from each committee which seek to ensure the provision of cost effective, quality services to the community (as part of the council's own performance management regime).
- l. Review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the council's functions and make reports and/or recommendations to Full Council where necessary.
- m. Undertake, in specific circumstances, pre-scrutiny reviews relating to council services and projects.
- n. Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by any policy committee.
- o. Work jointly on the corporate governance framework with the Chairs of Standards and Constitution and Strategy and Resources committees, incorporating strategic planning, corporate risk and performance management.
- p. Carry out the council's responsibilities under Section 19 of the Police and Justice Act 2006, to scrutinise the work of the Community Safety Partnership (CSP) annually.

**In carrying out its responsibilities the committee will:**

1. Work in partnership with other policy committees, sub-committees and panels.
2. Scrutinise the application of the Risk Management Strategy and oversee the corporate risk register, key performance indicators and any other actions relevant to the committee under scrutiny. The committee shall raise risk issues and concerns with relevant policy committee chairs.
3. Have oversight of any matters of interest or concern relevant to this committee's remit.

**To make recommendations regarding:**

- a. Matters with significant budgetary and/or policy implications arising from:
  - Internal or External audit reports.
  - The reviewing and scrutinising of the performance of the council in relation to its policy objectives, performance targets, committee work plans and any Government sponsored assessment regime.
  - Presentations by representatives of outside organisations about services which have a significant impact upon local residents.

- b. Consideration of any Councillor Call for Action.
- c. Changes to this committee's terms of reference.
- d. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.

**To resolve:**

- a. Matters in connection with above with no significant budgetary and/or policy implication.
- b. Decisions to refer matters to policy committees.



<b>Strategy &amp; Resources Committee</b>	8 members
<p><b>Terms of reference:</b></p> <ol style="list-style-type: none"><li>1. To make recommendations to the Full Council on budget and policy matters.</li><li>2. To provide strategic direction to the operation of the council, determining policies in the areas set out below and any cross-cutting policies that impact on other committee areas.</li><li>3. To make decisions regarding land and property. <u>This includes including</u> acquisition, disposal and appropriation, <u>provided they are</u> not within the purview of any other committee.</li><li>4. To own, review and approve the council’s Risk Management Strategy.</li><li>5. To be responsible for all policy matters not otherwise allocated to any other committee and to determine any disputes or differences between committees.</li><li>6. The annual budget preparation process and consideration of overall committee budgets, including the setting of Council Tax, prudential indicators.</li><li>7. Civic and Ceremonial matters (including the appointment of representatives on Outside Bodies with the exception of the list considered at the Annual Meeting of the Full Council; Members' Allowances and Regalia).</li><li>8. <u>The appointment of, and disciplinary action against, Chief and Statutory Officers.</u></li><li>8-9. <u>To receive reports from any committee where they wish to resolve or recommend proposals which commit future budgets to a level of expenditure greater than that provided for in the current year, with the financial implications agreed in advance with the Chief Finance Officer (in accordance with the Financial Regulations - see the Council Operating Framework, Annex 5.1, para 6.5 and 6.6 respectively).</u></li></ol> <p><b>Areas of responsibility:</b></p> <ol style="list-style-type: none"><li>a. Lead on the corporate governance framework (jointly with the Chairs of Standards and Constitution and Audit &amp; Scrutiny committees) incorporating strategic planning, corporate risk and performance management.</li><li>b. Council compliance with Financial Regulations (see the <a href="#">Council Operating Framework</a>, Annex 5.1).</li><li>c. All matters relating to the oversight of the approved council budget and Policy Framework (including the setting of staff pay).</li><li>d. Medium Term Financial Strategy to include, though not exclusively, Capital Investment Strategy, Council Tax Support Scheme, Business Rates and use of council reserves.</li><li>e. Implementation and monitoring of treasury management policies.</li></ol>	

- f. Asset Management Strategy including the purchase, management and disposal of real property owned or held by the council (note other committees may have responsibilities for service provision, venues or activities).

- g. Community right to Challenge and Community Right to bid for Assets of Community Value.
- h. Exercise the council's functions as Shareholder and consider recommendations from the Shareholders Sub Committee, making decisions as required.
- i. Exercise of the council's powers as Trustee of any land or money held by the council in trust.
- j. Administration of council tax and housing benefits.
- k. Collaboration and partnerships related to the remit of this committee.
- l. Electoral matters including polling stations, ward boundaries, ballots and referendums.
- m. Procurement Strategy, and those matters that have budget or procurement implications for more than one committee.
- n. Building Control contract.
- o. Facilities management and cleaning contract.
- p. Development of the local economy and regeneration.
- q. Emergency planning, resilience and business continuity.
- r. Agreeing, recommending and reviewing key corporate and financial strategies (including but not limited to those relating to workforce matters; ICT; information management, information governance and data protection; communication and engagement) which do not fall within the remit of other committees.

s. [Management of the Community Safety budget.](#)

s.t. Dealing (in the first instance) with any matters of general policy which do not fall within the terms of reference of any other committee and are not reserved to the Full Council.

**In carrying out its responsibilities the committee will:**

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about, and keep under review, the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the Financial Regulations (see the [Council Operating Framework](#), Annex 5.1).
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Have oversight of any matters of interest or concern relevant to this committee's remit.

**To make recommendations regarding:**

- a. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.
- b. Financial programmes for overall revenue and capital expenditure, including the Medium Term Financial Strategy and, as part of the annual budget setting process, the level of Council Tax and Prudential Indicators, subject to consultation with other policy committees.
- c. Changes of use of council owned (General Fund) land, subject to consultation with other policy committees who may be responsible for services currently operating from the land in question.
- d. Annual pay policy statements.
- e. Civic and ceremonial matters as detailed in 4(7) above.
- f. Polling District and Ward Reviews, ballots and referendums.
- g. Changes to this committee's terms of reference.
- h. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.

**To resolve:**

1. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
2. The formation of other subsidiary companies and special purpose vehicles as deemed necessary to support property projects.
3. Determination of applications by community organisations for rental subsidies in respect of their use of council owned land.
4. Determination of the tax base for Council Tax purposes.
5. Rents and charges for services, accommodation and land which are outside the purview of other committees.
6. Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the committee.

<b>Community and Wellbeing Committee</b>	8 members
<b>Terms of reference:</b>	
<p><u>1.</u> To carry out the functions falling within the committee’s area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain reserved to the Full Council or have been delegated to another committee. <u>Where a new or changed policy will have a budget impact outside the budget approved by the Full Council, this must be referred to the Strategy and Resources Committee.</u></p>	
<p><u>1.2.</u> To establish sub-committees to progress work of the committee.</p>	
<p><u>2.3.</u> To decide on matters falling within its responsibility or delegate decision making to Directors, <u>in accordance with Appendix 2.</u> However, this does not prevent the committee from choosing to exercise the function itself.</p>	
<b>Areas of responsibility:</b>	
<p>a. Tourism, culture, and recreational activities including the arts, sports and other leisure activities.</p>	
<p>b. Procuring and managing the leisure centre contract.</p>	
<p>c. Council venues including The Playhouse, Bourne Hall (inc. the museum), Ewell Court House, The Rainbow Centre.</p>	
<p>d. Services for young people.</p>	
<p>e. Affordable housing.</p>	
<p>f. Strategic housing and investment.</p>	
<p>g. Housing standards, homelessness, homelessness prevention and advice, housing needs assessment.</p>	
<p>h. Housing benefit in relation to welfare aspects.</p>	
<p>i. Private sector housing and administration of housing grants.</p>	
<p>j. Collaboration and partnerships related to the remit of this committee.</p>	
<p>k. Personal social services for older and disabled persons including community meals services, community alarm, day centres, community transport.</p>	
<p>l. Community and voluntary sector grants.</p>	
<p>m. Consultations on local health service provision and NHS services.</p>	
<p>n. Armed Forces Covenant.</p>	
<p>o. Voluntary Sector.</p>	

**In carrying out its responsibilities the committee will:**

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about and keep under review the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the Financial Regulations (see the [Council Operating Framework](#), Annex 5.1).
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Work with the voluntary sector, health partners and other agencies.
6. Have oversight of any matters of interest or concern relevant to this committee's remit.

**To make recommendations regarding:**

- a. Changes to this committee's Terms of Reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

**To resolve:**

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.

<b>Environment Committee</b>	8 members
<b>Terms of reference:</b> <ol style="list-style-type: none"><li>1. To carry out the functions falling within the committee's area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain reserved to the Full Council or have been delegated to another committee. <u>Where a new or changed policy will have a budget impact outside the budget approved by the Full Council, this must be referred to the Strategy and Resources Committee.</u></li><li><del>2. To recommend to Full Council new or changes in previously agreed policies.</del></li><li><del>3.2.</del> To establish sub-committees to progress work of the committee.</li><li><del>4.3.</del> To decide on matters falling within its responsibility or delegate decision making to Directors, <u>in accordance with Appendix 2.</u> However, this does not prevent the committee from choosing to exercise the function itself.</li></ol> <b>Areas of responsibility:</b> <ol style="list-style-type: none"><li>a. Waste management refuse collection and recycling services.</li><li>b. Climate change strategy and environmental improvement schemes.</li><li>c. Highway matters that are the responsibility of the Epsom and Ewell Borough Council, including drainage.</li><li>d. Consider and approve local transportation policy.</li><li>e. Transport contract.</li><li>f. Contaminated Land and Waterways.</li><li>g. Parks, open spaces and countryside (including events), and allotments.</li><li>h. Grounds maintenance, including the grounds maintenance contract (which covers NJMC, EWDC, Cemetery and bedding plants).</li><li>i. Public spaces, public realm and cleansing.</li><li>j. Street trading including markets.</li><li>k. Environmental protection, pollution control and biodiversity.</li><li>l. Tree contract.</li><li>m. Food hygiene.</li><li>n. Health and safety.</li><li>o. Burials, cemeteries, and closed churchyards.</li></ol>	

p. Street naming and numbering.



- q. Parking including the provision and management of parking and the fixing of charges and parking enforcement.
- r. Collaboration and partnerships related to the remit of this committee.

**In carrying out its responsibilities the committee will:**

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about and keep under review the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.
3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the Financial Regulations (see the [Council Operating Framework](#), Annex 5.1).
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Work with partners and other agencies to fulfil its responsibilities.
6. Have oversight of any matters of interest or concern relevant to this committee's remit.

**To make recommendations regarding:**

- a. Changes to this committee's terms of reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

**To resolve:**

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
- b. Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the committee.
- c. Rents and charges for services, accommodation and land, not under the purview of another committee.

<b>Licensing and Planning Policy Committee</b>	8 members
<p><b>Terms of reference:</b></p> <ol style="list-style-type: none"><li>1. To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of:<ol style="list-style-type: none"><li>a. Alcohol and entertainment licence applications.</li><li>b. Gambling licence applications.</li><li>c. Applications for the granting, renewal, transfer or revocation or sex establishments licenses; private hire and public hire licences.</li></ol></li><li>2. To be responsible for influencing and controlling development and use of land as Local Planning Authority including:<ol style="list-style-type: none"><li>a. Preparation, adoption and review of the statutory Development Plan, including Local Development Documents.</li><li>b. Preparation, adoption and review of Supplementary Planning Documents.</li></ol></li><li><del>3.</del> <u>3.</u> To carry out the functions falling within the committee’s area of responsibility as set out below, working within the budget and policy framework approved by Full Council, except where these functions remain the reserve of the Full Council or have been delegated to another committee. <u>Where a new or changed policy will have a budget impact outside the budget approved by the Full Council, this must be referred to the Strategy and Resources Committee.</u></li><li><del>3.</del> <u>To recommend to council new or changes to previously approved policies.</u></li><li>4. To establish sub-committees or member working groups to progress work of the committee.</li><li>5. To decide on matters falling within its responsibility or delegate decision making to Directors of the council, <u>in accordance with Appendix 2</u>. However, this does not prevent the committee from choosing to exercise the function itself.</li></ol> <p><b>Areas of responsibility:</b></p> <p>To consider and approve:</p> <ol style="list-style-type: none"><li>a) Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage).</li><li>b) Final versions of Supplementary Planning Guidance (including Masterplans and Design Codes) Planning Guidance Documents, land use policy statements,</li></ol>	

masterplans and briefs for specific areas and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document.

- c) Other informal policy guidance for adoption.
- d) The council's Local Development Scheme and Annual Monitoring Report.
- e) Planning enforcement.
- f) Draft Conservation Area Appraisals and Management Plans for public consultation, and, the final version of Conservation Area Appraisals and Management Plans.
- g) The council's Local List of historic assets or policy documents to safeguard the historic environment.
- h) Matters related to the Community Infrastructure Levy (CIL), including Strategic and Neighbourhood CIL, leading up to the examination in public and the adoption of the CIL charging schedule.
- i) Hackney Carriage and Private Hires policies and procedures.
- j) A licensing policy statement and gambling policy statement for recommendation to the Full Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively.

Other areas of responsibility:

- k) To consider and recommend for approval to Full Council, submission versions of Development Plan documents.
- l) To consider and comment upon other authorities' or stakeholder's planning policy documents.
- m) To respond to government consultations on draft planning legislation and proposed planning policies.
- n) To consider any other planning policy matters not included in any of the above as deemed necessary by the Head of Place Development.
- o) To consider and determine (or delegate to a licensing sub-committee in accordance with Appendix 2):
  - (i) Opposed and / or contentious applications made under the Licensing Act 2003 and / or applications for review under the said Act.
  - (ii) Opposed and / or contentious (ii) applications made under the Gambling Act 2005 and / or applications for review under the said Act.
  - (iii) Opposed and / or contentious applications for the granting, renewal, transfer or revocation or sex establishments licenses; private hire and public hire licences in reference to applications listed in 1 a) above.
- p) Collaboration and partnerships related to the remit of this committee.

**To make recommendations regarding:**

- a. Changes to this committee's terms of reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

**To resolve:**

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
- b. Preparation and review of Local Planning Development Documents.
- c. Adoption of Neighbourhood Development Plans.
- d. Adoption of Supplementary Planning Documents.
- e. Confirmation of Conservation Area designations.
- f. Confirmation of lists of local heritage assets.
- g. Responses to consultations from the government, other authorities, external agencies and other bodies, including transportation related consultations, where they would have a significant impact on the delivery of the Local Plan or on the Borough's environment.
- h. The seeking of Deemed Planning Consents.
- i. Approving Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders.

<p><b>Crime and Disorder Committee</b></p>	<p>5 members</p>
<p><b>Terms of reference:</b></p> <p>1. To carry out the functions falling within the committee’s area of responsibility as set out below, working within the budget and policy framework approved by the Full Council, except where these functions remain reserved to the Full Council or have been delegated to another committee within the council’s scheme of delegation.  <u>Where a new or changed policy will have a budget impact outside the budget approved by the Full Council, this must be referred to the Strategy and Resources Committee.</u></p> <p><del>1. To recommend to Full Council new or changes in previously agreed policies.</del></p> <p>2. To decide on matters falling within its responsibility or delegate decision making to Directors, <u>in accordance with Appendix 2</u>. However, this does not prevent the committee from choosing to exercise the function itself.</p> <p>3. The committee will normally meet twice during the course of the year.</p> <p><b>Areas of responsibility:</b></p> <p>a. Input into the development of the Community Safety Partnership (CSP) work programme and strategy, through attendance at its meetings by the Chair <del>or Vice Chair</del> of the Crime and Disorder Committee.</p> <p>b. Consider crime and disorder issues which are not covered by the work of the CSP and be responsible for developing the council’s response to emerging issues, legislation and developing policy.</p> <p>c. Oversee the council’s response to the PREVENT and PROTECT activities both of which are part of counter terrorism activities and strategy, CONTEST, and ensure that the council is considering the recommendations of these guidelines in the discharge of its duties and the work that it does.</p> <p>d. Consider council led initiatives relating to crime and disorder which would not fall under the remit of the CSP or any other committee.</p> <p>e. Make recommendations to <u>Council the Strategy and Resources Committee</u> for any items of expenditure <u>outside the budget approved by the Full Council</u>.</p> <p>f. <u>Chair of Crime and Disorder Committee to have oversight of the Community Safety budget (held and overseen by Strategy and Resources Committee) along with the Community Safety Reserves, both of which shall be <del>monitored</del> monitored via quarterly meetings (in line with financial reporting) at meetings with the Head of Housing and Community (or their nominee).</u></p>	

**In carrying out its responsibilities the committee will:**

1. Work in partnership with other policy committees and sub-committees.
2. Develop, make decisions about and keep under review the committee's budget ensuring any decisions about spend are made within the allocated budget envelope.

3. Ensure any decisions about additional spend to the committee's agreed budget are in accordance with the Financial Regulations.
4. Have consideration to the Risk Management Strategy, key performance indicators and any action relevant to the committee's remit.
5. Work with partners and other agencies to fulfil its responsibilities.
6. Have oversight of any matters of interest or concern relevant to this committee's remit.

**To make recommendations regarding:**

- a. Changes to this committee's terms of reference.
- b. Other matters under the committee's jurisdiction which, by virtue of statutory provision, must be determined by Full Council.
- c. New policies or changes in policy within the remit of the committee which would require resources beyond those allocated to the committee.

**To resolve:**

- a. New policies or changes in policy within the remit of the committee which can be accommodated within the committee's overall allocation of resources.
- b. Responses to consultations from the Government, other authorities and external agencies where there is a potentially significant impact upon the delivery of services falling under the remit of the committee.



<b>Planning Committee</b>	10 members
<p>Full Council will appoint a Planning Committee, which will be responsible for dealing with planning applications and related matters.</p> <p><b>Terms of reference:</b></p> <p>1. To be responsible for exercising <del>regulatory</del> functions under the Town and Country Planning legislation specifically <u>the determination of planning and related applications involving:</u></p> <ul style="list-style-type: none"><li><u>i. Applications for planning permission for major development (except where the application is made under section 73 of the Town &amp; Country Planning Act 1990 – a minor material amendment/development without compliance with original conditions);</u></li><li><u>ii. Applications for planning permission for development which require to be advertised as a departure from development plan, as a whole, but which are recommended for approval;</u></li><li><u>iii. Applications for planning permission or listed building consent that are submitted by or on behalf of any Member of the Council (or their spouse or partner) or any Council employee that is a member of Corporate Leadership Team (or their spouse or partner).</u></li><li><u>iv. Development promoted by the Council itself (i.e. applications where the Council are the applicant)</u></li><li><u>i-v. Applications called-in for determination by the Planning Committee by a Member in accordance with Annex 4-8, paragraphs 8.4 and 8.8, where the call-in request has not been withdrawn prior to publication of the agenda.</u></li><li><u>vi. Determination of planning and related applications.</u></li><li><u>ii.—</u></li><li><u>iii.—Determination of Tree Preservation and High Hedges applications.</u></li></ul> <p>2. To receive and review the summary of enforcement action taken in response to breaches of control on a quarterly basis.</p> <p>3. To receive and review summaries of planning appeals on a quarterly basis or when appeals have been received as appropriate.</p> <p><b>To make recommendations regarding:</b></p> <ul style="list-style-type: none"><li><del>4.—Applications for planning related permission submitted by the council itself.</del></li><li><del>5.4.</del> Changes to the committee’s terms of reference.</li><li><del>6.5.</del> Other matters under the committee’s jurisdiction which, by virtue of statutory provision, must be determined by Full Council.</li></ul>	

**To resolve:**

~~7.6.~~ Determination of planning and related applications referred to the committee by any member of the council and / or the Head of Place Development in accordance with the provisions set out in the council's constitution.

~~8.7.~~ Guidelines under which the committee shall determine its level of involvement in individual planning, building and enforcement decisions.

~~9.8.~~ Confirmation (or modification) of Tree Preservation Orders where there are unresolved objections.

**Delegation to Officers:**

~~10.9.~~ ~~To the Chief Executive and Directors, the power to authorise, in writing, officers to enter on to land or to apply for a warrant and thereafter enter land pursuant to sections 196A-196C and 214B-214D of the Town and Country Planning Act 1990 as amended.~~

**2.3. Sub-Committees**

<b>Sub Committee</b>	<b>Terms of Reference</b>	<b>Number of Councillors</b>
<p>Licensing (Hearings) Sub Committee</p> <p>(note: political balance requirements do not apply)</p>	<p>Will determine applications:</p> <ul style="list-style-type: none"> <li>(a) For a personal licence where an objection has been made.</li> <li>(b) For a personal licence with unspent convictions.</li> <li>(c) For premises licence where a representation has been made.</li> <li>(d) For a club premises certificate where a representation has been made.</li> <li>(e) For a provisional statement where a representation has been made.</li> <li>(f) To vary a premises licence/club premises certificate where a representation has been made.</li> <li>(g) To vary designated premises supervisor if there is a police objection.</li> <li>(h) For transfer of premises licence if there is a police objection.</li> <li>(i) For interim authorities if there is a police objection.</li> <li>(j) To review a premises licence/club premises certificate.</li> </ul> <p><b>Membership</b></p> <p>Licensing sub-committees will be formed of any three members from the Licensing Panel, which is a pool of councillors appointed by the Full Council.</p>	<p>3 members</p>

	<p>Committee members appointed to the Licensing (Hearings) Sub Committee must be drawn from those who also sit on Licensing &amp; Planning Policy Committee.</p> <p>The three members appointed for any hearing shall be selected by Democratic Services, and the sub-committee will appoint a Chair for a sub-committee meeting.</p> <p>Members of any licensing sub-committee must be trained in licensing matters to participate in any such meeting.</p>	
<p>Licensing (General) Sub Committee</p> <p>(note: political balance requirements do not apply)</p>	<p>Will determine applications:</p> <ul style="list-style-type: none"> <li>(a) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of gaming permits.</li> <li>(b) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences.</li> <li>(c) Contentious applications for the grant or renewal of Private Hire and Hackney Carriage Driver, Vehicle and Operator Licences and the refusal, suspension or revocation of these licences where serious offences or breaches of licence conditions have been committed.</li> </ul> <p><b>Membership</b></p> <p>Licensing sub-committees will be formed of any three members from the Licensing Panel, which is a pool of councillors appointed by the Full Council.</p> <p>Committee members appointed to the Licensing (General) Sub Committee are not required to be members of the Licensing &amp; Planning Policy Committee.</p>	<p>3 members</p>

	<p>The three members appointed for any hearing shall be selected by Democratic Services, and the sub-committee will appoint a Chair for a sub-committee meeting.</p> <p>Members of any licensing sub-committee must be trained in licensing matters to participate in any such meeting.</p>	
<p>Shareholder Sub Committee  (politically balanced)</p>	<p>The Shareholder Sub-Committee acts in accordance with the terms of reference below so far as they relate to any company established as a wholly owned company of the council.</p> <p>The Strategy &amp; Resources Committee shall appoint the Chair of the Shareholder Sub-Committee at its first meeting in the municipal year, who shall hold office until the next such meeting. If the Chair resigns by giving written notice of resignation to the Chief Executive, the sub-committee shall, as the first item of business at its next meeting, elect a successor, to hold office until a replacement can be appointed by the Strategy &amp; Resources Committee. The Chair, if present, shall preside. If the Chair is absent, the Sub-Committee shall elect one of the members present as Chairman of the meeting.</p> <p>The Sub-Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.</p> <p><b>The committee must meet once per annum.</b></p> <p>(a) Power to remove and appoint company directors.</p> <p>(b) Approve the annual company business plan, ensuring that it aligns with the corporate objectives of the council.</p>	<p>5 members</p>

	<p>(c) Periodically evaluate financial performance of a company, and performance against the current business plan.</p> <p>(d) Consider any recommendations to cease trading by a company.</p> <p>(e) Monitor compliance with relevant legislation.</p> <p>(f) Approve any Shareholder Agreement with the company, or any variation to such agreement.</p> <p>(g) Consider such other matters, as require prior consultation with shareholders or as are reserved to the Shareholders in general meeting, and make such decision on those matters as they think fit.</p>	
<p>Standards &amp; Constitution Hearing Sub Committee</p>	<p>Determination of complaints referred by the Monitoring Officer and Investigating Officer regarding alleged breaches of the councillors' Code of Conduct. Such Panels shall comprise three Borough councillors serving on the Standards and Constitution Committee.</p>	<p>3 members</p>

### **3.4. Advisory Panels**

**3.4.4.1.** Advisory panels may make recommendations to the relevant committee or directly to the Full Council, if agreed by the relevant committee.

**3.2.4.2.** The council currently has three standing advisory panels which will report as required to the appropriate committee or Full Council. The terms of reference for all advisory panels are set out below.

**3.3.4.3.** In accordance with the aims and objectives set by the Full Council in its corporate plan the principles of best value, and within the approved budget and policy framework, the following advisory panels have been established to advise the council and its committees / sub-committees on any matter relating to the following subject area:

- i. Financial Policy [Strategy and Resources Committee]
- ii. Human Resources [Strategy and Resources Committee]
- iii. Health Liaison [Community and Wellbeing Committee]

**3.4.4.4.** Note: Advisory Panels are subject to the rules on political proportionality.

<b>Advisory Panel</b>	<b>Terms of Reference</b>	<b>Number of Councillors</b>
Financial Strategy Advisory Group	<p>1 To advise the Strategy and Resources Committee on:</p> <p>(a) all matters relating to the budget and policy framework (including the setting of staff pay).</p> <p>(b) new legislation or government policy relating to local government finance.</p> <p>(c) procurement strategy and those matters that have budget or procurement implications for more than one committee.</p>	<p>6 members</p> <p>Membership to include: Chairs of the Environment, Community &amp; Wellbeing, Licensing &amp; Planning Policy Committees. The FSAG Chair will be the Strategy &amp; Resources Chair.</p>

	<p>(d) performance against key performance indicators.</p> <p>2 To ensure effective scrutiny of the treasury management strategy and policies.</p> <p>3 To respond on behalf of the Strategy and Resources Committee to urgent consultation requests from central or regional government.</p> <p>4 To review annual capital proposals and recommend a five-year capital programme to policy committees.</p> <p>To advise Audit &amp; Scrutiny Committee on:</p> <p>1 Monitoring of treasury management performance.</p>	
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<p>Health Liaison Panel</p>	<p>1 To advise the Community &amp; Wellbeing Committee on:</p> <p>(a) preparing, promoting and monitoring the Council’s Health Strategy in association with National Health Service bodies, Social Services and the voluntary sector.</p> <p>(b) providing leadership and liaising with NHS bodies, the County Council and other agencies to promote the effective use of all resources and the delivery of best value Health and Social Services to the community.</p> <p>2 Working in partnership with a councillor from each of the following – Elmbridge Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council and officers from these local authorities on:</p> <ul style="list-style-type: none"> <li>• Promoting the interests of the local residents in any decisions concerning health services.</li> </ul>	<p>6 members</p>
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	<ul style="list-style-type: none"> <li>• developing a shared vision for the nature, location and quality of local NHS services.</li> <li>• facilitating partnership working and the sharing of information and to co-ordinate input into the NHS decision-making processes.</li> <li>• providing a focus for the councillor-lead meetings and interaction with local NHS representatives.</li> <li>• Furthering the local democratic legitimacy of NHS bodies and their local public accountability.</li> </ul>	
<p>Human Resources Panel</p>	<ol style="list-style-type: none"> <li>1 To advise the Strategy and Resources Committee on:             <ol style="list-style-type: none"> <li>(a) Key points of the annual workforce report.</li> </ol> </li> <li>2 The Panel is able to invite the Chair of the Staff Consultative Group to attend the Panel for specific items as and when required.</li> </ol>	<p>6 members</p>

#### **4.5. Joint Arrangements**

**4.1.5.1.** The council may establish joint arrangements with one or more local authorities, or other permitted bodies, to exercise functions of any of the participating authorities or advise the council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

**4.2.5.2.** The council has entered into a number of joint arrangements. Further details on these arrangements are set out below.

<b>Joint Committee</b>	<b>Terms of Reference</b>	<b>Number of Councillors</b>
<p>Nonsuch Joint Management Committee</p>	<p>Nonsuch Park is managed and maintained by a Joint Management Committee, comprising an equal number of councillors from Epsom and Ewell Borough Council and the London Borough of Sutton council. The committee Chair rotates between the two councils annually. The two councils fund, on an equal basis, the running of the Park, after taking income into account.</p> <p>The committee is covered by the political balance arrangements.</p>	<p>3</p>
<p>Coast to Capital Joint Committee</p>	<p>The purpose of the Coast to Capital Joint Committee is to approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area.</p> <p>The Coast to Capital area encompasses all of the county of West Sussex, Brighton &amp; Hove, Lewes, Croydon and the four eastern Surrey districts (being this Epsom and Ewell, Mole Valley, Reigate and Banstead, and Tandridge). There are two county councils, two unitary authorities, 12 district and borough councils and the South Downs National Park Authority within the area and partnership. It is one of the larger LEPs outside London, with just</p>	<p>1</p>

Appendix 3 – Terms of Reference for the Full Council and other Council Committees, Sub-Committees, Advisory Panels and Joint Arrangements

Date of issue: 12/12/2023 ~~02/02/2023~~

	<p>under 2 million residents and over 150,000 businesses and organisations.</p> <p>The Committee includes representatives from all 16 authorities and the South Downs National Park Authority. The LEP and other business interests and organisations are not eligible to serve on this Joint Committee, which has been established under the Local Government Act 1972.</p>	
Epsom and Ewell Community Safety Partnership	<p>The council is required, under the Crime &amp; Disorder Act 1998, to participate in a Community Safety Partnership along with several other statutory bodies. The council currently takes part in the Epsom &amp; Ewell Community Safety Partnership, which has identified thematic priorities for collaborative working.</p>	1
Surrey Police & Crime Panel	<p>A joint committee comprising the 12 local authorities in Surrey and two independent members to carry out the functions set out in the Police Reform and Social Responsibility Act 2011.</p>	1

## **5.6. Area committees**

**5.1.6.1.** The Full Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value, efficiency, and transparent and accountable decision making.

**5.2.6.2.** In the event that the Full Council decides, after consultation, to create any area committee(s), it will include, within a scheme approved for that purpose, provision for their form, composition and function. This is to avoid conflicts of interest through councillors' membership of other committees, related to access to information.

<b>Area Committee</b>	<b>Terms of Reference</b>	<b>Number of Councillors</b>
At present there are no area committees.		