

## Part 5 – Terms of Reference of other Committees

Council has determined that Committees shall be constituted and shall have delegated authority for the discharge of the Council's functions as set out below.

<b>1.</b>	<b>General Services Committee</b>	
<b>Appointed by:</b>	<b>Number of Elected Members:</b>	
The Council under section 102 of the Local Government Act 1972	Seven	
<b>Chair and Vice-Chair appointed by:</b>	<b>Political Proportionality:</b>	
The Council	The elected Members shall be appointed in accordance with Political Proportionality	
<b>Quorum:</b>	<b>Co-opted Members to be appointed by Council:</b>	
Three	None	
<b>Functions determined by Council:</b>		
<ol style="list-style-type: none"> <li>1. To advise the Council on the appointment or dismissal of, or the arrangements for the appointment or dismissal of, the Head of the Paid Service.</li> <li>2. Save for the Monitoring Officer and Chief Finance Officer, to appoint or make arrangements for the appointment of Directors and Assistant Directors, whether on a permanent, interim or acting up basis, and to dismiss or make arrangements for the dismissal of Directors.</li> <li>3. To appoint or to advise the Council on the dismissal of, or the arrangements for the dismissal of the Chief Finance Officer or the Monitoring Officer and before the Committee makes a decision to recommend the dismissal to the Council of the Head of Paid Service or the Monitoring Officer or Chief Financial Officer, the Committee shall appoint an Independent Panel to also advise the Council in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer of at least two Independent Persons appointed under the Localism Act 2011 to take part in the decision, with priority to an Independent Person appointed by the Council and who is a local elector followed by an Independent Person appointed by the Council and finally an Independent Person appointed by another Authority.</li> <li>4. To deal with any of the functions of the Council in relation to the employment of staff that are not dealt with by Officers under delegated powers, or which may be referred to them by an Officer waiving his/her power to make a decision, including powers to:                         <ol style="list-style-type: none"> <li>4.1 designate Officers (other than the Head of Paid Service) for specific statutory purposes</li> <li>4.2 exercise the Council's power of suspension of a Statutory Officer, after taking appropriate legal advice</li> <li>4.3 make decisions in respect of disciplinary action, executing dismissal which will be subject to a recommendation to and determination by the Council, in relation to Head of Paid Service, Monitoring Officer and Chief Financial Officer</li> </ol> </li> </ol>		

- 4.4 appoint any Sub-Committee or panel or other body to exercise the Committee's powers in relation to staff grading, disciplinary, grievance or any other staffing matter
- 4.5 determine any other staffing matter that it is within the remit of the Council
- 4.6 determine any matter in respect of compromise agreements for Chief Officers or Deputy Chief Officers and superannuation
5. To settle cases of claimed or actual maladministration, etc.
6. To receive, for the purposes of early engagement, notification of proposals for any formal non-minor (1) restructure, permanent or temporary, that impacts on the line management or breadth of responsibility of any Director or Assistant Director, and (2) any role title change to Director or Assistant Director.
7. To advise the Council on major changes to the Constitution.
8. Insofar as is within the remit of the Council, to make casual or urgent appointments to outside bodies.
9. To agree any arrangements for the appointment of a joint Overview and Scrutiny Committee under section 245, National Health Service Act 2006, and any regulations made thereunder.
10. To exercise the functions of the Council in relation to elections, parish and town Councils, vacancies and local bills.
11. To make recommendations to the Council in respect of any change to the electoral arrangements for the authority.
12. Any matter not delegated or referred to or coming under the remit of any other committee.
13. Subject to, and without prejudice to, the generality of the foregoing, to exercise the powers and functions of the Council in relation to the provisions referred to in column (2) of Schedule 1 to the Local Authorities (Functions and Responsibilities Regulations) (England) Regulations 2000 as amended, including the following legislation and any amendment and replacement thereof and any regulations made thereunder.
14. To exercise the Council's functions under any of the "relevant statutory provisions" within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.

**Acts of Parliament:**

15. European Parliamentary Elections Act 1978, Schedule 1, paras. 4(3) and (4)
16. Health and Social Care Act 2001, section 8
17. Local Government Act 1972, sections 10,11, 75, 86, 87, 91, 101, 112, 151 and 239
18. Local Government Act 2000, section 82
19. Local Government and Housing Act 1989 sections 4(1) and 5(1)
20. Local Government and Rating Act 1997
21. Representation of the People Act 1983, sections 8(2), 18, 31, 35, 39(4), 52(4), 54, 106, 112, 135, 151, 270(3) and Schedule 12, para. 42
22. Representation of the People Act 1985, section 21

23. Representation of the People Act 2000, sections 10 and 93
24. Superannuation Act 1972, sections 7, 12, and 24
25. Localism Act 2011

**Subordinate Legislation:**

26. Commons Registration (General) Regulations 1966
27. Commons Registration (New Land) Regulations 1969, Reg. 6
28. Local Election (Parishes and Communities) Rules 1986

Local Elections (Principle Areas) Rules 1986

<b>2. Standards Committee</b>	
<b>Appointed by:</b>  The Council, in accordance with the provisions of S101 and S102 Local Government Act 1972 and Regulations made thereunder.	<b>Number of Elected Members:</b>  Six elected Members
<b>Chair and Vice-Chair appointed by:</b>  1. The Chair will be appointed by Council. 2. There will be one Vice Chair, who will be appointed by Council 3. The Vice-Chair shall deputise for the Chair in his or her absence.	<b>Political Proportionality:</b>  Rules of political proportionality apply.  <b>Substitutes:</b>  Substitutes are permitted for the Standards Committee.  <b>Frequency:</b>  At least quarterly.
<b>Quorum:</b>  At least three voting Members of the Committee	<b>Co-opted Members to be appointed by Council:</b>  Up to six non-voting, to be appointed by the Committee  <b>Independent Person to be appointed by the Council:</b>  Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011  The Independent Person shall be invited to attend the meetings of the Standards Committee
<b>Terms of Reference:</b>  <ol style="list-style-type: none"> <li>1.1 promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority</li> <li>1.2 receiving periodic reports from the Monitoring Officer on dispensations granted / refused, complaints received against Members, complaints resolved informally, complaints resolved after an investigation and a Members Advisory Panel Hearing and assessing the operation and effectiveness of the Members' Code of Conduct</li> <li>1.3 advising on all Member training, including arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct</li> <li>1.4 assisting Councillors and co-opted Members to observe the Members' Code of Conduct</li> <li>1.5 to receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority's assessment criteria</li> <li>1.6 advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council</li> <li>1.7 maintaining oversight of the Council's arrangements for dealing with complaints</li> </ol>	

- 1.8 informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints**
- 1.9 appointment of Members' Advisory Panel (a Working Group of the Committee) to hear and make recommendations to the Monitoring Officer concerning complaints about Members and Co-Opted Members referred to it by the Monitoring Officer**
- 1.10 on referral by the Monitoring Officer to grant dispensations after consultation with the Independent Person pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011**
- 1.11 hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

**Composition and Terms of Reference of Members Advisory Panel (A Working Group).**

<b>2A. Members Advisory Panel</b>	
<p><b>Appointed by:</b></p> <p>The Committee, for the purposes of section 28(6) and (7) of the Localism Act 2011</p>	<p><b>Number of Elected Members:</b></p> <p>Two elected members appointed from Members of the Standards Committee and two Independent Members</p>
<p><b>Chair and Vice-Chair appointed by:</b></p> <p>The Chair shall be an Independent Member elected by the Panel at each meeting.</p>	<p><b>Political Proportionality:</b></p> <p>Rules of political proportionality do not apply.</p> <p><b>Substitutes:</b></p> <p>None.</p> <p><b>Frequency:</b></p> <p>As and when required.</p> <p><b>Venue:</b></p> <p>To be determined by the Monitoring Officer.</p>
<p><b>Quorum:</b></p> <p>At least two elected Members and two Independent Members</p>	<p><b>Co-opted Members to be appointed by Council:</b></p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p> <p>The Independent Person to attend the meetings of the Standards Members Advisory Panel with hearings into allegations of misconduct.</p>
<p><b>Terms of Reference:</b></p> <ol style="list-style-type: none"> <li>1. To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.</li> <li>2. Following a Hearing, make one of the following recommendations to the Monitoring Officer:                     <ol style="list-style-type: none"> <li>2.1 That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing</li> <li>2.2 That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing</li> <li>2.3 That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed</li> </ol> </li> </ol>	

The Members Advisory Panel may recommend to the Monitoring Officer any action or combination of actions available, or recommend any informal resolution or combination of informal resolutions as are available by law or policy.

After making a finding the Members Advisory Panel shall, as soon as reasonably practicable provide written notice of its recommendations and the reasons for its decision to Monitoring Officer, the Member and complainant.

<b>3. Audit Committee</b>	
<b>Appointed by:</b>  The Council, in accordance with the provisions of S101 and S102 Local Government Act 1972 and Regulations made thereunder.	<b>Number of Elected Members:</b>  Six elected Members (of whom one member may be a member of the Executive nominated by the Leader of the Council)
<b>Chair and Vice-Chair appointed by:</b>  1. The Chair will be appointed by Council. 2. There will be one Vice Chair, who will be appointed by Council 3. The Vice-Chair shall deputise for the Chair in his or her absence.	<b>Political Proportionality:</b>  Rules of political proportionality apply.  <b>Substitutes:</b>  Substitutes are permitted for the Audit Committee.  <b>Frequency:</b>  At least quarterly.
<b>Quorum:</b>  At least three voting Members of the Committee	<b>Co-opted Members to be appointed by Council:</b>  Up to six non-voting, to be appointed by the Committee
<b>Terms of Reference:</b>  <b>1.1 providing independent assurance that the Authority's financial and risk management is adequate and effective and that there is a sound system of internal control that facilitates the effective exercise of its functions, including:</b>  <b>1.1.1. keeping under review the Authority's own audit standards and whether they are relevant and represent best practice</b> <b>1.1.2. considering or reviewing the following and the action taken on them and advising the Council and/or the Cabinet, as appropriate:</b>  <b>(a) internal and external audit plans and progress against plans</b> <b>(b) summaries of external and internal audit reports and progress against recommendations made in audit reports</b> <b>(c) the annual report of the internal auditor and the Annual Governance Statement</b> <b>(d) approving the annual statement of accounts and whether appropriate accounting policies have been followed</b> <b>(e) reports from inspection agencies, including the external auditor's Annual Management letter and report to those charged with governance issues</b> <b>(f) keeping under review the Authority's control environment and anti-fraud and anticorruption arrangements, including compliance with the Financial and Contracts Procedure Rules</b>	



**(g) keeping under review the relationships between external and internal audit and other inspection agencies**

1.2 reviewing the performance of the Council's appointed Internal Audit provide

<b>4. Corporate Parenting Committee</b>	
<b>Appointed by:</b>  The Council under section 102 of the Local Government Act 1972	<b>Number of Elected Members:</b>  Eight
<b>Chair and Vice-Chair appointed by:</b>  The Council	<b>Political Proportionality:</b>  The elected Members shall be appointed in accordance with Political Proportionality
<b>Quorum:</b>  Three elected Members	<b>Co-opted Members to be appointed by Council:</b>  (i) A nominated representative from Open Door (ii) Chair and/or Vice-Chair of the Children in Care Council (iii) Chair of the Foster Carers Association (iv) Vice-Chair of the Foster Carers Association
<b>Functions determined by Council:</b>	
<p><b>1. Purpose:</b></p> <p>1.1 The Committee exists to ensure that all elements of the Council work together to ensure that the children looked after by Thurrock get the best possible service that can be offered.</p> <p>1.2 The Committee will serve to aid elected members to drive the improvement of the service forward including by interacting with the looked after children.</p> <p>1.3 The Committee will monitor, review and update the looked after children strategy.</p> <p>1.4 In carrying out this role, the Committee has set as its Mission Statement:</p> <p>1.5 "We want to ensure that all children looked after by Thurrock Council are given the same opportunities, the same level of support and given the same amount of attention as would be given to our own children. We acknowledge that because children looked after have often had very difficult and damaging experiences in their lives, at times they need extra support and resources in order that they can benefit from the same opportunities as other children in our community as well as ensuring that young people have access and knowledge of their elected members who run the authority for the LAC and therefore give them a voice".</p> <p><b>2. Objectives:</b></p> <p>2.1 To champion and promote the best interests of all children and young people who are, have been in care or may be at risk of becoming looked after children, particularly in relation to the following –</p> <ul style="list-style-type: none"> <li>• Health and well-being</li> <li>• Ability to stay safe</li> <li>• Ability to enjoy and achieve</li> <li>• Ability and opportunity to make a positive contribution</li> </ul>	

- Achievement of economic well-being

- 2.2 To promote the role of all councillors as corporate parents and provide the robust vehicle for their mandate to be exercised on behalf of young people.
- 2.3 To bring together members/officers/representatives of partner agencies with corporate parenting responsibilities, with the Chair having discretion to extend invitations to attend meetings of the Committee as appropriate.
- 2.4 To routinely examine the performance data relating to looked after children and, as necessary, seek to inquire into those areas where performance is poor or of concern.
- 2.5 To explore the extent to which the Council as a whole is contributing to meeting the needs of looked after children and to identify and pursue areas where there could be improvement.
- 2.6 To receive effective 'preventative' and qualitative information in order to hold senior officers to account in relation to meeting the needs and improving the outcomes of looked after children.
- 2.7 To oversee the strategy for looked after children and ensure that the various elements within it are being delivered in a holistic and comprehensive way by all responsible.
- 2.8 To identify and celebrate the achievements of individual children and young people who are or who have been looked after.
- 2.9 To see the service shaped and influenced by those it serves – that is, young people.
- 2.10 To prepare an annual report on the work of the Committee for consideration by the Council.
- 2.11 To make recommendations to the relevant executive decision-maker where responsibility for that particular function rests with the executive
- 2.12 To report to the relevant scrutiny committee any matter which it believes that committee should give consideration to.
- 2.13 The Corporate Parenting Committee shall be responsible for setting its own work programme, taking into account the wishes and preferences of the members of the Committee, together with any suggestions from Officers of the Council for particular topics to be considered.

**Matters reserved for decision:**

There are no specific matters reserved to this committee.

The reason for this is that the role and function of the committee is to review and monitor the Council's role as a corporate parent. This involves the participation of members on a cross political group committee. However, any specific actions the committee might identify as necessary would be Executive functions and need to be taken by a Cabinet decision-maker, in accordance with Cabinet responsibility for functions.

**Functions determined by Statute:**

None.

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## Thurrock Health and Wellbeing Board Revised Terms of Reference

<b>5. Thurrock Health and Wellbeing Board</b>	
<b>Appointed by:</b>  The Council under section 102 of the Local Government Act 1972	<b>Number of Elected Members:</b>  Five
<b>Chair and Vice-Chair appointed by:</b>  The Chair will be appointed by Full Council	<b>Political Proportionality:</b>  There is no requirement for elected Members to be appointed in accordance with Political Proportionality
<b>Quorum:</b>  One quarter of the whole number of Board Members, provided that in no case shall the quorum of a Committee be less than three.	<b>Co-opted Members to be appointed by Council:</b>  None
<p><b>Membership:</b></p> <ul style="list-style-type: none"> <li>• Any five Members as appointed by the Leader of the Council</li> <li>• Councillor member of the opposition group</li> <li>• Corporate Director Adults, Housing and Health*</li> <li>• Corporate Director Children's Services*</li> <li>• Director of Public Health*</li> <li>• Director of Public Realm</li> <li>• Chief Executive, Thurrock CVS</li> <li>• Chief Operating Officer, HealthWatch Thurrock</li> <li>• Chair, Thurrock NHS Clinical Commissioning Group</li> <li>• Executive Director of Community Services and Partnerships, Essex Partnership University Trust (EPUT)</li> <li>• Accountable Officer, Mid and South Essex Clinical Commissioning Groups</li> <li>• Executive Member, Basildon and Thurrock University Hospitals NHS Foundation Trust</li> <li>• Director-level Executive, NHS England Midlands and East of England Region</li> <li>• Integrated Care Director Thurrock, North East London Foundation Trust</li> <li>• Executive Member, Basildon and Thurrock Hospitals University Foundation Trust</li> <li>• Deputy Accountable Officer, Thurrock NHS Clinical Commissioning Group</li> <li>• Chair of the Adult Safeguarding Partnership or Senior Representative</li> </ul> <p>* denotes mandatory organisational representation</p>	
<p><b>Our Vision:</b></p> <ul style="list-style-type: none"> <li>• Adding Years to Life and Life to Years</li> </ul> <p><b>Our Principles:</b></p>	

- Reducing inequality in health and wellbeing
- Prevention is better than cure
- Empowering people and communities
- Connected services
- Our commitments will be delivered
- Continually improving service delivery
- Continuing to establish clear links between health and education services, improving accessibility for all

### **Our Goals:**

- Opportunity for All
- Healthier Environments
- Better Emotional Health and Wellbeing
- Quality Care Centred Around the Person
- Healthier for Longer

### **1. Purpose**

- 1.1 To improve health and wellbeing and reduce inequalities in health and wellbeing
- 1.2 To develop and facilitate the delivery of transitional arrangements to meet statutory requirements within the emerging health agenda
- 1.3 To determine the health improvement priorities in Thurrock
- 1.4 To oversee the development and implementation of Thurrock's Health and Wellbeing Strategy.

### **2. Functions**

- 2.1 Identify and join up areas of commissioning across the NHS, social care, public health, and other services directly related to health and well-being and reducing health inequalities
- 2.2 Encourage and develop integrated working – for the purpose of advancing the health and well-being of and reducing health inequalities amongst Thurrock people
- 2.3 Oversee the on-going development and refresh of the Joint Strategic Needs Assessment (JSNA)
- 2.4 Oversee the on-going development, refresh, and implementation of Thurrock's Health and Well-Being Strategy (HWS) – ensuring that it provides an overarching framework for commissioning plans related to Health and Well-Being and Health Inequalities
- 2.5 Sign-off key commissioning plans, strategy, and policy related to Health and Well-Being
- 2.6 Oversee the development of the pharmaceutical needs assessment
- 2.7 Performance-manage the achievement of and progress against key outcomes identified within the JHWS and against key commissioning plans.

### **3. Meeting Frequency**

- 3.1 The Board will meet quarterly.

### **4. Governance and Approach**

- 4.1 The Board will function at a strategic level, with priorities being delivered and key issues taken forward through existing partnership arrangements – which may at times include the establishment of task and finish groups.
- 4.2 The Board has delegated operation decisions to the Health and Wellbeing Board Executive Committee, a subgroup of the Board. A standing item will be included at Health and Wellbeing Board meetings which provides for the Executive Committee to inform the Board of decisions that have been taken.
- 4.3 Only a small number of permanent sub-groups will exist to support the work of the Board:
  - **Health and Wellbeing Executive Committee**, a strategic group that supports the Health and Wellbeing Board
  - **Integrated Commissioning Executive (ICE)**, a decision-making body responsible overseeing the delivery of the Better Care Fund Plan, and the wider health and wellbeing transformation agenda in Thurrock. The ICE meets monthly and minutes are a standing item at Health and Wellbeing Board meetings.
  - **Housing and Planning Advisory Group (HPAG)**. HPAG supports the Board with influencing plans for the built environment and the potential impact of those plans on health and wellbeing of the population of Thurrock. It does this by looking at significant development plans (major) at the earliest possible stage to enable full consideration to be provided to the potential impact of new developments on people's health and wellbeing. HPAG reports to the HWB on an annual basis.
  - **Thurrock Integrated Care Alliance** comprises different organisations from the health and care system who work together to improve the health of their local population by integrating services and tackling the causes of ill health.
  - **Thurrock Drug and Alcohol Action Team (DAAT)**. Commissioning drug and alcohol treatment and support services for young people, adults, families and carers throughout Thurrock.
  - **The Health and Wellbeing Engagement Advisory Group**. Aims to ensure that the health and care system is responsive to meeting the needs of Thurrock's population and that residents have the opportunity to engage with, influence and shape that system.
- 4.4 Decisions taken and work progressed will be subject to scrutiny by the Health and Wellbeing Overview and Scrutiny Committee – and other Overview and Scrutiny Committees as appropriate (**note**: HealthWatch has a scrutiny function).
- 4.5 The development of the Health and Wellbeing Board and its agenda is a dynamic process. As a result, the Board's Terms of Reference continue to be reviewed at least annually and altered to reflect changes as appropriate.
- 4.6 Elected members will be nominated by the Leader of the Council.
- 4.7 The Local Authority may nominate additional Board members in consultation with the Health and Wellbeing Board.
- 4.8 The Board may appoint additional members as it thinks appropriate.
- 5. Wider Engagement**
- 5.1 The Board will ensure that the decisions it makes and the priorities it sets take account of the needs of all of Thurrock's communities and groups – particularly those most in need.

5.2 The Board will ensure that stakeholders including providers are engaged, with a Health and Well-Being Stakeholder Network established to assist with this purpose.

**Functions determined by Statute:**

The Health and Wellbeing Board will operate in accordance with the provisions of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The Health and Wellbeing Board may appoint one or more sub-committees of the Board to advise it with respect of any matter relating to the discharge of functions by the Board.

Functions of the Health and Wellbeing Board may also be discharged by a sub-committee of the Board or by an officer of the authority.

Schedule 2, paragraph 19(5) of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (as amended) **requires** the Health and Wellbeing Board to make representations to NHS England on the effect of the proposed removal of premises from the pharmaceutical list, usually provided through an application to consolidate pharmacies. The Health and Wellbeing Board has delegated authority to respond on its behalf to Public Health.