

PART 2 - RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions	Delegation of functions
Appointments Committee	Up to 6 members of the authority	The appointment of the Chief Executive and first and second tier posts and any others identified by the Employment Matters Committee.	
Appointments Committee	Up to 8 members of the authority	The appointment of the Director of People – Children and Adults Services	
Audit Committee	Up to 5 members of the authority who are all free from other executive responsibilities and an Independent Member to be appointed by the Audit Committee on a fully non-voting basis and a term not exceeding 4 years (renewable once).	The purpose of the Audit Committee is to provide independent high level objective oversight of the adequacy of the governance, risk management framework and internal control environment of the Council, independent scrutiny of the authority's financial and non-financial performance and oversight of financial reporting processes.	

Committee	Membership	Functions	Delegation of functions
Councillor Conduct Committee	8 members of the authority	<ul style="list-style-type: none"> • To promote and maintain high standards of conduct by Councillors, and voting and non-voting co-opted members. • To advise the Council on the adoption or revision of the Councillor Code of Conduct or on revision to the adopted arrangements for investigation or making decisions on complaints. • To monitor the operation of the Councillor Code of Conduct. 	

Committee	Membership	Functions	Delegation of functions
		<ul style="list-style-type: none"> • To advise, train or arrange to train Councillors and voting and non-voting co-opted members on matters relating to the Councillor Code of Conduct. • The assessment against published criteria, investigation and hearing of allegations of Councillor misconduct and determining any action which the Council has the power to take. • The exercise of all of the above in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Council. • The adoption of any procedures necessary in order to undertake any of the above functions. • To grant dispensations to Councillors and voting and non-voting co-optees to allow participation in debate and/or voting on any item in which they have a disclosable pecuniary interest or other significant interest. 	

Committee	Membership	Functions	Delegation of functions
Disciplinary Appeals Committee	<p>3 Members of the Council.</p> <p>No Member who was a member of the Employment Matters Committee making the decision which is the subject of the appeal may serve as a member of the Disciplinary Appeals Committee.</p> <p>Members of the committee must have completed mandatory training.</p> <p>For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.</p>	To hear and determine appeals brought by the Head of Paid Service, the S.151 Officer and the Monitoring Officer against any decisions made by the Employment Matters Committee to take disciplinary action short of dismissal.	

Committee	Membership	Functions	Delegation of functions
Employment Matters Committee	<p>Up to 7 members of the authority</p> <p>Note: In relation to the consideration of allegations/ issues regarding disciplinary matters relating to the Designated Statutory Officers of the Council, for consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.</p>	<p>To deal with all employment matters noting that the determination of the annual pay award is a matter for the Full Council if it exceeds the budgetary provision.</p> <p>To consider allegations /issues regarding disciplinary matters relating to the Head of Paid Service, the S.151 Officer and the Monitoring Officer.</p> <p>Members of the Committee must have completed mandatory training in respect of the latter function.</p>	

Committee	Membership	Functions	Delegation of functions
Governor Ad Hoc Committee	4 members of the authority (note: The Council usually agrees to waive the requirements of political balance on this committee insofar as the overall calculation of allocation of seats on committees is concerned – the membership of the committee is comprised of the Group Whips and the relevant Portfolio Holder)	To consider the removal of Council appointed school governors as and when necessary.	
Health and Wellbeing Board	<p>Seven Councillors to be nominated by the Leader (who should not also be members of either the Health and Adult Social Care (HASC) or Children and Young People (CYP) Overview and Scrutiny Committees*). The requirements of political balance will not apply.</p> <p>Medway Healthwatch (statutory member) – one representative (who should not also be a member of either the HASC or CYP Overview and Scrutiny Committees*)</p>	To prepare the Joint Strategic Needs Assessment and Joint Local Health and Wellbeing Strategy and to encourage an integrated approach in the planning and delivery of health and social care services as well as services related to the wider determinants of health.	

Committee	Membership	Functions	Delegation of functions
	<p>Director of Children and Adults Services (statutory member)</p> <p>Director of Public Health (statutory member)</p> <p>Assistant Director Children's Social Care (under the provision allowing the appointment of such other persons (or representatives of such other persons) as the local authority thinks appropriate)</p> <p>Assistant Director, Adults' Social Care (under the provision allowing the Board to appoint such additional persons to be members of the Board as it thinks appropriate)</p> <p>NHS Kent and Medway Integrated Care Board – one representative (statutory member)**</p>		

Committee	Membership	Functions	Delegation of functions
	<p>Medway and Swale Integrated Care Partnership, Senior Responsible Officer – one representative (under the provision allowing the appointment of such other persons (or representatives of such other persons) as the local authority thinks appropriate)**</p> <p>Primary Care Network – one representative (under the provision allowing the appointment of such other persons (or representatives of such other persons) as the local authority thinks appropriate)**</p> <p>NHS England (Southeast) /Kent and Medway – one representative (under the provision allowing the appointment of such other persons (or representatives of such other persons) as the local authority thinks appropriate).</p>		

Committee	Membership	Functions	Delegation of functions
	<p>(Note* - Substitutes appointed to attend meetings of the Health and Wellbeing Board (HWB) may not also be members of the Health and Adult Social Care or Children and Young People Overview and Scrutiny Committees).</p> <p>(Note** - Each health representative may have a named substitute)</p>		
Independent Persons Panel	<p>3 Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 plus one reserve.</p> <p>To be appointed in the following priority order:</p> <ul style="list-style-type: none"> •An IP who has been appointed by the Council and who is on electoral roll in Medway •Any other IP appointed by the Council •An IP who has been appointed by another authority. 	To advise the authority on matters relating to the dismissal of the officers designated as the Head of Paid Service, the S.151 Officer and the Monitoring Officer).	

Committee	Membership	Functions	Delegation of functions
Kent and Medway Integrated Care Partnership Joint Committee	<p>3 members of the authority</p> <p>Other members as specified in Appendix A</p>	<p>To produce an Integrated Care Strategy, developed with respective system partners and stakeholders, which covers the needs of the whole population of Kent and Medway.</p>	
Licensing and Safety Committee	Between 10 –15 members of the authority	<p>Taxi, gaming, alcohol, entertainment, food, scrap metal and miscellaneous licensing</p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005, and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees.</p> <p>Scrap Metal Dealers Act 2013</p> <p>To act in an advisory quasi-judicial capacity to the Assistant Director, Legal and Governance when considering representations from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence;</p> <p>To consider and make recommends to Cabinet on policy relating to the Scrap Metal Dealers Act 2013;</p>	Chief Executive

Committee	Membership	Functions	Delegation of functions
		<p>Health and safety</p> <p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p>	Chief Executive
		<p>Commons registration</p> <p>The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.</p>	Assistant Director, Legal and Governance
Planning Committee	Up to 16 members of the authority	<p>Planning and conservation</p> <p>Functions relating to town and country planning and development management as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations).</p> <p>Highways use and regulation</p> <p>The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations.</p>	<p>Director of Place and Deputy Chief Executive</p> <p>Director of Place and Deputy Chief Executive</p>

Committee	Membership	Functions	Delegation of functions
School Transport and Curriculum Appeals Committee	Up to 7 members of the authority	Determining appeals regarding home to school transport and complaints regarding the curriculum.	
South Thames Gateway Building Control Joint Committee	4 members (one each from Medway, Canterbury, Gravesham and Swale)	Enforcement activity. Staffing matters (in accordance with Medway Council's policies and procedures).	

- 1.1 The details of the onward delegation to employees are contained in part 4 of this chapter.
- 1.2 The terms of reference of the Committees established by the Council and their sub-committees are set out below:

Terms of reference for each committee

1. Appointments Committee

1.1 Up to 6 members

To appoint the Chief Executive and to appoint all first and second tier posts and any other posts identified by the Employment Matters Committee as requiring appointment by the Appointments Committee.

Note: The appointment of the Director of Public Health will comply with the Council's employment rules and also the requirements of the Health and Social Care Act 2012 and statutory guidance from the Department of Health, in relation to the joint role of Public Health England on behalf of the Secretary of State and an advisory appointments committee constituted in accordance with statutory guidance.

1.2 Up to 8 members

To appoint the Director of Children and Adult Services.

2. Audit Committee

Functions:

Budget and Financial Control

- To monitor the overall state of the Council's finances on at least a quarterly basis and advise the Cabinet on any action it recommends.
- To scrutinise the Council's treasury management, investment strategy, and minimum revenue provision policy statement along with treasury management practices and associated schedules and approve the annual treasury outturn.
- To receive and review financial information in relation to the limited companies and joint ventures set up by the Council.
- To provide an independent review of the Council's financial and non-financial performance.

Financial and Governance Reporting

- To monitor the Council's compliance with its own published standards and to consider any proposals for changes to Financial Rules and Contract Rules.
- To monitor financial policies and processes, including endorsement of improvement plans to strengthen the control environment.
- To consider and approve the Council's statement of accounts each year.

- To review and approve the annual governance statement, ensuring that it properly reflects the risk environment and notes actions for improvement, and how the governance supports the achievement of the authority's objectives.
- To review the response to the External Audit Letter to those charged with Governance prior to sign off by the Chairperson of the Committee.
- To receive the audit findings report, annual audit letter and management's response to any audit findings and recommendations.

External Audit

- To inform the appointment of the External Auditor undertaken by Full Council.
- To discuss with the external auditor new accounting standards, changes to the reporting framework and the basis of the annual audit, including the content of performance work;
- To review with management the annual audit fee letter and annual audit plan and to ensure that the provision of non-audit services does not impair the external auditor's independence or objectivity.

Internal Control, Risk Management, Internal Audit and Counter Fraud

- To review the effectiveness of the council's risk management framework and the associated internal control environment and arrangements for delivering value for money.
- To inform the risk assessment process used to develop the Risk Management Strategy and Corporate Risk Register for the Council
- To monitor the effective development & operation of risk management in the authority.
- To monitor and review the performance of internal audit, the effectiveness of the internal audit function, the internal audit programme and internal audit findings, including the effectiveness of management's response to findings.
- To seek such assurance as it may deem appropriate that the internal audit function is independent, objective, adequately resourced, has appropriate standing within the Council and conforms to professional standards.
- To receive the annual opinion from the Chief Audit Executive.
- To consider and make recommendations on reports to the Council by Internal Audit, External Audit, and other external inspectorates.
- To monitor and review the performance of counter fraud, the effectiveness of the counter fraud function, and the Council's counter-fraud arrangements and anti-corruption measures, including the counter fraud & corruption strategy.
- To receive reports in line with the Council's whistleblowing, anti-bribery, covert surveillance and anti-money laundering policy.

Engagement & Outputs:

To discharge its responsibilities effectively, the Audit Committee will:

- meet regularly, at least four times a year, and have a clear policy on those items to be considered in private and those to be considered in public.
- be able to meet privately and separately with the external auditor and with the head of internal audit.
- include, as regular attendees, the chief finance officer(s), the head of internal audit, the appointed external auditor, and the monitoring officer, who will all be able to access the committee members, or the chairperson, as required.
- have rights of access to and constructive engagement with other committees/functions, for example scrutiny and service committees, corporate risk management boards and other strategic groups
- have the right to requests reports and call on any other officers or agencies of the authority as required in order to seek assurance.
- support transparency, reporting regularly on its work to those charged with governance.
- report annually on how the committee has complied with the position statement, discharged its responsibilities, and include an assessment of its performance.

3. Councillor Conduct Committee

- To promote and maintain high standards of conduct by Councillors and voting and non-voting co-opted members.
- To advise the Council on the adoption or revision of the Councillor Code of Conduct or on revision to the adopted arrangements for investigation or making decisions on complaints.
- To monitor the operation of the Councillor Code of Conduct.
- To advise, train or arrange to train Councillors and voting and non-voting co-opted members on matters relating to the Councillor Code of Conduct.
- The assessment against published criteria, investigation and hearing of allegations of Councillor misconduct and determining any action which the Council has the power to take.
- The exercise of all of the above in relation to the parish Councils wholly or mainly in its area and the members of those parish Councils.
- The adoption of any procedures necessary in order to undertake any of the above functions.

- To grant dispensations to Councillors and voting and non-voting co-optees to allow participation in debate and/or voting on any item in which they have a disclosable pecuniary interest or other significant interest.

4. Disciplinary Appeals Committee

- To hear and determine appeals brought by the Head of Paid Service, the S.151 Officer and the Monitoring Officer (the Designated Statutory Officers (DSOs)) against any decisions made by the Employment Matters Committee to take disciplinary action short of dismissal.

- ***Procedure for the Disciplinary Appeals Committee***

The DSO shall have the right to attend and be accompanied at the Committee Meeting which considers the appeal.

The Committee shall consider the appeal in accordance with the Council's normal procedure for dealing with appeals.

- ***Access to Advice and Representation***

For the avoidance of doubt, the Committee may commission and have access to external legal and professional advice.

For the avoidance of doubt, if a DSO chooses to retain professional advice and/or representation at or in respect of any meeting of or hearing before the Committee, then the DSO in question shall be responsible for the cost of that advice or representation.

5. Employment Matters Committee

- To consider and determine, where appropriate, matters concerning the employment of staff and their terms and conditions of employment or secondment and to determine the terms of the annual pay award provided it is within the approved budget;
- To advise on and determine policies concerning any staffing matter including equal opportunities and the allocation and utilisation of human resources within the authority;
- To advise on and determine arrangements for consulting and communicating with staff and trades unions;
- To hear and determine dismissal appeals relating to conduct, performance capability, some other substantial reason and ill-health capability;
- To grant exemptions for politically restricted posts.
- In relation to the Head of Paid Service, the S.151 Officer and the Monitoring Officer – the Designated Statutory Officers (the DSOs),

- To consider allegations/issues regarding disciplinary matters relating to the Designated Statutory Officers of the Council and to authorise initial investigation.
- To appoint an Independent Investigator (“II”) to investigate allegations of misconduct against any DSO and to commission reports from an II.
- To determine appropriate action upon receipt of any preliminary investigation.
- To decide whether to suspend a DSO and to review decisions taken to suspend a statutory officer.
- To determine what action should be taken against a DSO following an investigation. This could include the following:
 - Take no further action.
 - Recommend informal resolution or other appropriate procedures.
 - Refer back to the Independent Investigator for further investigation and report.
 - Take disciplinary action against the DSO short of dismissal.
 - Propose dismissal of the DSO to the Council.
- To refer any recommendation that a DSO should be dismissed to the Independent Persons Panel prior to being referred to Council for a determination in accordance with the Employment Rules.

6. Employment Matters Appeals Panel

- To hear and determine final appeals by employees on behalf of the Council relating to their conditions of service, discipline, performance or termination of employment. (Noting that appeals against disciplinary action short of dismissal affecting the Head of the Paid Service, the S.151 Officer and the Monitoring Officer will be dealt with by the Disciplinary Appeals Committee.)

7. Governor Ad Hoc Committee

- To consider the removal of Council appointed school governors as and when necessary.

8. Health and Wellbeing Board

A. Operating principles

In line with nationally agreed operating principles the Medway Health and Wellbeing Board (HWB) will seek to:

- (i) provide collective leadership to improve health and well-being across the local authority area, enable shared decision-making and ownership of decisions in an open and transparent way;
- (ii) achieve democratic legitimacy and accountability, and empower local people to take part in decision-making;

- (iii) address health inequalities by ensuring quality, consistency and comprehensive health and local government services are commissioned and delivered in the area; and
- (iv) identify key priorities for health and local government commissioning and develop clear plans for how commissioners can make best use of their combined resources to improve local health and well-being outcomes in the short, medium and long term.

B. Key functions

- (i) To prepare the Joint Strategic Needs Assessment (JSNA) which identifies the current and future health and wellbeing needs of the local population and may address needs around wider determinants of health.
- (ii) To prepare a Joint Local Health and Wellbeing Strategy for Medway to meet the needs identified in the JSNA.
- (iii) To prepare the Medway Pharmaceutical Needs Assessment.
- (iv) To encourage persons who arrange for the provision of any health or social care services in the area to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in Medway.
- (v) To encourage persons who arrange for the provision of any health related services (ie services that may have an effect on the health of individuals but are not health or social care services) in Medway to work closely with the Board.
- (vi) To encourage persons who arrange for the provision of any health or social care services in Medway and those who arrange for the provision of any health-related services in its area to work closely together.
- (vii) To provide advice, assistance or other support appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 (ie arrangements under which NHS bodies and local authorities agree to exercise specified functions of each other).
- (viii) To keep NHS commissioning plans under review to ensure they are taking into account the JSNA and local HWB Strategy, referring back to the Integrated Care Board (ICB) or NHS England where they do not.
- (ix) To advise Medway Council's Cabinet of its views on whether the local authority is discharging its duty to have regard to the JSNA and Joint Local Health and Wellbeing Strategy in discharging its relevant functions.
- (x) To involve users and the public in the work of the Board, as appropriate.
- (xi) To play a formal role in the annual assessment of the Kent and Medway Integrated Care Board.

- (xii) To undertake any other functions assigned to Health and Wellbeing Boards in legislation.

Governance arrangements for the operation of the Medway Health and Wellbeing Board were initially agreed by Council on 25 April 2013 and further reviewed and agreed by Council on 21 July 2022.

- (i) **Appointment of Chairperson and Vice Chairperson:** The Chairperson and Vice Chairperson of the Board will be appointed at the first meeting of the Board after each Annual Council meeting, discounting the Joint Meeting of all Committees on the evening of Annual Council. The Chairperson will be appointed from among the councillors serving on the Board.
- (ii) **Meetings:** The Board will meet a minimum of four times a year and be administratively supported by Medway Council's Democratic Services Team. Meetings will take place in public with provision for exclusion of the press and public where confidential or exempt information is likely to be disclosed.
- (iii) **Sub-committees:** The Board may set up advisory sub-committees but any proposal to delegate the functions of the Board to a sub-committee or an officer (or from a sub-committee to an officer) insofar as this is permitted, shall be subject to agreement by the Council.
- (iv) **Attendance:** The quorum for Board meetings will be a quarter of the membership and meetings may only proceed if at least one local authority member and one ICB representative are present. Substitutions are permitted with notification to the Democratic Services Officer ahead of the meeting.
- (v) **Conduct of meetings:** Meetings will be conducted in accordance with the procedural rules applicable to Council meetings as appropriate.
- (vi) **Voting:** All members of the Board will have the right to vote, subject to the law and procedures for registering and declaring interests which will require non-participation and withdrawal from meetings when conflicts of interest arise.
- (vii) **Programming of business:** the Board will determine its own work programme and pre-agenda processes taking into account statutory requirements relating to notice of meetings and publication and availability of agenda papers and will use the templates and standards in place for reports to other Council committees.
- (viii) **Communications and engagement:** the Board will develop a Communications and Engagement Strategy which will set out how the Board will engage with stakeholders and the public and how communications on behalf of the Board will be managed.
- (ix) **Operational links:** the Board will work collaboratively with other partnership bodies including the Children's Trust, the Medway Safeguarding Children Board, the Adult Safeguarding Board and the

Community Safety Partnership, taking into account the need for alignment between the Joint Local Health and Wellbeing Strategy and other key plans and strategies.

- (x) **Overview and scrutiny:** the Board will be subject to overview and scrutiny and will respond to requests for information and representation at overview and scrutiny committees as appropriate.
- (xi) **Review:** the terms of reference of the HWB and the governance arrangements will be kept under periodic review.

9. Independent Persons Panel

- To advise the Council on matters relating to the dismissal of the Head of the Paid Service, the S.151 Officer or the Monitoring Officer in accordance with the Employment Rules where the Employment Matters Committee propose to recommend the dismissal of one of the post holders.
- The Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the officers designated as the Head of Paid Service, the S.151 Officer and the Monitoring Officer (together the “Designated Statutory Officers” or “DSOs”) in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001.
- The Panel must be convened having invited at least two of the Independent Persons appointed under section 28(7) of the Localism Act 2011 (to advise on Member conduct allegations) by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- The Head of Democratic Services will invite the Council’s current Independent Persons (being those persons appointed to advise on Member conduct complaints under the Localism Act 2011) and if necessary one or more of the Independent Persons of neighbouring authorities (following consultation with the Monitoring Officers of those authorities), to be considered for appointment to the Independent Persons Panel.
- The Panel will be appointed by the Head of Democratic Services from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:
 - an Independent Person who has been appointed by the authority and who is a local government elector in the Council’s area.
 - any other Independent Person who has been appointed by the authority.
 - an Independent Person who has been appointed by another authority or authorities.

- The Panel must be appointed at least 20 working days before any meeting of the authority to consider whether or not to approve a proposal to dismiss a DSO.
 - One or more reserve members will be appointed to the Panel from Independent Persons who have been appointed under section 28(7) of the Localism Act 2011 by the authority or by another authority or authorities. If more than one reserve member is available for the meeting then selection will be by the alphabetical order of their surnames so long as it does not conflict with the priority order set out above.
 - The appointment of a Panel Member to preside at the meeting will be the first item of business at each Independent Persons Panel meeting. Where there are equal votes cast at a meeting on any matter the Chairperson may exercise a second or casting vote.
 - The quorum for a meeting shall be two members of the Panel.
 - For the avoidance of doubt, the Panel may commission and have access to external legal and professional advice.
10. Kent and Medway Integrated Care Partnership Joint Committee (see Appendix A for details)
11. Licensing and Safety Committee
- Functions relating to licensing and registration as set out in schedule 1 to the Functions Regulations, the Licensing Act 2003, Gambling Act 2005, Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees;
 - To act in a quasi-judicial capacity to consider appeals that may require determination upon receipt of representation from an aggrieved party where a licence has either been refused, amended or revoked by officers and make decisions related thereto;
 - To act in a quasi-judicial capacity to determine application of licences where there is substantial objection by other parties to the grant of a licence or where in the officer's opinion the issue is of a sensitive nature and make decisions related thereto;
 - To act in an advisory capacity to the Assistant Director, Legal and Governance, when considering representations from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence;
 - To consider objectively other ad hoc matters relating to the licensing process which officers or the Council deems appropriate;

- To recommend to Council to determine a policy not to permit casinos, in accordance with section 166 of the Gambling Act 2005;
- To recommend to Council final approval of the Statement of Gambling Act Policy;
- To recommend to Council approval of the Statement of Licensing Policy;
- To consider and make recommends to Cabinet on policy relating to the Scrap Metal Dealers Act 2013;
- To recommend to Council approval of the Statement of Policy in respect of Sex Establishments and Sexual Entertainment Venues;
- Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Note: For the purpose of these terms of reference the term “licence” or “licensing” includes any such controlling measure such as permit, certificate or registration.

(A) Licensing Sub-Committee

- To determine hackney carriage private hire and other licensing and registration issues not covered by the Licensing Act 2003 nor the Gambling Act 2005.
- To act in an advisory quasi-judicial capacity to the Assistant Director, Legal and Governance, when considering representations from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence.
- To determine applications for the registration of land as a town or village green, where representations have been received and not withdrawn.

(B) Licensing Hearing Panel

- To consider all Licensing Act 2003 matters;
- With regard to Licensing Act 2003 matters, to determine:
 - (i) an application for a personal licence if there is a police objection
 - (ii) an application for a personal licence with relevant unspent convictions
 - (iii) an application for a premises licence/club premises certificate, if relevant representation made
 - (iv) an application to vary a Designated Premises Supervisor, if there is a police objection

- (v) an application for provisional statement, if a relevant representation made
- (vi) an application to vary premises licence/club premises certificate, if a relevant representation made
- (vii) an application for a minor variation to a premises licence or club premises licence, if a relevant representation is made
- (viii) an application for transfer of premises licence, if there is a police objection
- (ix) applications for interim authorities, if there are police objections
- (x) an application to review premises licence/club premises certificate
- (xi) a decision to object when the local authority is a consultee and not the relevant authority considering the application
- (xii) a police objection to a temporary event notice.
- (xiii) whether to suspend, for a period of up to six months, or revoke a personal licence where a Personal Licence Holder has been convicted of a relevant offence or foreign offence, or has been required to pay an immigration penalty, on or after 6 April 2017.

Note: A relevant representation is one which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Licensing Act 2003.

- With regard to Gambling Act 2005 matters, to determine:
 - (i) applications for premises licences where representations have been received and not withdrawn
 - (ii) applications for a variation to a licence where representations have been received and not withdrawn
 - (iii) applications for a transfer of licence where representations have been received by the Commission
 - (iv) applications for a provisional statement where representations have been received and not withdrawn
 - (v) a review of a premises licence
 - (vi) applications for club gaming/club machine permits where objections have been made and not withdrawn
 - (vii) a cancellation of club gambling/club machine permits
 - (viii) a decision to give a counter notice to a temporary use notice.

(C) 1982 Act Hearing Panel

- To determine any applications under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 where relevant representations have been received or where conditions have been proposed by officers but not accepted by the applicant.

12. Planning Committee

- To determine all planning applications submitted pursuant to the Town and Country Planning Act 1990 (as amended), the Planning Listed Buildings and Conservation Areas Act 1990 and the Planning (Hazardous Substances) Act 1990, including those applications falling for decision under officer delegated powers which a Council member has requested to be referred for Committee determination, except that all applications recommended for approval in respect of development which is in fundamental conflict with the Development Plan or any approved proposals for amendment thereof shall be reserved for determination by the Council;
- To consider written objections received to Tree Preservation Orders made under Section 198 or 201 of the Town and Country Planning Act 1990 and notifications under Section 211 of that Act;
- To determine all applications for approvals required by a Development Order or by conditions imposed on the grant of a planning permission;
- To authorise the issue of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 except that cases where the Director of Place and Deputy Chief Executive and Assistant Director, Legal and Governance, consider that compensation may be payable shall be referred to the Council;
- To exercise powers under the Town and Country Planning Act 1990 in relation to the service of Enforcement Notices and Stop Notices under Parts VII and VIII, Planning Contravention Notices under Section 171(c) an Breach of Condition Notices under Section 187(a) and to take all necessary further steps up to and including prosecution except that cases where the Director of Place and Deputy Chief Executive and Assistant Director, Legal and Governance, consider that compensation may be payable shall be referred to the Council;
- To exercise powers in relation to the service of Listed Building Enforcement Notices under the provisions of the Planning (Listed Buildings in Conservation Areas) Act 1990 and to take all necessary further steps up to and including prosecution;
- To recommend to the Council the making of Orders for the modification or revocation of planning permission;
- To issue Completion Notices under Section 94 of the Town and Country Planning Act 1990;

- To submit views on behalf of the Planning Authority in relation to the consultations under the Pastoral Measures 1968;
- To lodge objections in connection with Goods Vehicle Operators' Licences;
- To consider and approve/acknowledge planning obligations offered by developers under Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Planning and Compensation Act 1991);
- To consider and determine development management issues in respect of the Channel Tunnel Rail Link/M2 Widening.

13. School Transport and Curriculum Appeals Committee

- To determine appeals relating to the application of the Council's policy for assisting with transport for pupils and students at schools and colleges;
- To consider complaints regarding school curriculum and related matters.

14. South Thames Gateway Building Control Joint Committee

- To exercise the powers and assume the responsibilities of the partner authorities in relation to building control under the Building Act 1984 and other related legislation;
- To implement the first Business Plan of the Joint Committee;
- To develop an annual Business Plan for approval by each partner authority and adoption and implementation by the Joint Committee;
- To make recommendations to each partner authority to provide resources as required to secure the delivery of the Business Plan and to support the aims and objectives;
- To prepare and submit as required all reports, business cases and supplementary information as may be required by central government and or any agency or organisation on behalf of central government in relation to the delivery of the Business Plan and/or to obtain additional funding to support the aims and objectives;
- To enter into dialogue with central government and/or any agency or organisation on behalf of central government to secure the delivery of the Business Plan and/or to obtain additional funding to support the aims and objectives;
- To consult with appropriate persons and to commission research and public opinion surveys into matters relevant to the aims and objectives and the Business Plan;

- To influence, advise and lobby central government and other agencies (whether locally, nationally and internationally) where this is felt to be consistent with the aims and objectives and the Business Plan.

Appendix 1

Kent and Medway Integrated Care Partnership

Terms of Reference

1. Introduction

- 1.1 The vision for the Kent and Medway Integrated Care System is 'We will work together to make health and wellbeing better than any partner can do alone'. The Kent and Medway Integrated Care Partnership (ICP) brings partners together to work towards achieving this shared vision.
- 1.2 The ICP has been established in accordance with the powers set out under Section 116ZA of the National Health Service Act 2006 (as amended by Health and Care Act 2022), and the Local Government and Public Involvement in Health Act 2007 by the following organisations:
 - 1.2.1 Kent and Medway NHS Integrated Care Board (ICB).
 - 1.2.2 Kent County Council (KCC) and Medway Council, together known for the purposes of this Terms of Reference as the Local Authorities.
- 1.3 The Integrated Care Partnership is established as a joint committee of the above parties, to whom they are accountable. The ICP is authorised to act within these Terms of Reference, which set out the membership, remit, responsibilities, authority, and reporting arrangements of the ICP.

2. Purpose

- 2.1 The purpose of the ICP is:
 - 2.1.1 To produce an Integrated Care Strategy, developed with system partners and stakeholders, which covers the health and wellbeing needs of the whole population of Kent and Medway and fulfils the requirements set out in the statutory guidance for the development of Integrated Care Strategies. The ICP will recommend approval of the Strategy to the ICB and Local Authorities for approval. The Strategy will be refreshed every five years unless the ICP receives a new joint strategic needs assessment that warrants earlier consideration.
 - 2.1.2 To monitor and assure the effectiveness and impact that delivery of the shared outcomes set out in the Integrated Care Strategy is having on improving the health and wellbeing of the population. The ICP is

authorised to request any information necessary from partner members to enable effective review and partner members will cooperate with any such reasonable request. All information requests between the partner members and with the ICP will be managed in accordance with the relevant legislation and any partner sharing agreements in place.

- 2.1.3 To support the bringing together of partners working at system, place and community level which are well-situated to act on the wider determinants of health, health inequalities and drive improvements in the social and economic development of Kent and Medway.
- 2.2 The ICP may from time to time have other responsibilities given to it by the Local Authorities and/or the ICB, subject to compatibility with legislation and compliance with the decision-making process of the relevant body.
- 2.3 The ICP is authorised to establish such sub-committees as the ICP deems appropriate to assist it in discharging its purpose. The Inequalities, Prevention, and Population Health Committee (IPPH) will keep the ICP informed on its progress to support the ICP in its purpose to assure delivery of the Integrated Care Strategy.

3. Principles

- 3.1 The ICP is founded, first and foremost, on the principle of equal partnership between the NHS and Local Authorities to work with and for the communities of Kent and Medway.
- 3.2 The ICP is authorised by and accountable to Kent and Medway NHS, Kent County Council and Medway Council as the statutory organisations of the Kent and Medway Integrated Care System.
- 3.3 In undertaking its work, the ICP will respect the following partnership principles:
 - 3.3.1 Act in a way that is transparent and accountable.
 - 3.3.2 Use a collective model of decision-making that seeks to find consensus between system partners and make decisions based on unanimity and compatibility with legislative, governance, and policy requirements of relevant bodies as the norm, including working through difficult issues where appropriate.
 - 3.3.3 Operate a collective model of accountability, where partners hold each other mutually accountable for their respective contributions to shared objectives within the remit of the ICP.

- 3.3.4 Be informed in its work by the voice of experience, ensure co-production and inclusiveness throughout the Integrated Care System (ICS) is championed and draw on the experience and expertise of professional, clinical, political, voluntary and community leaders.
- 3.3.5 Create a learning system, sharing improvements across the system geography and with other parts of the country, crossing organisational and professional boundaries.
- 3.3.6 Support the sharing of information that enables the evolving needs of the local health and care services to be widely understood and opportunities for at scale collaboration to be maximised.
- 3.3.7 Support the NHS triple aim (improved population health, quality of care and cost control), the legal duty on statutory bodies to collaborate and the principle that decision-making should happen at a local level where that is most appropriate approach.
- 3.4 In undertaking its work, the ICP will also ensure it continually champions the four purposes of an integrated care system as defined by NHS England:
 - 3.4.1 To improve outcomes in population health and healthcare.
 - 3.4.2 To tackle inequalities in outcomes, experience, and access.
 - 3.4.3 To enhance productivity and value for money.
 - 3.4.4 To help the NHS support broader social and economic development.
- 3.5 Members of the ICP will:
 - 3.5.1 Aim to attend all scheduled meetings.
 - 3.5.2 Have a collective responsibility for the operation of the ICP. They will participate in discussion, review evidence, and provide objective expert input to the best of their knowledge and ability, and endeavour to reach a collective view.
 - 3.5.3 Work at all times as a mutually supportive partnership, respecting the individual sovereignty and operating environments of partners while working together to ensure all partners contribute effectively to delivery of the shared outcomes.
 - 3.5.4 Agree to co-operate with any reasonable request made by the ICP to enable it to fulfil its responsibilities, insofar as respective partner member organisational governance arrangements allow.
 - 3.5.5 Maintain the highest standards of personal conduct and in this regard

must comply with:

- a. The laws of England.
- b. The Nolan Principles.
- c. Any additional regulations or codes of practice adopted by the Member's appointing body.

4. Membership, Chair, and role of Statutory System Leaders

4.1 Membership of the ICP will be made up of elected, non-executive and clinical and professional members as follows:

4.1.1 Leader of KCC.

4.1.2 Leader of Medway Council.

4.1.3 Chair of the Kent and Medway NHS ICB.

4.1.4 Two additional Local Authority elected executive members from KCC, who hold an appropriate portfolio responsibility related to ICP business.

4.1.5 Two additional Local Authority elected executive members from Medway Council, who hold an appropriate portfolio responsibility related to ICP business.

4.1.6 One additional ICB Non-Executive Director.

4.1.7 An ICB Partner Member who can bring the perspective of primary care.

4.1.9 The Chairs of the four Kent and Medway Health and Care Partnerships.

4.1.9 An elected District Council representative from within the geographies of each of the four Kent and Medway Health and Care Partnerships.

4.2 Members are not permitted to have deputies to represent them.

4.3 The Chair of the ICP shall be either the Leader of Kent County Council or Medway Council and will be elected at the first meeting of the ICP to serve as Chair for a two-year period. The Chair will rotate every two years between the Local Authority leaders.

4.4 The ICP shall have the following non-voting attending members:

4.4.1 Medway Council Chief Executive.

4.4.2 Kent County Council Chief Executive.

4.4.3 Kent and Medway ICB Chief Executive.

4.4.4 Kent and Medway Directors of Public Health.

4.4.5 Kent and Medway ICB Medical Director.

4.4.6 A representative from each of Kent Healthwatch and Medway Healthwatch.

- 4.4.7 A representative from the Kent and Medway Voluntary, Community and Social Enterprise Steering Group.
- 4.4.8 Kent and Medway Local Authority directors of adult and children's social care.
- 4.4.9 A representative from Kent Integrated Care Alliance.
- 4.4.10 A representative from the Kent, Surrey and Sussex Academic Health and Science Network.
- 4.4.11 A representative from the Local Medical Committee.
- 4.4.12 A representative from Kent Police.
- 4.5 The Chair may call additional individuals to attend meetings to inform discussion. Attendees may present at ICP meetings and contribute to discussions as invited by the Chair but are not allowed to participate in any vote.
- 4.6 The ICP will hold a Register of Members Interests which will be presented to each meeting of the ICP and available on the websites of the ICB and Local Authorities.
- 4.7 Members must declare any interests and /or conflicts of interest at the start of the meeting. Where matters on conflicts of interest arise, the individual must withdraw from any discussion/voting until the matter(s) is concluded. Where the partner member does not have such a policy or policies, the ICB's policy on business standards and managing conflicts of interest shall apply.
- 4.8 To support the Chair and recognising the collective model of accountability, the three Statutory System Leaders comprising the two Local Authority leaders and the Chair of the ICB will work together to agree the forward plan (in discussion with partner members), meeting agendas, and other items of business relating to the ICP.
- 4.9 In the event that the ICP Chair is not available to chair the meeting (due to absence or a conflict of interest), the other Local Authority leader will preside over the matter(s) to be discussed. Where neither leader is available to preside, the ICB Chair will preside over matters.

5. Meetings

- 5.1 Meetings of the ICP will be open to the public. The public may be excluded from the meeting, whether for the whole or part of the proceedings, where the ICP determines that discussion in public would be prejudicial to the public interest or the interests of ICB or Local Authorities by reason of:
 - 5.1.1 The confidential nature of the business to be transacted.
 - 5.1.2 The matter being commercially sensitive or confidential.
 - 5.1.3 The matter being discussed is part of an on-going investigation.

- 5.1.4 The matter to be discussed contains information about individual patients or other individuals which includes sensitive personal data.
- 5.1.5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is to be discussed.
- 5.1.6 Any other reason permitted by the Public Bodies (Admission to Meetings) Act 1960 as amended or succeeded from time to time.
- 5.1.7 To allow the meeting to proceed without interruption, disruption and/or general disturbance.
- 5.2 At a meeting in public any member of the public may ask a question(s) about any matter relating to items on the agenda or items of the day. Details on how a member of the public can ask questions shall be published on the websites of KCC, Medway Council and the ICB.
- 5.3 When the Chair of the ICP deems it necessary in light of the urgent circumstances to call a meeting at short notice, the notice period shall be such as they shall specify. Where possible this will be agreed by the three Statutory System Leaders.
- 5.4 In addition to public meetings, the ICP might hold closed workshop sessions on particular issues to support the development of ideas and interactive discussion of issues. The outcomes of these workshops will be shared at the next public meeting of the ICP.

6. Voting and Quorum

- 6.1 The aim of the ICP will be to achieve consensus decision-making wherever possible. Where a formal vote is required each member of the ICP shall have one vote. The ICP shall reach decisions by a majority of members' present, subject always to the meeting being quorate. Where a majority vote is not achieved the proposal will not be passed. The Chair shall not have a second or casting vote, where the vote is tied.
- 6.2 A quorum shall be nine voting members:
 - 6.2.1 One of whom shall come from each of the two Local Authorities and one from the ICB.
 - 6.2.2 One of whom shall be one of the three Statutory System Leaders.
 - 6.2.3 A minimum of two of the four health and care partnership areas shall be represented by their respective chair or district representative.
- 6.3 Whilst not part of the quorum, the ICP shall endeavour to always have a public

health representative in attendance, unless a conflict of interest precludes this.

- 6.4 At the discretion of the Chair, members who are not physically present at a ICP meeting but are present through tele-conference or other acceptable media, shall be deemed to be present and count towards the quorum as appropriate.

7. Dispute Resolution

- 7.1 Where a dispute or concern arises, this should be brought to the attention of the Chair. The matter will be discussed by the three Statutory System Leaders, who will agree a course of action by consensus, having sought appropriate advice where required and having due regard to the principles of the ICP set out in section 3. Where a consensus cannot be reached, the matter will be referred to the ICP for discussion.

8. Frequency and Notice of Meetings

- 8.1 The ICP shall meet at least three times in each calendar year.

- 8.2 Notice of any ICP meeting must indicate:

8.2.1 Its proposed date and time, which must be at least five (5) clear working days after the date of the notice, except where a meeting to discuss an urgent issue is required (in which case as much notice as reasonably practicable in the circumstances should be given).

8.2.2 Where it is to take place.

- 8.3 Notice of a ICP meeting must be given to each member of the ICP in writing. Failure to effectively serve notice on all members of the ICP does not affect the validity of the meeting, or of any business conducted at it.

- 8.4 Where ICP meetings are to be held in public the date, times and location of the meetings will be published in advance on the websites of KCC, Medway Council and the ICB. Other technological and communication media may also be used to maximise public awareness of the work of the ICP.

9. Secretariat

- 9.1 The three Statutory System Leaders will agree the secretariat arrangements to the ICP. The duties of the secretariat include but are not limited to:

9.1.1 Agreement of the agenda with the Chair together with the collation of connected papers.

- 9.1.2 Taking the minutes and keeping a record of matters arising and issues to be carried forward.
- 9.2 Before each ICP meeting an agenda and papers will be sent to every ICP member and where appropriate published on the websites of KCC, Medway Council and the ICB, excluding any confidential information, no less than five (5) clear working days in advance of the meeting.
- 9.3 If a ICP member wishes to include an item on the agenda, they must notify the Chair via the ICP's Secretary no later than twenty (20) clear working days prior to the meeting. In exceptional circumstances for urgent items this will be reduced to ten (10) clear working days prior to the meeting. The decision as to whether to include the agenda item is at the absolute discretion of the Chair.
- 9.4 A copy of the minutes of ICP meetings will be presented to KCC, Medway Council and the ICB. These will be presented in the most appropriate way as determined by these organisations.

10. Confidentiality

- 10.1 ICP meetings may in whole or in part be held in private as detailed in section 5. Any papers relating to a private meeting will not be available for inspection by the press or the public. For any meeting or any part of a meeting held in private all attendees must treat the contents of the meeting, any discussion and decisions, and any relevant papers as confidential.
- 10.2 Decisions of the ICP will be published by the ICP except where these have been made in a private meeting. Where decisions have been made in private a summary of the decision will be made public without any confidential information being disclosed.

11. Review of Terms of Reference

- 11.1 The terms of reference of the ICP will be approved by the Local Authorities and the ICB and shall be reviewed by the parties every two years as the Chairmanship moves between the two Local Authorities.