

PART 3A - RESPONSIBILITY FOR FUNCTIONS - FULL COUNCIL AND COMMITTEES

1. COUNCIL

2. GENERAL REFERENCES AND DELEGATIONS TO COMMITTEES

[The Finance And Contracts Committee](#)
[The Strategic Housing And Planning Committee](#)
[The Children's And Adults' Care And Education Committee](#)
[The Environment And Sustainable Transport Committee](#)
[The Community Engagement Committee](#)
[The Health And Wellbeing Board](#)

3. NEIGHBOURHOOD COMMITTEES

4. REGULATORY AND OTHER COMMITTEES / PANELS

[Audit, Governance and Standards Committee](#)
[Development Control Committee](#)
[Licensing Committee](#)
[Home to School Travel Appeals](#)
[Blue Badge Appeals Panel](#)
[Senior Staff Panel](#)
[Staff Appeals Panel](#)
[Teacher Appeals Committee](#)
[Pension Fund Panel](#)

5. CONSULTATIVE / ADVISORY BODIES

[Safeguarding of Children Review Panel](#)
[Staff Consultative Committee](#)
[Kingston Youth Council](#)

6. JOINT COMMITTEES

[Achieving for Children Joint Committee](#)
[South London Joint Committee on Waste Disposal](#)
[South London Partnership Joint Committee](#)
[The London Pensions Collective Investment Vehicle Joint Committee](#)

7. STATUTORY BODIES

[Standing Advisory Council for Religious Education](#)
[Kingston Schools Forum - The Funding Consultative Group](#)
[Pension Board](#)

This Part of the Constitution deals with the allocation of responsibility for undertaking the functions of the Council. Full Council (where all 48 Councillors meet together) is the primary decision-making body of the Council and as such is responsible for the exercise of all the functions that are the responsibility of the local authority. However, in order to operate more effectively as an organisation, Full Council delegates many of its decision-making powers to committees, to officers, and to other local authorities. References to committees shall also include sub-committees except where otherwise stated.

The Scheme of Delegation to Officers, which deals with the powers allocated to Officers of the Council is set out at Part 3B

1. Full Council

Only Full Council will exercise the following functions:

- (a) approval of the Constitution and any changes to it.
- (b) approval of the annual Budget and policy framework and setting the Council Tax;
- (c) ,Making any applications to the appropriate Secretary of State in respect of any Housing Land Transfer;
- (d) agreeing and/or amending the terms of reference for Panels, Committees, etc, deciding on their composition and making appointments to them; including the Chairs, Co-Chairs and Vice-Chairs where appropriate;
- (e) appointing the Mayor;
- (f) appointing elected (and other) Members to such other Council bodies as appropriate;
- (g) adopting the authority's Code of Conduct for Members and the Councillor Recall Scheme;
- (h) confirming the appointment of the Chief Executive;

- (i) dismissal of the Chief Executive, Chief Finance Officer and Monitoring Officer following consideration of the advice, views and recommendations of the Senior Staff Panel, the conclusion of any investigations into the proposed dismissal and any representations from the relevant Officer
- (j) determining the Scheme and amounts of Members' Allowances (including the Mayor's Allowance);
- (k) being the final arbiter on controversial issues referred to Council through the requisitioning process (see Article 4.05);
- (l) being a forum for debate on policy issues, including matters referred to the Council by Committees or Panels, motions submitted by Members in accordance with Standing Order No 8, and an annual State of the Borough debate on a matter of local concern;
- (m) providing opportunities for public participation through deputations, the presentation of petitions and the identification by the community of topics for debate;
- (n) providing opportunities for debate on matters that are not necessarily within the Council's responsibilities but impact on the Borough or a significant number of residents of the Borough and where, at the Council's discretion, representatives of other agencies (e.g. the Police, the Health Authority, the GLA) may also be asked to address the Council, present proposals and/or answer questions;
- (o) appointing representatives to serve on national and London-wide outside bodies (e.g. LGA, London Councils) and to other outside bodies unless the appointment has been delegated by the Council;
- (p) taking any other decisions which have not been delegated by the Council to another Committee or body, or to officers. These currently include the following:
 - conferring the Freedom of the Borough and the status of Honorary Alderman;
 - to make, amend, revoke or enact any bylaws and to promote or oppose any Local Bills in Parliament;
 - to change the name of the Borough;
 - to authorise the making of compulsory purchase orders (upon a recommendation from the Finance and Contracts Committee);

- to appoint the Council's Returning Officer for elections and the Electoral Registration Officer; to authorise the creation of polling districts or revisions to polling district boundaries; the Council's powers in relation to the filling of vacancies in the office of Councillor; the submission of proposals for pilot electoral schemes;
 - appointment of 'Proper Officers' and designation of Head of Paid Service and Monitoring Officer;
 - duty to make arrangements for the proper administration of the Council's affairs; and
 - the power to make payments in cases of maladministration;
- (q) all other matters which, by law, must be reserved to Council.
- (r) to receive the recommendations of the Scrutiny Panel in respect of call ins which have, exceptionally, been reported to Council instead of the decision making Committee, and determine a response.

Meanings

(a) Policy Framework.

The policy framework means the following plans and strategies:

- Annual Library Plan
- Crime and Disorder Reduction Strategy
- Licensing Policy Statement
- Local Transport Plan
- Plans and alterations which together comprise the Development Plan
- Sustainable Community Strategy (i.e. the Kingston Plan)
- Youth Justice Plan
- A plan or strategy for the control of the local authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision.

Together with such other plans or strategies that the Council may decide should be added to the policy framework.

- (b) Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

2. General References and Delegations to Committees

A. APPLICABLE TO STRATEGIC AND NEIGHBOURHOOD COMMITTEES

- (1) The table below sets out the extent of the delegated decisions which each Strategic and Neighbourhood Committee may exercise within that committee's remit. In addition, the table sets out the limits of delegated authority for the Chief Executive, Strategic Directors and other Officers.

<p>Decision Making authority delegated to Strategic Committees</p>	<p>A Strategic Committee may take any decision within its remit with the exception of a decision which would be outside of or not wholly in accordance with, the Council's budget and policy framework, including contract and virement decisions.</p> <p>(N.b. Recommendations which are outside of the Council's Policy and budget framework are reserved to Finance and Contracts Committee).</p> <ul style="list-style-type: none"> ● Contract awards over £1 million in total over the life of the contract ● Capital virements over £500,000 ● Revenue estimate virements over £500,000 ● New capital schemes over £500,000 ● Debt write offs over £100,000 ● Variations to schemes within capital programme over £500,000 ● Any decision that is deemed by the relevant Director to be significant ● Recommendations to Full Council in relation to the policy and budget framework within the
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	<p>Committees portfolio of responsibility</p> <ul style="list-style-type: none"> ● To make appointments to outside bodies ● To agree the acquisition and disposal of land and property where the value is in excess of £1million (reserved to Finance and Contracts Committee) ● To recommend to Council the making of Compulsory Purchase Orders (reserved to Finance and Contracts Committee)
Neighbourhood Committees	<p>In addition to powers and duties specifically reserved to Neighbourhood Committees, any decision which impacts upon a single Neighbourhood Committee area may be taken by the relevant Neighbourhood Committee provided that:</p> <ul style="list-style-type: none"> - The decision is within Council's budget and policy framework/ there is no conflict with Council policy; - The impact of the decision extends no further than the boundaries of relevant Neighbourhood area. - Any financial implications of decisions taken are capable of being contained within the approved budget; - The decision does not involve matters of a highly controversial nature as determined by the Chief Executive, in consultation with the Chair of the Neighbourhood Committee concerned.
Officers	<ul style="list-style-type: none"> ● Any decision not specifically delegated to a Strategic Committee, Neighbourhood Committee or a Director, <p>(N.b. officer decisions shall be taken in accordance with the relevant Directorate internal scheme of authorisation, the contract standing orders and financial regulations)</p>

B. APPLICABLE TO INDIVIDUAL COMMITTEES

TERMS OF REFERENCE OF THE FINANCE AND CONTRACTS COMMITTEE

- (1) To be the principal means by which advice on strategic policy and plans is given and co-ordinated and to advise the Council, as necessary, on strategic issues.

This to include:

- (a) allocating resources to spending committees and taking such action as necessary to effect the maintenance, extension or contraction of services;
 - (b) preparing and keeping under review the Council's Medium Term Service and Financial Plan and Budget and recommending to the Council the levying of a Council Tax in respect of each financial year;
- (2) To maintain general oversight of the organisation, performance and operational working of the Council and to be responsible for the overall strategic direction of the Council including the following specific functions/activities:

Constitutional Issues	Finance (Revenue and Capital)
Electoral Services	Human Resources and Pensions
Legal Affairs	Contracts and Commissioning
Our Kingston Programme	Revenues and Benefits
Performance	Asset Management, including the disposal or acquisition of land or property
Regulatory services including Trading Standards and most of Environmental Health	Cemeteries and Crematoria
	Registration Services

- (3) To submit recommendations to the Council in the event of a difference of opinion arising between committees upon a matter which falls within the terms of reference of more than one committee.
- (4) To be responsible for those matters not specifically allocated to any other committee affecting the affairs of the Council.
- (5) To exercise the powers of any of the other Strategic Committees in cases where determination of a matter is urgent, subject to the

approval of the Chair of the relevant Committee and the Leader of the Council.

- (6) To consider and take any necessary action upon proposals for new legislation, Bills before Parliament, Acts of Parliament and other proceedings before Parliament affecting or likely to affect the interests of the Borough or its inhabitants generally where not the specific concern of any other committee(s). The promotion of Bills and Provisional and Statutory Orders in Parliament shall be dealt with by the Council.

TERMS OF REFERENCE OF THE STRATEGIC HOUSING AND PLANNING COMMITTEE

To be responsible for the following functions:

Regeneration	Planning Policy
Housing and Estate Regeneration	International Investment Partnerships
HMO Licensing	

The Committee has overall responsibility for the Council's housing functions, including council housing, homelessness, allocations and standards of housing in the area.

Specific responsibilities include:

- (a) the Council's Housing Strategy;
- (b) homelessness and the allocation of housing;
- (c) the commissioning or delivery of landlord functions in relation to Council owned housing;
- (d) all matters related to the regulation of private sector housing;
- (e) housing licensing and housing enforcement;
- (f) housing loans and grants
- (g) the Housing Revenue Account and HRA capital programme;
- (h) considers and makes recommendations to the Health and Wellbeing Board and Children's and Adults' Care and Education Committee on matters relating to the Council's wider health and wellbeing policies and programmes

TERMS OF REFERENCE OF THE CHILDREN'S AND ADULTS' CARE AND EDUCATION COMMITTEE

To be responsible for the following functions:

AfC Commissioning

Education and Skills

Schools and School Place Planning

Special Educational Needs

Children's Centres

Pupil Referral Units

Youth Service

Safeguarding

Looked After Children

Adult Social Care

Public Health

Leisure Services

Adult Education

Mental Health

Equalities

CSPAN

Approval of the Schools Budget Estimates and Schools Funding Formula (to meet the requirement that Schools are informed of their delegated budgets by 27 February each year)

TERMS OF REFERENCE OF THE ENVIRONMENT AND SUSTAINABLE TRANSPORT COMMITTEE

To be responsible for the following functions:

Cycling
Environment
Air Quality
Waste
Parks and Open Spaces
Street Scene
Heritage and Arts,
Nature Conservation and Open Spaces
Transport and Highways
Parking

TERMS OF REFERENCE OF THE COMMUNITY ENGAGEMENT COMMITTEE

To be responsible for the following functions:

Communications (Internal and External)
Kingston Partnership
Voluntary Sector and Voluntary Sector Commissioning
Consultation and Engagement
Customer Contact
Connected Kingston
Strategic Partnerships incl: Safer Kingston Partnership & South London Partnership
Emergency Planning
Business Continuity
Economic Development
Business Support and Development
Business and Skills
Tourism

This Committee will make recommendations in relation to Constitutional issues relating to Neighbourhood Committees and public participation in decision-making to full Council

TERMS OF REFERENCE OF THE HEALTH AND WELLBEING BOARD

To improve health and wellbeing and narrow the gaps in health inequalities

To ensure that health, social care and health-related services work in an integrated way, working with other appropriate agencies and departments and exploring further joint commissioning opportunities.

To ensure that the needs of the population are assessed through the statutory Joint Strategic Needs Assessment (JSNA)

To ensure that a Health and Wellbeing Strategy is developed, implemented and monitored which reflects the priorities identified in the JSNA

To provide feedback on the Kingston Clinical Commissioning Group's (CCG) Commissioning Plan

To provide input as required by the NHS Commissioning Board during the annual performance assessment of the CCG

To consider and sign off the Better Care Fund Plan

The production and maintenance of the Pharmaceutical Needs Assessment

3. NEIGHBOURHOOD COMMITTEES

Details of the Neighbourhood Committees structure are set out in Article 9 of the Constitution and the functions for which Neighbourhood Committees are responsible are set out below. Each Neighbourhood Committee is comprised of the Councillors representing the electoral wards within the Neighbourhood.

The role of the Neighbourhood Committees broadly comprises three distinct but complementary elements;

- i) to exercise the formal powers and duties of the Council in respect of certain services and functions;
- ii) to support and complement the work of the Strategic Committees and;
- iii) to use their positions of leadership and influence to actively engage with and empower the respective local communities and build capacity and resilience within them.

POWERS

Any decision which affects a single Neighbourhood Committee area may be taken by the relevant Neighbourhood Committee provided that:

- they are within Council policy / there is no conflict with Council policy;
- The impact of the decision is not wider than the relevant Neighbourhood
- any financial implications of decisions taken are capable of being contained within the approved budget;
- they do not involve matters of a highly controversial nature as identified by the Chief Executive in consultation with the Chair of the Neighbourhood Committee concerned.

Where a decision has a cross boundary impact on part of another Neighbourhood Committee area it will be taken by the Committee in the area in which the decision has the greatest impact subject to consultation with the secondary Committee. Where the effect of the impact is broadly equal the Monitoring Officer shall determine the appropriate decision maker in consultation with the Chairs of the relevant Neighbourhood Committees

The following powers and duties are specifically reserved to Neighbourhood Committees

1. To be responsible for the development and approval of Local Community Plans containing priority topics or issues identified through consultation and engagement on the local area and local population. Local Community Plans provide clear priorities, appropriate project workstreams and identify potential funding to be allocated for the Neighbourhood Committee's decision or recommendation to relevant Strategic Committee.
2. To make recommendations to Strategic Committees in relation to issues which impact on the Neighbourhood Committee Community Plan
3. To be responsible for the determination of Development Control applications in respect of the construction of up to 10 new dwellings or 1,000 square metres of non residential floorspace where the following circumstances apply:
 - A. A minor planning application for development which is contrary to Council policy unless it is intended to refuse the application.
 - B. Planning applications for development where there is significant local public concern (defined as 5 or more objection from separate

- addresses, who have objected in writing raising material planning considerations) unless it is intended to refuse the application AND the relevant Chair or Vice Chair requests that the application be considered at Committee.
- C. Where the Chair of the relevant Neighbourhood Committee requests, on material planning grounds, that the application be considered at Committee and both the Assistant Director, Strategic Planning and Infrastructure and the Chair of the Development Control Committee agree that it is appropriate to do so.
 - D. Where all relevant ward Members have, within 28 days of the date an application is deemed to be valid, submitted requests in writing raising objections on the basis of material planning grounds.
 - E. Applications submitted by or on behalf of the Council or where the Council has an interest in the land where the objection(s) have been received or where the Committee Chair has requested that it is determined by Committee.
 - F. Any application which falls within a Conservation Area and to which the relevant Conservation Area Advisory Committee resolves to object where it is intended to approve the application and the relevant Chair or Vice-Chair requests that the matter be considered by the Committee.
 - G. Any application which in the view of the Assistant Director of Strategic Planning & Infrastructure it is in the public interest should be considered by the relevant Committee.
- 4. To determine planning enforcement action in respect of planning decisions by either the Development Control Committee or the Neighbourhood Committee unless the Chair of the relevant Neighbourhood Committee, the Corporate Head of Planning and the Chair of the Development Control Committee agree that it is appropriate for the matter to be referred to the Development Control Committee
 - 5. To approve or reject schemes associated with all forms of parking controls which are contentious, and where objections cannot be resolved by negotiation
 - 6. To approve traffic management schemes on all roads other than A roads and strategic routes managed by Transport for London, where objections cannot be resolved by negotiation
 - 7. To make appointments to Outside Bodies operating solely within the relevant Neighbourhood

8. To establish Sub-Committees for the purpose of determining planning applications and planning enforcement action and agree their composition and working arrangements
9. To determine whether the allocation of Ward Councillor funding for the Neighbourhood Committee area is to be pooled across the entire Committee.
10. To be formally consulted on any major regeneration schemes in the Neighbourhood Committee area.
11. To be formally consulted on the scoping of Supplementary Planning Documents at the pre-application stage.
12. To be consulted on the Local Implementation Plan (LIP) programme before it is submitted to Transport for London.

ALLOCATION OF FUNDING

13. The Neighbourhood Committee will have access to certain funding streams to award projects, events and activities which provide a benefit to the neighbourhood area based on the allocation recommended by Finance and Contracts Committee to include (but not exhaustively) the following funding streams;
 - Community Interest Levy (CIL) funding,
 - Community Funding Grants and
 - Ward Councillor Funding (allocation of up to £2,000 per Councillor in each Neighbourhood). Ward Councillor funding may be pooled or used by individual Councillors, to be decided upon and at the discretion of each individual Neighbourhood Committee's arrangements each municipal year.

INFLUENCE AND ENGAGEMENT

In addition to the exercise of its formal powers and duties Neighbourhood Committees provide an effective mechanism for representing the interests of local communities. As such they may be involved in the following activities (this is not an exhaustive list)

1. Consultee on the development of council wide strategies and policies
2. To comment on proposed specifications for any Borough wide contracts where service delivery is likely to impact on the Neighbourhood and to monitor performance of the contractor where appropriate

3. To promote and support Local health provision, campaigns and GP engagement and to promote, support and engage with public health services to achieve greatest benefit to residents
4. To engage with partner and voluntary sector organisations on issue affecting the Neighbourhood Committee area

4. REGULATORY AND OTHER COMMITTEES / PANELS

Responsibility for functions

Audit, Governance and Standards Committee (Five Members of the Council, who should not be Portfolio Holders; 1 Independent member)

Statement of Purpose

The Audit, Governance and Standards Committee provides an independent and high level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards. Its purpose is to provide independent assurance to members and those charged with governance, on the adequacy of the risk management framework and internal control environment. It provides an independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The Committee is also responsible for the promotion and maintenance of high standards of conduct amongst elected, co-opted and advisory members and employees of the Authority.

Audit and Governance Core Functions

1. Approve internal audit's Charter, risk based plan and any significant changes to the plan.
2. To monitor delivery of the audit plan.
3. Review Internal Audit's work and performance to include consideration of the most significant issues arising from internal audit work; obtaining assurance that appropriate action is being taken on those issues, conformance with the Public Sector Internal Audit Standards and monitoring results of the Quality Assurance and Improvement Programme;
4. Consideration of the external auditor's opinions of financial statements and of other reports addressed to those charged with governance in accordance with International Standards on Auditing; deciding any required initial response; obtaining assurance that appropriate action is being taken on any issues raised; initiating any appropriate recommendations to the Treasury Committee for matters within their remit; and otherwise initiating any action or matter that the Committee considers appropriate in relation to these opinions and reports;

5. Review of the effectiveness of relationships between internal and external audit and inspection agencies and between those and the subjects and addressees of their reports;
6. Undertake a self assessment of the effectiveness of the Audit, Governance and Standards Committee against the agreed terms of reference.
7. Maintain an overview of the effectiveness of the Council's arrangements for corporate governance, particularly those concerned with risk management, internal control, financial governance, treasury management, value for money and counter fraud and corruption; obtaining assurance that appropriate action is being taken on any issues or risks raised; initiating any appropriate recommendations to the Treasury Committee for matters within their remit; and otherwise initiating any action or matter that the Committee considers appropriate in relation to these issues;
8. On the Annual Statement of Accounts, the Annual Governance Statement and the Pension Fund accounts:
 - a) receive the accounts themselves and, following initial review of the appropriateness of accounting policies and questioning of the basis of the responsible financial officer's signature thereon, approve them for publication, subject to audit;
 - b) receive and approve the Annual Governance Statement and ensure from its work and enquiries that it addresses the key governance weaknesses and areas for improvement.
 - c) receive the external auditor's Annual Governance Report following audit of the accounts and, after reviewing and considering the matters raised therein and officers' responses thereto, submit it to the Treasury Committee for their consideration and action as appropriate;
 - d) monitor management action in response to issues raised in the action plan arising from the Annual Governance Statement and the external auditors' Annual Governance Report;
 - e) initiate any appropriate recommendations to the Treasury Committee or other action that the Committee considers appropriate in relation to these matters.
 - f) approve the Anti Fraud framework, endorsing those elements of it which are within the Constitution and recommending these to Council for approval

Standards Functions

1. To promote and maintain high standards of conduct amongst elected, co-opted, and advisory members of the Authority.
2. Generally, to be responsible for matters relating to the declaration and registration of interests.
3. To advise the Council on the adoption or revision of a Code of Conduct for members, this is to include the monitoring of the operation and effectiveness and any updating of the Code as appropriate.
4. To advise and assist in observing the Code, including arranging for the training of members in matters of conduct, and advice to individual members on such issues as the treatment of interests and, generally, on matters of conduct.
5. To hear and determine any appeals by Members against the Monitoring Officer's decisions on the grant of a dispensation.
6. To set up arrangements, including the establishment of a Sub –Committee, for the formal hearing of any complaints referred by the Monitoring Officer and to determine the procedure to be followed for any hearing. .
7. Where, following a hearing, by the Committee or Sub Committee, a failure to comply with the Code of Conduct is found, to
 - A. impose one or more of the sanctions
 1. Censuring or reprimanding the member;
 2. Reporting the Committee's findings to Council for information;
 3. Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub Committees of the Council. In the case of ungrouped members or in respect of Committees to which the political

balance requirements do not apply, recommend to Council that he/she be removed from any or all Committees or Sub-Committees of the Council;

4. Recommending to the Leader of the Council or Group Leader that the member be removed from particular Portfolio responsibilities;
 5. Request that the member undertakes such training as may be specified (to be arranged by the MO);
- B. refer the proposed imposition of one or more of the following sanctions for decision by Council
6. Removing from all outside appointments to which he/she has been appointed or nominated by the Council;
 7. Withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 8. Excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
8. To maintain oversight of the operation of the Councillor Recall Scheme, receive and consider an annual report on its operation and recommend modifications to Council, and to determine whether any further action should be pursued in the event of a Councillor failing to abide by the requirements of the Scheme
 9. To advise on good practice generally through training and the adoption, where necessary of protocols.
 10. To adjudicate on any dispute as to entitlement to payments under the Dependent's Allowance Scheme, and any allegations of abuse of the Scheme.

Development Control Committee (Eleven Members of the Council)

Functions

The Committee has concurrent reserve powers with Neighbourhood Committees to enable it to deal with any planning application that an individual Neighbourhood was unable to deal with for whatever reason (e.g. where a substantial number of Neighbourhood Councillors have prejudicial interest in a matter).

1. The exercise of the Council's Development Control responsibilities in respect of the following categories of planning application. (Formal consultation shall take place with Neighbourhood Committees prior to the exercise of these powers in those circumstances where the Head of Planning and Transport, in consultation with the Chair of the Development Control Committee and the Chair of the relevant Neighbourhood Committee, considers it appropriate)
 - a) In relation to development of such classes as the Development Control Committee may from time to time determine shall be the subject of recommendations to them including major developments involving the construction of more than 10 new dwellings or more than 1000 sq metres of non residential floorspace.
 - b) A major planning application for development which is contrary to Council policy unless it is intended to refuse the application.
 - c) Any application which, in the view of the Head of Planning, is in the public interest that it should be considered by the committee.
 - d) Where the Head of Planning considers that that an application should be refused where such a decision will result in the Council being made liable for a payment of compensation, save in the case of development which would have been permitted development but for an Article 4 direction.
2. The Committee may also consider and respond to consultations from external bodies, or the Strategic Committees.
3. The control of high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
4. To receive performance monitoring information on matters within the remit of the Committee.

Responsibility for functions

**Licensing Committee
(Fifteen Members of the Council)**

Functions

1. The exercise of all the Council's functions under the Licensing Act 2003 and the Gambling Act, 2005
2. The determination of all licensing policy and strategy matters including, but not necessarily limited to, those concerning animal welfare, special treatment types, street trading, fireworks, sex establishments and scrap metal;
3. To review strategy and licensing policy and make recommendations to Council.
4. To have reserve powers to enable the Committee (or any of its Sub-Committees) to deal with any Licensing and Regulation matter that is the responsibility of Neighbourhood Committees where, on legal advice, a Neighbourhood Committee is unable to deal with the matter.
5. The Licensing Committee retains the right to exercise any function delegated to its Sub Committees, should it wish to do so.

Licensing Sub Committee

1. To deal with applications, determinations and reviews of licences under the Licensing Act 2003 and the Gambling Act 2005, or any amending legislation, in the circumstances set out in Part 3B of the Council's Constitution
2. To deal with any matter related to an application, determination or review of a licence under the Licensing Act 2003 and the Gambling Act 2005, or any amending legislation, including the determination of the Council's position in respect of legal proceedings arising therefrom.

[Responsibility for functions](#)

**Home to School Travel Appeals
(Five Members of the Council 3:2)**

Functions

To consider any appeals against decisions of the Director of Learning and Children's Services on Discretionary Awards and Home to School Travel Awards

[Responsibility for functions](#)

Blue Badge Appeals Panel

(Five Members of the Council (proportionate to the political balance) and an Independent Member nominated by Kingston Centre for Independent Living)
Functions

To review the decision taken by officers against an applicant's eligibility for a Blue Badge.

[Responsibility for functions](#)

Senior Staff Panel

(Five Members of the Council including at least one Portfolio Holder. Where the Panel is meeting in an advisory role as provided in point 2 below, voting membership must include at least two Independent Persons appointed in accordance with the provisions of s.28(7) of the Localism Act 2011)

Functions

1. Subject, in the case of the Chief Executive, or the dismissal of the Chief Finance Officer and Monitoring Officer, to the approval of the Full Council, the appointment, dismissal or disciplinary action in relation to the Chief Executive, Senior Leadership Team Directors and any posts holding a statutory officer designation if not at Director level. *(nb subject to change dependent upon the outcome of pending legal advice)*
2. To act as the advisory panel as defined in the Local Authorities (Standing Order) (England) (Amendment) Regulations 2015
3. To deal with job evaluation and any other pay related issues for these posts.

[Responsibility for functions](#)

Staff Appeals Panel

(Four Members of the Council)

Functions

To consider and determine appeals against dismissal in respect of non-teaching employees below Chief Officer level excluding dismissal on the grounds of redundancy...

[Responsibility for functions](#)

Teacher Appeals Committee

(Four Members of the Council)

Functions

To consider appeals received from teachers against termination of employment and either uphold the appeal or advise Governing Bodies accordingly.

Responsibility for functions

Pension Fund Panel

(Five Members of the Council and four observer Members)

Functions

To consider reports from the Fund Manager(s) on investment strategy, fund performance, investment transactions and related matters and to give instructions to the Fund Manager(s) as necessary from time to time.

1. CONSULTATIVE / ADVISORY BODIES

The Council has also established the following Consultative and Advisory bodies with the Membership and Terms of Reference as indicated.

Responsibility for functions

Safeguarding of Children Review Panel

(Seven Councillors (proportionate to the political balance) including the Portfolio Holder for safeguarding of children and the Opposition Spokesperson.)

Functions

To review on a quarterly basis the Council's child protection arrangements and make recommendations to officers, or where appropriate the Local Safeguarding Children's Board or the Adults and Children's Committee.

Responsibility for functions

Staff Consultative Committee

(Seven Councillors and representatives of UNISON the GMB union and Kingston Teachers and 5 Departmental Consultative Group representatives)

Functions

1. To establish regular methods of consultation between the Council and its employees with a view to harmonious relations and to advise on the settlement of any differences or misunderstandings should they arise.
2. To consider the local implementation of national and provincial agreements in relation to pay and terms and conditions of service and on any relevant matter

concerning the recruitment, payment, promotion, health, safety, welfare, training, discipline, working methods and retirement of employees. However, individual employment matters including discipline and capability will be excluded from the scope of the Staff Consultative Committee.

3. To provide a forum for consultation between the Authority and the recognised school teacher organisations on matters concerning teachers employed under the Teachers' Pay and Conditions - as adopted and supplemented by the Local Authority's human resources policies following consultations and negotiations with the Teachers' Professional Organisations, and on educational proposals.
4. Conditions of service for teachers which are negotiated nationally shall be the subject of consultation only where local interpretation or variation is appropriate within the law.
5. To consider any matter referred to it by the Council or by the Kingston upon Thames Branches of Unison or GMB or by the Kingston Teachers' representative(s).
6. To make appropriate recommendations on these matters to the Treasury Committee or, if deemed appropriate, to any other Council body which has responsibility for the efficient management of all Council human resources.

Note: The authority is able to negotiate on conditions of service only in respect of those teachers whom it employs, but it undertakes to recommend any agreements reached through the Staff Consultative Committee to the Governing Bodies of Foundation or Voluntary Aided Schools and Schools with delegated budgets without delay.

[Responsibility for functions](#)

Kingston Youth Council

(Up to 16 young people between the ages of 13 and 19 with the elected Youth Parliament member for Kingston as Chair)

Functions

The Youth Council as a body which the Council consults and which advises the Council on issues affecting young people.

6. JOINT COMMITTEES

Responsibility for functions

Achieving for Children Joint Committee

(Three Members of the Council, including the Leader of the Council and the Portfolio Holder with responsibility for Children’s Services, together with three Members of each of the London Borough of Richmond and the Royal Borough of Windsor and Maidenhead)

Terms of Reference and Procedure Rules

1. Purpose of the Joint Committee

1.1 The London Borough of Richmond upon Thames, the Royal Borough of Kingston upon Thames and the Royal Borough of Windsor and Maidenhead have established the Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000. The Joint Committee shall be known as “The Achieving for Children Joint Committee”.

1.2 The Joint Committee will discharge functions on behalf of all three boroughs insofar as they relate to the ownership of jointly owned local authority company “Achieving for Children”.

1.3 The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the Joint Committee must be made by either or all of the authorities which will be indemnified appropriately.

1.4 These Terms of Reference govern the conduct of meetings of the Joint Committee and except, where expressly stated otherwise, take precedence over each Borough’s relevant Constitutional provisions. The Joint Committee may vary the Terms of Reference rules as it considers appropriate.

2. Definitions

2.1 Any reference to Access to Information legislation shall mean Part VA of the Local Government Act 1972 (as amended) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (as amended).”

3. Functions

3.1 The Joint Committee will discharge on behalf of all three boroughs the functions listed below insofar as they relate to the ownership of local authority company “Achieving for Children”. The Joint Committee will decide on behalf of each Council to:

- Enter into any arrangement, contract or transaction resulting in expenditure either with a capital value greater than £10,000 or revenue value greater than

£10 million. Any expenditure of such revenue by the Company being less than £10 million shall be subject to the Company's own financial regulations and shall be subject to prior approval within the Business Plan and operating revenue budget, which shall be approved by the Members in accordance with the Reserved Matters.

- Enter into any arrangement, contract or transaction where the Company is providing services to third parties without following the Trading Opportunity Evaluation Process as produced by the Members. Such arrangements, contracts or transactions shall also be subject to prior approval within the Business Plan, which shall be approved by the Members in accordance with the Reserved Matters.
- Enter into any borrowing, credit facility or investment arrangement (other than trade credit in the ordinary course of business) that has not been approved by the Members under the Financial Plan.
- Appoint or remove any auditor of the Company.
- Adopt or amend the Business Plan in respect of each financial year, which for the avoidance of doubt shall include the adoption and amendment of an operating revenue budget for the financial year to which it relates.
- Adopt or amend the Financial Plan.
- Enter into any arrangement, contract or transaction within, ancillary or incidental to the ordinary course of the Company's business or is otherwise than on arm's length terms.
- Deal with any surpluses of the Company.
- Appoint or remove any Company Directors (from the Achieving for Children Board).
- Agree any terms for any Directors (but for the avoidance of doubt this does not include the terms and conditions of employment of Executive Directors as defined in the Articles of Association of the Company).
- Agreeing changes in employment terms and conditions which would be inconsistent with the National Joint Council National Agreement on Pay and Conditions of Service and any changes to the pay and grading structure of the chief executive post of the Company.

3.2 The Joint Committee will be responsible for setting out the expectations and ambitions of the three Council's as owners of "Achieving for children".

4. Membership

4.1 There will be nine elected members of the Joint Committee, three appointed from each Borough. Appointments will be made in line with each Authority's governance arrangements.

4.2 The appointments should include the Leader of each Council and a Member whose portfolio areas include responsibility for Children's Services.

4.3 Appointments will be made for a maximum period not extending beyond each Member's remaining term of office as a Councillor.

4.4 As nominees of their respective Councils, members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.

4.5 Each authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders.

5. Chair

5.1 Each Council will appoint one Member as a Co-Chair each of whom, in rotation, shall preside over meetings of the Joint Committee.

5.2 Meeting venues shall rotate between the Council's main offices with the Co-Chair from the authority which is hosting the meeting presiding over the meeting. Where the host Co-Chair is not present, the Joint Committee shall appoint an alternate Co-Chair from amongst its number to preside over the meeting.

6. Sub-Committees

6.1 The Joint Committee may establish sub-committees to undertake elements of its work if required and subject to the approval of each of the constituent authorities.

7. Delegation to Officers

7.1 The Joint Committee may delegate specific functions to officers of any of the Boroughs.

7.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other boroughs.

7.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Co-Chairs of the Joint Committee before exercising their delegated authority.

8. Administration

8.1 Organisational and clerking support for the Joint Committee will be provided on an annual rotational basis or longer if agreed by all three Councils.

9. Budget

The Joint Committee will not have an allocated budget.

10. Agenda Management

10.1 All prospective items of business for the Joint Committee shall be agreed by the Chief Executives of all three Councils or their representatives, following consultation with the AfC Management Team.

10.2 Where a decision of the Joint Committee does not apply to all three Boroughs, the delegation of functions to the Joint Committee is limited to the Borough to which the decision applies.

10.3 To comply with Access to Information legislation in the publication of agendas including Forward Plan requirements, those functions delegated to the Joint Committee for determination and defined as key- decisions on behalf of Richmond and Windsor and Maidenhead must be included in the Forward Plan.

Although not legally required for Kingston under the Committee System Governance Arrangements, a Forward Plan has been maintained and notice will be given therein.

11. Meetings

11.1 The Joint Committee will meet as required to fulfil its functions and will determine a programme of meetings before the start of each Municipal Year to be included in the Calendar of Meetings for all three Authorities.

11.2 The quorum for a meeting of the Joint Committee shall be at least two members from each Borough. part

11.3 Access to meetings and papers of the Joint Committee by the Press and Public is subject to Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012

12. Notice of Meetings

12.1 The host authority clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements.

12.2 At least five clear working days in advance of a meeting the host authority clerk of the Joint Committee will publish the agenda via the website of the host authority and distribute a copy of the papers to all Members of the Committee. Five Clear Days does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.

13. Public Participation

13.1 Unless considering information classified as “exempt” or “confidential” under Access to Information Legislation, all meetings of the Joint Committee shall be held in public.

13.2 An agenda item to last no longer than 30 minutes will be included on each agenda to hear public representations and questions. Notification must be given in advance of the meeting indicating the matter to be raised, by 12 noon on the last working day before the meeting.

13.3 Where the number of public representations exceed the time allowed, a written response will be provided or the matter will be deferred to the next meeting of the Joint Committee.

14. Member Participation

14.1 Any member of each Council who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Co-Chair of the meeting at which they wish to speak.

15. Business to be Transacted

15.1 Standing items for each meeting of the Joint Committee will include the following:

- Public participation
- Apologies for absence
- Declarations of Interest
- Minutes of the Last Meeting
- Substantive items for consideration

15.2 The Co-Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements at his / her discretion.

15.3 An item of business may not be considered at a meeting unless:

- A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- Where the meeting is convened at shorter notice from the time the meeting is convened; or
- By reason of special circumstances which shall be specified in the minutes the Co-Chair of the meeting (following consultation with the other Co-Chairs) is of the opinion that the item should be considered at the meeting as a matter of urgency

15.4 “Special Circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a later meeting allowing the proper time for inspection of documents by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

16. Extraordinary Meetings

16.1 Arrangements may be made following consultation with all three Co-Chairs to call an extraordinary meeting of the Joint Committee.

16.2 The business of an extraordinary meeting shall be only that specified on the agenda.

17. Cancellation of Meetings

17.1 Meetings of the Joint Committee may, after consultation with all three Co-Chairs, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with all Co-Chairs in the event that it is necessary for the efficient transaction of business.

18. Rules of Debate

18.1 The rules of debate in operation in the authority which is hosting the meeting shall apply.

19. Request for Determination of Business

19.1 Any member of the Joint Committee may request at any time that:

- The Joint Committee move to vote upon the current item of consideration.
- The item be deferred to the next meeting.
- The item be referred back to the relevant Chief Executive for further consideration by the Council
- The meeting be adjourned.

20. Urgency Procedure

20.1 Where all Co-Chairs of the Joint Committee are of the view that an urgent decision is required in respect of any matter within the Joint Committee's Terms of Reference and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may authorise in writing the Chief Executive of Achieving for Children to take such a decision following consultation with the Co-Chairs. Decisions taken in these circumstances shall not be subject to any of the Council procedures.

21. Voting

21.1 Each elected member will be entitled to one vote.

21.2 Where there is an equality of votes and the matter cannot be resolved, the conflict resolution mechanism will be implemented.

21.3 The conflict resolution mechanism states that:

- The matter will be referred back to the Chief Executives of all three Authorities for further consideration.
- After further consideration has taken place, the matter will be placed on the agenda for the next available meeting of the Joint Committee for determination. If
- on this second occasion there is still an equality of votes the Chair can exercise a casting vote to ensure that a decision is made.

22. Minutes

22.1 At the next suitable meeting of the Joint Committee, the Co-Chair presiding will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes.

22.2 Once agreed, the Co-Chair presiding at the meeting will sign the minutes.

23 Exclusion of Public and Press

23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.

23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of

business to be transacted, or the nature of the proceedings that confidential information would be disclosed.

23.3 If there is a general disturbance making orderly business impossible, the Co-Chair may adjourn the meeting for as long as he/she thinks is necessary.

23.4 To comply with the Executive Arrangements (Access to Information) Regulations 2012 on Richmond's and Windsor and Maidenhead's behalf, all background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

24. Overview and Scrutiny

24.1 Decisions of the Joint Committee will be subject to scrutiny and Call -In.

24.2 On the publication of the minutes of a meeting of the Joint Committee, 5 clear days must elapse (not including the date of publication and weekend days and bank holidays) before decisions can be implemented.

24.3 Decisions of the Joint Committee will be subject to the existing "Call-In" arrangements operating in each of the Boroughs as outlined in their respective Constitutions.

24.4 Where a decision is called in, arrangements will be made at the earliest opportunity within the Borough where the Call-In had taken place for it to be heard.

24.5 The body hearing the Call-in would be able to take the following courses of action:

- Take no further action (decision takes effect)
- Refer back to the decision-maker (Joint Committee) for reconsideration
- Refer to the Full Council meeting of the relevant authority (only if deemed to be contrary to the budget and / or policy framework of the relevant authority in line with the delegations to the Joint Committee.)

24.6 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call in procedures of the Council concerned have been concluded.

[Responsibility for functions](#)

South London Joint Committee on Waste Disposal

(Two Members of the Council, together with two Members from each of the London Boroughs of Sutton, Merton and Croydon)

Functions

To make arrangements for the disposal of waste, provide places for the deposit and disposal of waste and to advise participating Councils on the delivery and separation of waste in accordance with the detailed terms of reference set out in Schedule 1 of the Constitution of the Joint Committee.

[Responsibility for functions](#)

South London Partnership Joint Committee

The Leader of the Council and a nominated substitute)

Role and Purpose

- a) To form collaborative South London views on issues affecting economic growth, regeneration and competitiveness
- b) To undertake activities which promote and improve economic growth and wellbeing in the South London area
- c) To determine strategic objectives and barriers to growth for the local area and develop solutions
- d) To take on additional responsibilities and funding delegated from Government where the Committee judges this to be in the area's best interests.

- * The aim of the Joint Committee will be collaboration and the Terms of Reference would not prohibit any of the Member Councils from promoting economic wellbeing in their own areas either in addition to, or independently, from the Joint Committee

Terms of Reference

1. To act as a strategic body, setting and reviewing objectives for strategic growth, regeneration and investment across South London including:
 - Providing a coherent single position on the City Deal and Growth Deal issues
 - Coordinating the contribution of all Councils to the Strategic Economic Plan
 - Agreeing allocation of spending as required
 - Agreeing major priorities
 - Considering and determining any issues made by the Advisory Officer Board to the Joint Committee
2. To formulate and agree appropriate agreements with Government, ensuring their delivery

3. To influence and align government investment in South London in order to boost economic growth locally.
4. To jointly review as appropriate consultations on plans, strategies and programmes affecting South London, encouraging alignment with the London Enterprise Partnership Plan.
5. To agree, review and amend options at any time for City Deal and Growth Deal Governance which is fit for purpose.
6. To agree and approve any additional governance structures as related to the Joint Committee. (e.g. setting up sub committees etc)

[Responsibility for functions](#)

The London Pensions Collective Investment Vehicle Joint Committee

(One Member of the Council, together with representatives from other London Boroughs)

Purpose

To undertake those functions necessary for the proper functioning of the Authorised Contractual Scheme (ACS) Operator, including the effective oversight of the ACS Operator and the appointment of Directors

[Responsibility for functions](#)

Joint Appointments Committee – Director of Childrens Services

(Three Members of the Council together with three Members of the London Borough of Richmond Upon Thames)

Purpose

To deal with appointments to the shared post of Director of Childrens Services

7. STATUTORY BODIES

Responsibility for functions

Standing Advisory Council for Religious Education (Three Councillors, plus representatives of various religions and teachers)

Functions

1. To provide advice to the LEA on all aspects of its provision for RE in its schools (this does not include voluntary aided Schools).
2. To decide whether the LEA's Agreed Syllabus for RE needs to be reviewed and to require the LEA to do so.
3. To provide advice to the LEA on collective worship in its schools (this does not include voluntary aided Schools).
4. To determine requests from Headteachers to hold collective worship that is not of a broadly Christian character.
5. To advise on matters relating to training for teachers in RE and collective worship.

Responsibility for functions

Kingston Schools Forum - The Funding Consultative Group 18 Schools representatives, Two Councillors, PVI (private, voluntary and independent) providers and local authority 14-19 partnerships, a Pupil Referral Unit representative

Functions

1. To be consulted on the Authority's School Funding Formula.
2. To be consulted on contracts for supplies and services where the value is above the specified limits
3. To be consulted on specified issues in connection with the Schools Budget;
4. The following decision powers:
 - a.) minor changes to the operation of the minimum funding guarantee;
 - b.) the level of school specific contingency at the beginning of each year;

- c.) creating a combined children's services budget where there is a clear benefit for schools and pupils in doing so;
- d.) proposals to meet prudential borrowing costs from the Schools Budget ;
- e.) proposals to meet termination of employment costs from the Schools Budget;
- f.) proposals to meet Special Educational Needs transport costs from the Schools Budget;
- g.) in exceptional circumstances only:
 - i. an increase in the amount of expenditure a local authority can retain from its Schools Budget for services defined as centrally retained above that allowed for in the regulations;
 - ii. an increase in central expenditure within the Schools Budget once a multi-year funding period has begun; and
 - iii. changes to an authority's funding formula after it has been announced prior to the start of a multi-year funding period.

Responsibility for functions

Pension Board

(4 members)

- 2 employer representatives;
- 2 scheme member representatives

A member of the Council may be appointed as an employer representative; provided that the member is not involved in the decision making of the Pension Fund (i.e. is not a member of either the Pension Fund Panel or the Treasury Committee).

The Pension Board may appoint its own Chair with the option of this being on a rotating basis with the term of office shared between employer and scheme member representatives on an equal basis.

Functions

1. The role of the Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –
 - Assist the Royal Borough of Kingston upon Thames (the Administering Authority) as the Scheme Manager; –

- to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS
 - to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
 - in such other matters as the LGPS regulations may specify
 - Secure the effective and efficient governance and administration of the LGPS for the Royal Borough of Kingston upon Thames Pension Fund
 - Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.
2. The Pension Board will also help ensure that the RBK Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.