

Part B Non-executive Functions

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- Joint Archives Committee
- Live Well South Tees Board
- South Tees Health Scrutiny Joint Committee
- Tees Valley Health Scrutiny Joint Committee
- Tees Valley Combined Authority Scrutiny Committee

10.6 Full Council

Which Non-executive Functions are reserved to Full Council?

10.6.1 The Full Council discharges the following Non-executive Functions:

- (a) save as otherwise set out in section 2, adopting, amending and changing this Constitution;
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in paragraph 13.12, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget;
- (d) in respect of a Committee, other than an Executive Committee:
 - (i) agreeing and / or amending the terms of reference;
 - (ii) deciding their composition;
 - (iii) making appointments to them;
- (e) subject to any provision of regulations¹:
 - (i) making arrangements for the discharge of functions by a joint committee or officer²; and
 - (ii) making appointments to joint committee³;
- (f) appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council;
- (g) in accordance with paragraph 5.8.1(c), adopting, amending and revoking a Members Allowances Scheme⁴ (see [paragraph 5.10](#));
- (h) changing the name of the Borough, conferring the title of honorary alderman of Middlesbrough, or granting Freedom of the Borough;

1 section 20 (joint exercise of functions) of the Local Government Act 2000

2 section 101(5) of the Local Government Act 1972 ("the 1972 Act")

3 section 102 (appointment of committees) of the 1972 Act

4 Regulation 2(5) & (6) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ('2000 Regulations')

- (i) functions relating to:
 - (i) name and status of areas and individuals⁵;
 - (ii) changing governance arrangements⁶;
 - (iii) making an order giving effect to recommendations made in a community governance review⁷;
 - (iv) community governance⁸;
- (j) confirming the appointment of the Head of Paid Service;
- (k) terminating the appointment of the Statutory Chief Officers in accordance with the procedure set out in the Officer Employment Procedure Rules (see paragraph 9.10);
- (l) designating:
 - (i) an officer as the head of the council's paid service; and
 - (ii) an officer as the monitoring officer
 and providing them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed;
- (m) making arrangements for the proper administration of the Council's financial affairs, including the power to make standing orders;
- (n) appointment of "proper officers" for particular purposes under the Local Government Act 1972 and powers in relation to staff under section 112 of that Act;
- (o) making arrangements in relation to elections⁹;
- (p) making, amending, revoking, re-enacting, or adopting Byelaws and promoting or opposing the making of local legislation or personal bills (being bills related to the personal affairs of an individual);
- (q) all Local Choice Functions set out in the Scheme of Delegation which the Council decides should be undertaken by itself rather than the Executive; and

5 Section E of Schedule 1 to the 2000 Regulations

6 Section EA of Schedule 1 to the 2000 Regulations

7 Section 86 of the Local Government and Public Involvement in Health Act 2007;

8 Section EB of Schedule 1 to the 2000 Regulations

9 Section D of Schedule 1 of the 2000 Regulations

(r) all other matters which by law must be reserved to the Council.

What local choice functions are reserved to Council?

10.6.2 The Full Council has designated the local choice functions set out below as non-executive functions and confirms what, if any, onward delegation is permitted in respect of the local choice functions:

Table 1: Local Choice Functions

URN	Function	Delegatee	
		Members	Officers
a.	Any function relating to contaminated land ¹⁰	Yes	
b.	The control of pollution or the management of air quality ¹¹	Yes	
c.	To serve an abatement notice in respect of a statutory nuisance ¹²		Yes
d.	To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area ¹³	Yes	
e.	To inspect the authority's area to detect any statutory nuisance ¹⁴	Yes	
f.	To investigate any complaint about the existence of a statutory nuisance ¹⁵	Yes	

10 Part IIA Environmental Protection Act 1990 and subordinate legislation

11 Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

12 Section 80(l) Environmental Protection Act 1990

13 Section 8 of the Noise and Statutory Nuisance Act 1993

14 Section 79 of the Environmental Protection Act 1990

15 Section 79 of the Environmental Protection Act 1990

g.	To obtain information about interests in land ¹⁶		Yes
h.	To obtain particulars of persons interested in land ¹⁷		Yes
i.	To make agreements for the execution of highways works ¹⁸		Yes
j.	To appoint (and revoke any such appointment) any individual: (a) to any office other than an office in which they are employed by the authority;	None – Full Council decision	
	(b) to any body other than – (i) the authority; (ii) a joint Committee of two or more authorities; or	None – Full Council decision	
	(c) to any Committee or sub Committee of such a body	None – Full Council decision	
k.	To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Yes	

What Committees has the Full Council established?

10.6.3 The Full Council has established committees to discharge Non-executive functions in accordance with section 101 of the Local Government Act 1972, as set out at paragraphs 10.7 to 10.17.

16 Section 330 of the Town and Country Planning Act 1990

17 Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

18 Section 278 of the Highways Act 1980

10.7 Audit Committee

10.7.1 The Audit Committee is an advisory committee providing the Full Council with an independent and high-level focus on the adequacy of governance, risk and control arrangements within the Council in accordance with Chartered Institute for Public Finance Accountancy ('CIPFA') guidance¹⁹.

10.7.2 The committee consists of 7 Members. Executive Members may not be members of the Audit Committee. The Council may co-opt up to two independent non-voting members to the Audit Committee.

10.7.3 The committee ensures there is sufficient assurance over governance and risk and gives greater confidence to all those charged with governance of the Council that those arrangements are effective. The committee has oversight of both internal and external audit, together with the financial and governance reports, helping to ensure there are adequate arrangements in place for both internal challenge and public accountability.

10.7.4 The following CIPFA terms of reference for the committee have been adopted and it will:

Governance, risk and control

- (a) review the council's corporate governance arrangements against the good governance framework, including the ethical framework, and consider the local code of governance;
- (b) monitor the effective development and operation of risk management in the council;
- (c) monitor progress in addressing risk-related issues reported to the committee;
- (d) consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions;
- (e) consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code;
- (f) consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;
- (g) review the assessment of fraud risks and potential harm to the council from fraud and corruption;

¹⁹ Audit Committees: Practical guidance for local authorities and police, 2022 edition Cipfa.org

- (h) monitor the counter fraud strategy, actions and resources;
- (i) review the governance and assurance arrangements for significant partnerships or collaborations.

Financial and governance reporting

Governance reporting

- (j) review the Annual Governance Statement ('AGS') prior to approval and consider whether it properly reflects the risk environment and supporting assurances, including the Chief Officer responsible for Internal Audit's annual opinion;
- (k) consider whether the annual evaluation for the AGS fairly concludes that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives;

Financial reporting

- (l) monitor the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met;
- (m) review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council;
- (n) consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts;

Arrangements for audit and assurance

- (o) consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council;

External audit

- (p) support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments ('PSAA') or the authority's auditor panel as appropriate;
- (q) consider the external auditor's annual letter, relevant reports and the report to those charged with governance;
- (r) consider specific reports as agreed with the external auditor;
- (s) comment on the scope and depth of external audit work and to ensure it gives value for money;
- (t) consider additional commissions of work from external audit;

- (u) advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies;
- (v) provide free and unfettered access to the audit committee chair for the auditors, including the opportunity for a private meeting with the committee;

Internal audit

- (w) approve the internal audit charter;
- (x) review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations;
- (y) approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources;
- (z) approve significant interim changes to the risk-based internal audit plan and resource requirements;
- (aa) make appropriate enquiries of both management and the Chief Officer responsible for Internal Audit to determine if there are any inappropriate scope or resource limitations;
- (bb) consider any impairments to the independence or objectivity of the Chief Officer responsible for Internal Audit arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments;
- (cc) consider reports from the Chief Officer responsible for Internal Audit on it's performance during the year, including:
 - (i) updates on the work of internal audit, including key findings, issues of concern and action in hand as a result of internal audit work;
 - (ii) regular reports on the results of the Quality Assurance Improvement Programme ('QAIP');
 - (iii) reports on instances where the internal audit function does not conform to the Global Internal Audit Standards ('GIAS')²⁰ and Local Government Application Note ('LGAN')²¹,

²⁰ Mandatory for all public sector organisations.

²¹ Application Note Global Internal Audit Standards in the UK Public Sector - applicable from 1 April 2025

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

- (dd) consider the Chief Officer responsible for Internal Audit's annual report, including:
 - (i) the statement of the level of conformance with the GIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit);
 - (ii) the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS);
- (ee) consider summaries of specific internal audit reports as requested.
- (ff) receive reports outlining the action taken where the Chief Officer with responsibility for Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions;
- (gg) contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years;
- (hh) consider a report on the effectiveness of internal audit to support the AGS where required to do so by the accounts and audit regulations²²;
- (ii) provide free and unfettered access to the audit committee chair for Chief Officer responsible for Internal Audit , including the opportunity for a private meeting with the committee;

Accountability arrangements

- (jj) report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions;

²² The Accounts and Audit Regulations 2015 (as amended)

- (kk) report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose;
- (ll) publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

10.8 Chief Officer Committee

10.8.1 This is an occasional committee of 7 councillors (at least one of which shall be an Executive Member²³) plus up to 3 ex officio members:

- (a) The Mayor;
- (b) The Deputy Mayor;
- (c) An Executive Member.

10.8.1 The Council is required to have a committee to deal with employment matters relating to the Chief Officers with responsibility for Governance.

10.8.2 To discharge its functions, the Chief Officer Committee has two occasional sub-committees, drawn from the membership of the committee, as follows:

- (a) Appointment Sub-committee;
- (b) Disciplinary Sub-committee.

10.8.3 The membership of a sub-committee must include at least one Executive Member.

10.8.4 The Chief Officer Committee or its sub-committee may be required to convene as a matter of urgency to discharge disciplinary and dismissal procedures, as set out in the Officer Employment Procedure Rules (see [paragraph 9.10](#)).

10.8.5 Where the establishment of a sub-committee is required, three members shall be appointed as follows:

- a) The Chair will serve as a member if available; if the Chair is unavailable, the Vice Chair will be contacted. Should both be unavailable, a Chair will be appointed at the meeting.
- b) The remaining two members shall be selected in rotational order from a predetermined list, with at least one being an executive member as per 10.3.
- c) Sub-committees are not required to reflect political proportionality

10.8.6 The Chief Officer Committee and appropriate sub-committee are authorised, subject to compliance with the Officer Employment Procedure Rules set out in paragraph 9.10, to discharge the following Non-executive Functions:

²³ Paragraph 4(2) of Part 1 of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001

Appointment

- (a) Shortlist, interview and make recommendations to Full Council to appoint the Head of Paid Service²⁴;
- (b) Shortlist, interview and appoint Chief Officers other than the Head of Paid Service²⁵ provided that no objection is received from the Executive, unless such appointment is on an interim basis (six months or less), in which case the appointment will be made by the Head of Paid Service;
- (c) Consider Joint Committee / Partner Organisation vacant posts at Director level and above.

Disciplinary

- (d) suspend, and keep under review the suspension of, a Chief Officer;
- (e) make recommendations to Full Council as to the dismissal of Head of Paid Service, Monitoring Officer or Chief Financial Officer²⁶;
- (f) take disciplinary action²⁷ short of dismissal against Chief Officers;
- (g) hear any grievance submitted by the Head of Paid Service and referred to it by the Chief Officer responsible for Human Resources;
- (h) hear any appeal, referred to it by the Chief Officer responsible for Human Resources, against the outcome of the first formal stage of a grievance against the Head of Paid Service;
- (i) deal with appeals²⁸ relating to grading, grievance and disciplinary action short of dismissal in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer;
- (j) deal with appeals relating to grading, grievance, dismissal and disciplinary action short of dismissal in respect of Chief Officers;

²⁴ Paragraph 4(1) of Part 1 of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001

²⁵ As defined in section 2 of the Local Government and Housing Act 1989

²⁶ Paragraph 4(1A) Part 1 of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001

²⁷ 'Disciplinary action' has the meaning set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

²⁸ Any such appeals shall be heard by a differently constituted sub-committee from that which heard the original grievance or dealt with the original disciplinary proceedings, as the case may be

10.9 Constitution and Member Development Committee

10.9.1 This is an advisory committee of 9 Members which focuses on the maintenance of the constitution and the development of Members of the Council. The membership of the committee will include the Members appointed to the following roles:

- (a) Chair of the Council;
 - (b) Vice-Chair of the Council;
 - (c) Deputy Mayor;
 - (d) Chair of the Overview and Scrutiny Board
- plus 5 other members.

10.9.2 The Constitution and Member Development Committee is authorised to:

- (a) review the Constitution and make recommendations to Full Council in respect of changes to the Constitution;
- (b) advise and make recommendations to the Council on any matter relating to civic and ceremonial functions of the Council;
- (c) develop and review the Member Development Policy.

10.10 Corporate Affairs Committee

10.10.1 This occasional committee has 7 Members, including the Chair of the Council, who shall be the chair of the Committee. Executive Members cannot be members of this committee.

10.10.2 The Corporate Affairs Committee is authorised to:

- (a) consider and determine any Non-executive Function delegated to an officer, which is not within the terms of reference of any other committee;
- (b) consider any items of urgency that would require the approval of the Council, as determined by the Head of Paid Service in consultation with the Chair of the Council and the Leader of the Majority Group;
- (c) make recommendations to Full Council in connection with the discharge of any of its Non-executive functions.

10.11 Licensing Committee

- 10.11.1 The Council is the licensing authority under the Licensing Act 2003 (the '2003 Act') and the Gambling Act 2005 (the '2005 Act').
- 10.11.2 The Licensing Committee is constituted as the statutory committee established under the 2003 Act²⁹ and the 2005 Act³⁰. It discharges the Council's functions under the 2003 Act (in respect of the supply or sale of alcohol, regulated entertainment and the provision of late-night refreshment) and the 2005 Act (in respect of premises and permits used for gambling).
- 10.11.3 The Licensing Committee and its sub-committees also discharge regulatory functions not delegated to officers in respect of:
- (a) site and premises licences (caravans, sex shops, tattooing etc);
 - (b) private hire and hackney carriage regulation;
 - (c) animal licences (zoos, pet shops, wild animals etc);
 - (d) food licences (food preparation, fishing etc); and
 - (e) health and safety matters.
- 10.11.4 The Licensing Committee is comprised of 14 Members, with a quorum of 4 unless the Committee (or any subcommittee formed by it) exercises functions under the Licensing Act 2003 or the Gambling Act 2005, when the quorum shall be 3 voting members.
- 10.11.5 The Licensing Committee may establish one or more sub-committees consisting of 3 members drawn from the membership of the Licensing Committee as needed and has appointed:
- (a) Licensing Sub Committees A, B and C to exercise the Council's licensing functions under the Licensing Act 2003 and Gambling Act 2005 except so far as such functions have been delegated to Officers or another sub-committee;
 - (b) a Casino Licensing Sub Committee to determine applications for a large casino, should the Council decide to launch a competition under the Gambling Act 2005; and
 - (c) a Licensing Sub Committee General to exercise any other licensing function not otherwise delegated.
- 10.11.6 The Chair of the Licensing Committee will chair Licensing Sub-Committee A, the Licensing Sub Committee General and the Casino Licensing Sub

²⁹ Sections 6 and 7 of the Licensing Act 2003

³⁰ Section 154 of the Gambling Act 2005

Committee. The Licensing Committee will appoint the Chairs of Licensing Sub-Committees B and C.

10.11.7 The committee and its sub-committees operate in accordance with the Council Procedure Rules except when statutory rules of procedure apply³¹.

10.11.8 Where the Licensing Committee is unable to discharge any function delegated to it because of the number of its Members who are unable to take part in the consideration of discussion of any matter or vote on any question with respect to it, the Committee must refer the matter back to full Council as licensing authority³², and full Council must discharge that function.

10.11.9 The licensing functions are delegated to officers as set out in Part D of this section save for the following which are reserved to the Licensing Committee or respective Sub-committee:

Table 2: Table of Licensing Functions

URN	Function	Committee	Sub-Committee
General Non-executive licensing functions			
(a)	review and make recommendations to the Council where appropriate on policies in relation to licensing functions;	Yes	
(b)	pass a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.	Yes	
(c)	licence ³³ sex shops, sex cinemas, sexual entertainment venues and		upon referral by an officer

³¹ Licensing Sub Committees hearings are subject to the Gambling Act (Proceedings of Licensing Committees & Sub Committees) (Premises Licences & Provisional Statements) (England and Wales) Regulations 2007, the Licensing Act 2003 (Hearings) Regulations 2005 together with any associated guidance, policy and codes of practice.

³² Section 7(9) of the 2003 Act and sections 154(3) and s232(2) of the 2005 Act

³³ Part II and Schedule 3 of the Local Government Miscellaneous Provisions Act 1982

	sex establishments, including reviews, and to carry out associated functions		
(d)	pass a resolution that Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 should apply in the Council's area	Yes	
(e)	designate areas for street trading ³⁴ as either consent, licensed or prohibited streets and associated functions	Yes	
(f)	determine applications for village greens or common land and associated functions ³⁵	Yes	
(g)	regulate the performance of hypnotism ³⁶		Upon referral by an officer
(h)	regulate charitable collections ³⁷	Where objections have been received or upon referral by an officer	
(i)	advise Full Council on the adoption, revision or replacement of the Private Hire and Hackney Carriage Policy	Yes	

³⁴ Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

³⁵ Commons Act 2006 and the Commons Registration Act 1965

³⁶ Hypnotism Act 1952

³⁷ Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939

(j)	license hackney carriages and private hire: (a) vehicles; (b) drivers; (c) operators	Yes	Upon referral by an officer
Licensing Act 2005 functions			
(k)	determine an application for a Personal Licence		If Police and or immigration officers object
(l)	determine an application for a Personal Licence with unspent convictions		If police object
(m)	determine applications for: a. Premises Licence / Club Premises Certificate; b. provisional statement c. variation of Premises Licence / Club Premises Certificate		If a relevant representation is made and not withdrawn
(n)	determine applications to: a. vary designated Premises Supervisor; b. transfer Premises Licence;		If Police and or immigration officers object
(o)	determine applications for interim authorities		If Police object
(p)	review Premises Licence / Club Premises Certificate		Yes
(q)	determine an objection to a Temporary Event Notice		Yes
Gambling Act 2005 functions			

(r)	determine stages 1 and 2 of any “large casino competition” ³⁸		Casio Licensing Sub-committee
(s)	regulation of premises used for gambling.	Yes	
(t)	determine applications for Premises Licences, Permits, Transfers, Provisional Statements and Temporary Use Notices		Sub-Committees A, B and C where representations have been received and not withdrawn
(u)	determine reviews of licences or permissions.		Yes

³⁸ should a competition be launched in accordance with the relevant requirements of the Gambling Act 2005, the Council’s Statement of Principles, any relevant Regulations, Code of Practice and Guidance.

10.12 Overview and Scrutiny Board and Committees

- 10.12.1 The Council is required to have at least one overview and scrutiny committee. Further details of the overview and scrutiny functions and arrangements are found in Section 7.
- 10.12.2 The Overview and Scrutiny Board comprises 15 members with quorum of 4 members. The Board's reports and recommendations advise the Council and the Executive on matters relating to policy, service delivery and the Budget.
- 10.12.3 The Overview and Scrutiny Board may appoint standing scrutiny panels or task and finish scrutiny panels to operate in accordance with the terms of reference set by the Board.
- 10.12.4 The Chair of the Overview and Scrutiny Board is responsible for a number of functions as set out throughout this constitution. They are summarised at paragraph 5.7.9.

10.13 Planning & Development Committee

- 10.13.1 The discharge of planning functions can have a substantial and emotive impact on the community. The Council has therefore determined that not all planning matters should be delegated to officers. It has established the committee to make decisions on behalf of the local planning authority on the most impactful planning applications and related similar regulatory matters.
- 10.13.2 The committee comprises 10 councillors. The Council has chosen not to have planning area or sub-committees.
- 10.13.3 The committee operates in accordance with the Council Procedure Rules except when statutory rules of procedure apply.
- 10.13.4 The planning and development functions are delegated to officers as set out in Part D of this section save for the following which are reserved to the Planning and Development Committee:
- 10.13.5 The Planning and Development Committee is authorised to:
- (a) require information as to interests in land.
 - (b) give notice etc. of applications for planning permission.
 - (c) determine applications for planning permission.
 - (d) decline to determine applications for planning permission.
 - (e) grant planning permission for development already carried out.
 - (f) grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject.
 - (g) determine applications for planning permission made by a local authority, alone or jointly with another person.
 - (h) make Tree Preservation Orders and determine applications for consent to take action in relation to trees within Tree Preservation Orders.
 - (i) consider and adopt supplementary planning guidance relating to Development Control matters and to develop Local Planning Guidance.
 - (j) consider Conservation Area Boundary Reviews and Designation and Conservation Area Character Assessments.
 - (k) issue a certificate for existing proposed lawful use or development.
 - (l) perform duties relating to applications for listed building consent and conservation area consent.
 - (m) apply for an injunction in relation to a listed building.
 - (n) grant consent for the display of advertisements.
 - (o) determine applications for listed building consent and related powers.

- (p) determine applications for conservation area consent.
- (q) issue enforcement notices in relation to demolition of unlisted buildings in a conservation area.
- (r) impose any condition, limitation or restriction, or determining any other terms, on an approval, consent, licence, permission or registration granted in the exercise of its functions.
- (s) determine whether to take enforcement action in respect of any breach of any approval, consent, licence, permission or registration granted or breach of any condition, limitation or term to which any such approval, consent, licence, permission or registration is subject to the exercise of its functions.
- (t) revoke any approval, consent, licence, permission or registration granted in the exercise of its functions.
- (u) amend, modify or vary any approval, consent, licence, permission or registration granted in the exercise of its functions or any condition, limitation restriction or term to which it is subject.
- (v) determine whether a charge should be made, and the amount of any such charge, for any approval, consent, licence, permission or registration where there is a power to charge and the amount of the charge is not otherwise prescribed.

10.14 Staff Appeals Committee

10.14.1 This committee has 9 Members and will meet as sub-committees of 3 Members (being the Chair plus 2 other members) for the purpose of discharging its functions.

10.14.2 The Staff Appeals Committee is authorised to consider and determine any appeal made by an officer below the grade of Chief Officer³⁹ regarding:

- (a) disciplinary action;
- (b) grievances;
- (c) grading.

³⁹ As set out in section 2(6) of the Local Government and Housing Act 1989

10.15 Standards Committee

10.15.1 This statutory committee is responsible for discharging obligations in respect of standards of Member conduct (see Section 8).

10.15.2 The Standards Committee is authorised to:

- (a) promote and maintain high standards of conduct by members and co-opted members of the authority⁴⁰;
- (b) advise the Council in respect of the adoption, revision or replacement of the Member Code of Conduct;
- (c) consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the borough has failed to comply with the parish council's code of conduct⁴¹;
- (d) following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations⁴² on the form of action⁴³.
- (e) advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority⁴⁴.
- (f) grant dispensations⁴⁵ to Members, Co-opted members, Parish Councillors and the Mayor from the requirements relating to declarations of interest. The Monitoring Officer, in consultation with the Chair of the Standards Committee, may grant a dispensation where the matter is urgent and report it to the next available Standards Committee.

⁴⁰ Section 27 of the Localism Act 2011.

⁴¹ Section 28(6), (7) and (9) of the Localism Act 2011

⁴² Including to full Council, the Leader, the Head of Paid Service, or the relevant Group Whip

⁴³ Section 28(11) of the Localism Act 2011

⁴⁴ It is not the function of the Committee to determine or become involved in individual employee conduct or disciplinary cases

⁴⁵ Section 33 of the Localism Act 2011

10.16 Teesside Pension Fund Committee

10.16.1 The Council is the Scheme Manager and Administering Authority for the Teesside Pension Fund. Members of this committee are obliged to adhere to the Fund's Knowledge and Skills Policy, including attendance at training events.

10.16.2 The membership of this committee comprises:

- (a) 1 member nominated by Hartlepool Borough Council;
- (b) 9 members nominated by Middlesbrough Borough Council;
- (c) 1 member nominated by Redcar and Cleveland Borough Council;
- (d) 1 member nominated by Stockton-on-Tees Borough Council;
- (e) 1 representative of the other Scheme Employers in the Teesside Pension Fund, appointed in accordance with procedures agreed by the Chief Finance Officer and Monitoring Officer.
- (f) 2 representatives of the scheme members of the Teesside Pension Fund, appointed in accordance with procedures agreed by the Chief Finance Officer and Monitoring Officer.

10.16.3 The Chair and Vice Chair of the committee shall be members of Middlesbrough Borough Council, elected annually by the Council. The Chair will be the Council's nominated representative, on behalf of Teesside Pension Fund, on the Border to Coast Pensions Partnership Joint Committee.

10.16.4 The quorum of the committee is 8, at least 5 of which must be councillors of Middlesbrough Borough Council.

10.16.5 Members of the Teesside Pension Board⁴⁶ shall be permitted to attend the committee meetings, including during consideration of exempt items.

10.16.6 The terms of office of members of the committee shall be:

- (a) Up to 6 years for representative members (for other scheme employers and scheme members);
- (b) Until the next ordinary local government election following their appointment for Councillors

All members of the committee may be reappointed for further terms.

10.16.7 In consultation with the Chief Finance Officer and professional advisers of the pension fund, the committee is authorised to:

⁴⁶ to assist the Council in its role as a scheme manager of the Teesside Pension Fund

- (a) ensure the Teesside Pension Fund is managed in compliance with the Local Government Pension Scheme Regulations, Her Majesty's Revenue & Customs requirements for UK registered pension schemes and all other relevant statutory provisions;
- (b) ensure robust risk management arrangements are in place;
- (c) ensure the Teesside Pension Fund is managed with due regard to, and in the spirit of, all relevant statutory and non-statutory best practice guidance;
- (d) determine the Pension Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including in relation to the following areas:
 - (i) Governance - approving the Fund's Governance Policy and Compliance Statement for the Fund within the framework as determined by Middlesbrough Council and making recommendations to Middlesbrough Council about any changes to that framework;
 - (ii) Funding Strategy - approving the Fund's Funding Strategy Statement including ongoing monitoring and management of the liabilities, ensuring appropriate funding plans are in place for all employers in the Fund, overseeing the triennial valuation and interim valuations, and working with the actuary in determining the appropriate level of employer contributions for each employer;
 - (iii) Investment strategy - approving the Fund's Investment Strategy Statement and Compliance Statement including setting investment targets and ensuring these are aligned with the Fund's specific liability profile and risk appetite;
 - (iv) Administration Strategy - approving the Fund's Administration Strategy determining how the Council will the administer the Fund including collecting payments due, calculating and paying benefits, gathering information from and providing information to scheme members and employers;
 - (v) Communications Strategy - approving the Fund's Communication Strategy, determining the methods of communications with the various stakeholders including scheme members and employers;
 - (vi) Discretions - determining how the various administering authority discretions are operated for the Fund.

- (vii) Monitor the implementation of policies and strategies on an ongoing basis.
- (viii) in relation to the Borders to Coast asset pooling collaboration arrangements:
 - a. Monitor performance and recommend actions to the Committee, the Mayor or his Nominee (as the nominated person to exercise Shareholder rights and responsibilities), Officers Groups or BCPP Ltd, as appropriate;
 - b. Undertake the role of Authority in relation to the Inter Authority Agreement, including but not limited to:
 - i. Requesting variations to the Inter Authority Agreement;
 - ii. Withdrawing from the Inter Authority Agreement;
 - iii. Appointing Middlesbrough Council officers to the Officer Operations Group.
- (ix) consider the Fund's financial statements and annual report.
- (x) select, appoint, dismiss and monitor the Fund's advisers, including actuary, benefits consultants, investment consultants, global custodian, fund managers, lawyers, pension funds administrator, independent professional advisers and AVC provider;
- (xi) liaise with internal and external audit, including providing recommendations in relation to areas to be covered in audit plans, considering audit reports and ensuring appropriate changes are made following receipt of audit findings
- (xii) make decisions relating to employers joining and leaving the Fund, including which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
- (xiii) Agree:
 - a. the terms and payment of bulk transfers into and out of the Fund;
 - b. Pension Fund business plans and monitoring progress against them;
 - c. the Fund's Knowledge and Skills Policy for all Pension Fund Committee members and for all officers of the

Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring compliance with the policy;

d. Administering Authority responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.

(xiv) receive reports from the Chief Finance Officer, the Head of Investments and Treasury Management and other relevant officers in relation to delegated functions.

10.17 You Matter to Us – Corporate Parenting Committee

10.17.1 This standing committee promotes the Council’s role as a Corporate Parent to those children and young people who are looked after and accommodated by the Council.

10.17.2 The committee comprises 9 Members, including the Executive Members responsible for Children and Education as ex-officio members. It may also co-opt a maximum of 4 non-voting members representing education and other agencies. It is not subject to political balance requirements.

10.17.3 The Corporate Parenting Committee promotes the seven principles of corporate parenting⁴⁷ by:

- (a) acting in the best interests, and promoting the physical and mental health and well-being, of those children and young people;
- (b) encouraging those children and young people to express their views, wishes and feelings;
- (c) taking into account the views, wishes and feelings of those children and young people;
- (d) helping those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
- (e) promoting high aspirations, and seeking to secure the best outcomes, for those children and young people;
- (f) ensuring those children and young people are safe, and have stability in their home lives, relationships and education or work;
- (g) preparing those children and young people for adulthood and independent living

10.17.4 The committee is authorised to:

- (a) ensure that the Council acts as a good corporate parent to children and young people in care and care leavers, including:
 - (i) children and young people in residential care;
 - (ii) children and young people in foster care;
 - (iii) children and young people placed for adoption;
 - (iv) children and young people placed at home under Care Planning, Placement and Case Review Regulations;

⁴⁷ Section 1 of the Children and Social Work Act 2017

- (v) young people who are living in supported lodgings;
 - (vi) young people in secure services;
 - (vii) young people in custody.
- (b) engage with, and listen to, the views of children, young people and their carers for whom the Council is the parent;
 - (c) work in partnership with other statutory agencies to drive forward improvements in care;
 - (d) act as the governing body for the Virtual School for looked after children and young people;
 - (e) disseminate information, concerned with its responsibilities associated with corporate parenting, to all elected Members and relevant staff;
and
 - (f) implement, maintain and review the Council's 'Corporate Parenting and Strategy' document.

10.18 Non-executive joint arrangements

The bodies listed in this section are all the joint arrangements which are not solely the responsibility of the Executive.

10.18.1 Cleveland Fire and Rescue Combined Fire Authority

- (a) Cleveland Fire Authority⁴⁸ was established on 1 April 1996 as a Combined Fire Authority. It has 16 members appointed by the following authorities:
 - (i) appointed by Hartlepool Borough Council;
 - (ii) 4 appointed by Middlesbrough Borough Council;
 - (iii) 4 appointed by Redcar and Cleveland (Borough Council); and
 - (iv) 5 appointed by Stockton on Tees Borough Council.
- (b) The Chair of Cleveland Fire Authority is appointed from within the members of the fire authority at its Annual Meeting and has its own constitution.
- (c) Cleveland Fire Authority is responsible for the provision of fire and rescue services to the areas covered by the borough councils of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton on Tees. It is a corporate body with many of the rights, duties and status of a local authority and is authorised to provide the functions of a fire authority as set out in:
 - (i) Fire and Rescue Services Act 2004;
 - (ii) Civil Contingencies Act (CCA);
 - (iii) Regulatory Reform (Fire Safety) Order 2005.
- (d) Cleveland Fire Authority adopts, and is responsible for, its own constitution and the appointment of the required statutory officers.

10.18.2 Cleveland Police and Crime Panel

- (a) Cleveland Police and Crime Panel is responsible for supporting the effective exercise of the functions of the Cleveland Police and Crime Commissioner ('CPCC').
- (b) The Panel has 12 members appointed by the following authorities:
 - (i) 2 appointed by Hartlepool Borough Council;

⁴⁸ <https://www.clevelandfire.gov.uk/about/fire-authority/>

- (ii) 3 appointed by Middlesbrough Borough Council;
 - (iii) 3 appointed by Redcar and Cleveland Borough Council; and
 - (iv) 4 appointed by Stockton on Tees Borough Council.
- and two independent members.
- (c) The authority administering the Cleveland Police and Crime Panel is Redcar and Cleveland Borough Council.
 - (d) The Cleveland Police and Crime Panel is authorised to:
 - (i) Review the draft Police and Crime Plan;
 - (ii) Scrutinise the CPCC's Annual Report;
 - (iii) Review the CPPC's proposed appointments to the roles of:
 - a. CPPC chief executive;
 - b. CPPC chief finance officer
 - c. Deputy Police and Crime Commissioner
 - d. Chief Constable

and indicate whether the candidate should be appointed
 - (iv) Review the actions of the CPCC;
 - (v) Review and veto the CPCC's proposed precept levels;
 - (vi) Respond to complaints about the CPCC;
 - (vii) Consult his Majesty's Inspector of Constabulary, Fire and Rescue Services (HMICFRS) on potential dismissals.

10.18.3 Durham Darlington Teesside Hambleton Richmondshire and Whitby STP Joint Overview & Scrutiny Committee

- (a) This committee, which last met on 12 June 2019, comprises 21 members, with each of the following local authorities nominating three members:
 - (i) Darlington Borough Council;
 - (ii) Durham County Council;
 - (iii) Hartlepool Borough Council;
 - (iv) Middlesbrough Borough Council;
 - (v) North Yorkshire Council
 - (vi) Redcar and Cleveland Borough Council
 - (vii) Stockton on Tees Borough Council

- (b) The committee is supported by Durham County Council and also attended by representatives of:
 - (i) County Durham and Darlington NHS Foundation Trust;
 - (ii) South Tees Hospitals NHS Foundation Trust;
 - (iii) North Tees and Hartlepool NHS Foundation Trust;
 - (iv) North Durham, DDES, Darlington, Hartlepool and Stockton and South Tees CCG⁴⁹
 - (v) North of England Commissioning Support

10.18.4 Live Well South Tees Board

- (a) The Live Well South Tees [Health and Wellbeing] Board is a statutory joint committee which meets the requirements of the Health and Social Care Act 2012.
- (b) The Board comprises the following voting Executive and Non-executive members⁵⁰:
 - (i) 5 Members from each local authority. For the Council the democratic representation will include:
 - a. the Mayor;
 - b. the Deputy Mayor;
 - c. 3 non-executive councillors nominated by Council;
 - (ii) the following officers, ex officio:
 - a. the Chief Officer with responsibility for Adult Social Care at Redcar & Cleveland Borough Council;
 - b. the Chief Officer with responsibility for Adult Social Care at Middlesbrough Borough Council;
 - c. Director of Public Health for Teesside;
 - d. The Chief Officer with responsibility for Children's Services at Middlesbrough Borough Council.

⁴⁹ Clinical commissioning groups (CCGs) were established as part of the Health and Social Care Act in 2012, replacing primary care trusts on 1 April 2013. On 1 July 2022, integrated care systems (ICSs) became legally established through the Health and Care Act 2022, and CCGs were closed down

⁵⁰ in accordance with the requirements of the Health and Social Care Act 2012 and as determined by the Executive and Council.

- (c) The following are non-voting members of the Board:
 - (i) Chief Executive of Middlesbrough Borough Council;
 - (ii) Managing Director of Redcar and Cleveland Borough Council
- (d) The quorum for a meeting of the Board shall be 50%, which must include:
 - (i) the Chair or Vice Chair of the Board; and
 - (ii) an officer of the Council; and
 - (iii) an officer representing the Integrated Care System ('ICS').
- (e) Administration of the Board alternates between the Council and Redcar and Cleveland Borough Council.
- (f) The Board is authorised to:
 - (i) assess the health and wellbeing needs of their population by preparing, publishing and reviewing a joint strategic needs assessment ('JSNA');
 - (ii) publish a Joint Local Health and Wellbeing Strategy (JLHWS), which sets out the priorities for improving the health and wellbeing of its local population and how the identified needs will be addressed, including addressing health inequalities, and which reflects the evidence of the JSNA;
 - (iii) provide oversight of Pharmaceutical Needs Assessments;
 - (iv) sign off Better Care Funds and ensure a strategic, joined-up approach to the planning and delivery of services to improve the health and wellbeing of communities and to address inequalities where they exist;
 - (v) strengthen democratic legitimacy by involving democratically elected representatives and patient representatives in commissioning decisions alongside commissioners across health and social care. The Board will also provide a forum for challenge, discussion, and the involvement of local people;
 - (vi) bring together commissioners of services to develop a shared understanding of the health and wellbeing needs of the community;
 - (vii) agree the framework for engaging all stakeholders, recognising the role of the independent, voluntary, community and social enterprise sectors and ensuring that the public are consulted on health and wellbeing issues;

- (viii) review and monitor commissioning plans relevant to the JLHWS, facilitating integrated working (commissioning or service provision) where appropriate;
- (ix) maximise the opportunity to make use of pooled budgets and joint commissioning arrangements to meet the needs of the local population, aligned to the JLHWS;
- (x) monitor and evaluate the strategies and related performance through a relevant set of indicators and measures, agreed across the whole system and to report on progress to all stakeholders including public health outcome requirements;
- (xi) maintain clear accountability, and liaison with appropriate bodies, including the Partnerships, Joint Commissioning Groups, Local Safeguarding Boards, Local Strategic Partnership and statutory bodies of the member organisations;
- (xii) align the strategic priorities of member organisations and, where a dispute arises, ensure it is resolved in a timely and positive manner;
- (xiii) be open to internal and external scrutiny, working positively and constructively with regulators and scrutiny bodies.

10.18.5 North East Joint Health Scrutiny Committee

- (a) This joint committee comprises 12 Health Overview and Scrutiny Committee members, one from each of the constituent authorities.
- (b) The Chair of the Committee is drawn from its membership, appointed by the committee on an annual basis. Democratic support of the committee will be provided by the authority of which the Chair is a member.
- (c) Executive members may not be members of an overview and scrutiny committee⁵¹.
- (d) Members of the constituent local authorities who are Non-Executive Directors of the NHS cannot be members of the Joint Committee.
- (e) The joint committee is authorised to convene task and finish working groups.
- (f) The objectives of the joint committee are to:

⁵¹ Section 21(9) of the Local Government Act 2000

- (i) develop an understanding of the health of the North East region's population and contribute to the development of policy to improve health and reduce health inequalities;
- (ii) ensure, wherever possible, the needs of local people are considered as an integral part of the commissioning and delivery of health services;
- (iii) undertake all the necessary functions of health scrutiny in accordance with the NHS Act 2006, regulations and guidance relating to reviewing and scrutinising health service matters;
- (iv) review proposals for consideration or items relating to substantial developments/substantial variations to services provided across the North East region by NHS organisations, including:
 - a. Changes in accessibility of services;
 - b. Impact of proposals on the wider community;
 - c. Patients affected.
- (v) examine the social, environmental and economic well-being responsibilities of local authorities and other organisations and agencies within the remit of the health scrutiny role.

10.18.6 Northumbria Regional Flood Defence Committee

- (a) The Regional Flood and Coastal Committee (RFCC) is a committee established by the Environment Agency⁵². It comprises independent members with relevant expertise and one member appointed by each of the following north east Lead Local Flood Authorities (LLFAs):
 - (i) Darlington Borough Council;
 - (ii) Durham County Council;
 - (iii) Gateshead Borough Council;
 - (iv) Hartlepool Borough Council;
 - (v) Middlesbrough Borough Council;
 - (vi) Newcastle City Council;
 - (vii) North Tyneside Council;
 - (viii) Redcar and Cleveland Borough Council;

⁵² Section 22 of the Flood and Water Management Act 2010

- (ix) Stockton-on-Tees Borough Council
 - (x) South Tyneside Borough Council;
 - (xi) Sunderland City Council
- (b) The joint committee is administered by the Environment Agency for the following purposes:
- (i) ensuring there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines;
 - (ii) encouraging efficient, targeted and risk-based investment in flood and coastal erosion risk management that represents value for money and benefits local communities
 - (iii) providing a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to build understanding of flood and coastal erosion risks in its area

10.18.7 River Tees Port Health Authority

- (a) River Tees Port Health Authority is a body corporate created by the Secretary of State for Health⁵³. Its membership comprises the following representatives from the four riparian authorities of the Port of Tees and Hartlepool:
- (i) 2 members from Hartlepool Borough Council;
 - (ii) 5 members from Middlesbrough Borough Council;
 - (iii) 5 members from Redcar and Cleveland Borough Council;
 - (iv) 5 members from Stockton-on-Tees Borough Council
- (b) The Authority is managed by Redcar and Cleveland Borough Council.
- (c) The purpose of the Authority is to ensure compliance with controls in relation to imports, hygiene, environmental standards and immigration.
- (d) The Authority is authorised to discharge the following functions:
- (i) manifest and documentary checks relating to third country food and feed;
 - (ii) identity and physical checks, including sampling;

⁵³ River Tees Porth Health Authority Order 2016

- (iii) inspection of ships and responding to all requests for ship sanitation certificates;
- (iv) ensuring conditions onboard ships are hygienic, in particular, food preparation and storage, pest control, communicable disease control, and international pollution prevention;
- (v) investigating and reducing the incidence of food poisoning and food-borne disease at the port and on ships entering the port;
- (vi) monitoring the wholesomeness and sufficiency of water supplies at the port and onboard ships entering the port.

10.18.8 South Tees Health Scrutiny Joint Committee

- (a) This joint committee comprises 5 members from Middlesbrough Borough Council and 5 members from Redcar and Cleveland Borough Council.
- (b) The quorum for a meeting of this joint committee is 4, provided that both councils are represented.
- (c) Administration of this committee will alternate between the councils.
- (d) The committee is authorised⁵⁴ to review and scrutinise relevant health service providers and commissioners in Middlesbrough and Redcar & Cleveland and any issue or topic pertaining to the south of the Tees health economy in accordance with agreed protocols.

10.18.9 Tees Valley Combined Authority

- (a) This body brings together the five councils which serve the Tees Valley:
 - (i) Darlington Borough Council;
 - (ii) Hartlepool Borough Council;
 - (iii) Middlesbrough Borough Council;
 - (iv) Redcar & Cleveland Borough Council;
 - (v) Stockton on Tees Borough Council
 to secure investment, create jobs and grow the economy.

⁵⁴ under powers for local authorities to scrutinise the NHS contained in the Health and Social Care Act 2001, the NHS Act 2006, the Health and Social Care Act 2012 and related regulations.

- (b) The Council nominates members to a number of committees created by the combined authority, including non-executive joint committees in respect of:
 - (i) audit and governance;
 - (ii) overview and scrutiny.