

## **TERMS OF REFERENCE FOR REGULATORY AND OTHER COMMITTEES**

### **(a) PLANNING**

With delegated powers:

#### **1. Planning and conservation**

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 as amended ('the Functions Regulations') save in relation to footpaths and bridleways.

2. Powers relating to the preservation of trees, the protection of important hedgerows and the power to make limestone pavement order.

### **(b) LICENSING AND REGULATORY**

With delegated powers:

To determine traffic orders.

To act as the Licensing Committee designated for the purpose of Section 6 of the Licensing Act 2003.

To carry out all other functions and powers specified in Schedule 1 to the Functions Regulations, save in relation to the duty to approve the Authority's Statement of Accounts etc., the power to make Standing Orders, to appoint staff and to consider adverse reports from the Local Commissioner, all of which shall be reserved to Full Council.

To carry out all other Licensing functions in accordance with Part 2 of the Licensing Act 2003.

### **(c) SUB-COMMITTEES UNDER THE LICENSING ACT 2003**

With delegated powers:

The discharge of all functions relating to licensable activities, as described in the Licensing Act 2003.

### **(d) APPEALS COMMITTEE**

With delegated authority to determine appeals in accordance with the County Councils' constitution, e.g. School Transport Appeals, Discretionary Housing Payments Appeals

### **(e) APPOINTMENT OF LOCAL AUTHORITY GOVERNORS COMMITTEE**

With plenary powers to act in accordance with the Code of Practice set out below:

1. LA Governors are appointed representatives of the LA on a school's governing body. They are not delegates, but can be removed at the discretion of the LA. Appointments are made on merit, irrespective of political persuasion and in the best interests of the children and school. Nominations of elected members will be viewed in exactly the same way as any other nominations.

2. They may represent the LA view, but in all cases the interests of the school are paramount and all governors shall abide by the governing body's rules and code of conduct.

3. A governor appointed by the LA must, like all governors be in a position to:

- Offer time, commitment and energy to the role.
- Become well informed about current educational thinking.
- Know about the needs of the school, its staff and pupils.
- Visit the school with purpose, sensitivity and understanding.
- Undertake training as necessary.
- Attend meetings regularly.
- Conform to agreed procedures at meetings, including the need for confidentiality concerning certain matters discussed in Governing Body meetings especially in relation to individual staff, pupils and parents.
- Undertake appropriate preparation and reading.
- Work co-operatively as a member of a team, accepting collective responsibility for decisions made.
- Share responsibilities including service on committees
- Find out as much as possible about the community served by the school.
- Understand that the position does not offer a personal or political platform.
- Offer commitment to raising education standards to enable every child and young person to reach their full potential

4. When an LA governor vacancy occurs, the school may advise the LA of its needs in terms of balance of skills, gender or other considerations for the good of the school. It shall have the right to submit names for consideration.

5. When an LA Governor vacancy occurs, the County Councillor in whose electoral area the school is situated, will be informed. (All other County Councillors will be advised by e mail of the vacancy for information.) (S)He should consult the school's headteacher and chairman of governors as well as fellow Councillors in cases where pupils are drawn from beyond his/her electoral division. (S)He may recommend names for consideration.

6. The LA will appoint the persons most suitable to be governors according to the criteria set out above. The appointment will be made as soon as possible after the vacancy arises, recognising the serious operational difficulties which may occur when governing bodies are incomplete.

7. The LA is able to remove governors which it has appointed by giving written notice to the clerk to the Governing Body and to the governor who is to be removed. The governor will be given the opportunity to make written

representation before removal. The LA will only remove a governor for a good reason.

8. Whilst it is anticipated that such procedures will be used infrequently, it is important for there to be a mechanism in place, if required, for the removal of local authority governors in order to ensure that difficulties, if they arise, can be dealt with in a consistent way. It is expected that these procedures would be used, for example, where there is evidence that the governor concerned has seriously or persistently breached their Governing Body's Code of Conduct, or there are significant other issues such as those detailed below. Removal of a local authority governor from office will only be used as a last resort after seeking to resolve any difficulties or disputes in a constructive way. Before the LA begins a formal process of removal, LA Officers will offer some form of conciliation, if appropriate, to seek to resolve the situation. Where there is no effective remedy, then the governor may be considered for removal from office.

9. All requests to remove a local authority governor from office would in the first instance be referred to the Chief Officer, Education who will consider the grounds for removal. The Chief Officer will then make a recommendation to the Chair of the LA Governor Appointments Committee on whether there are grounds for removal and he/she will take a decision. If the Chair of the Committee decides that there are no grounds for removal, he/she will write to the proposer and if appropriate, the governor concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties. If the Chair of the LA Governor Appointments Committee decides that there may be grounds for removal, he/she will write to the governor concerned setting out the reasons why the matter has been referred for decision by the Committee and invite the governor to make written representation.

10. Reasons for the removal from office include, but may not be limited to, any of the following:

- Conduct that is inconsistent with the ethos or religious character and has or is likely to bring the school, the governing body or their office as a governor, or the LA into disrepute.
- Serious failure to co-operate with the LA, governors or the governing body as a whole.
- Irretrievable breakdown in relationship between the governor and the governing body and/or local authority.

11. The LA Governor Appointments Committee will meet and make a decision on the matter following receipt of the written representations from both parties. If necessary, both parties may be called to a meeting to give an account of their representation.

12. If a decision to remove is made, the Chair of the LA Governor Appointments Committee will write to the governor dismissing him or her from the Governing Body of the School, setting out the reasons for the decision. A copy of the letter will be copied to the clerk to the Governing

Body. If the proposal is not agreed, the Chair of the LA Governor Appointments Committee will write to the proposer and governor concerned, setting out the reasons for the decision and advising, where appropriate, on a way forward to resolve any remaining difficulties. Any governor who is removed from office may not be appointed to a governing body as a LA governor for a period of twelve months from removal. Should the governor concerned hold office on another governing body, that position would not necessarily be affected by his/her removal from the governing body the removal relates to; however, consideration would be given to this at the same time.

## **(f)STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)**

### 1. Function

- (a) To advise the Local Education Authority (LEA) upon matters connected with religious worship in county schools and religious education (RE) to be given in accordance with an agreed syllabus for the Authority.
- (b) It can require the LEA to review the RE agreed syllabus and establish an agreed syllabus at a formal meeting called an Agreed Syllabus Conference.
- (c) To consider any application made by a head teacher for their school to be released from the requirement that collective worship be wholly or mainly of a broadly Christian character for some or all of the pupils in that school (determination).

The main role, therefore, is to support effective provision of collective worship, and religious education in accordance with the Agreed Syllabus.

Each LEA should work with its SACRE to review the existing provision for RE and consider with the SACRE whether any changes need to be made in the Agreed Syllabus or in the support offered to schools.

Similarly it should work with its SACRE to monitor the provision of daily collective worship and to consider with it any action which might be taken to improve provision.

It is for the LEA to decide what matters it wishes to refer to its SACRE, but these should include methods of teaching, the choice of teaching material and the provision of teacher training.

A SACRE is not confined to advising on matters referred to it by its LEA; it may offer advice on any matters related to its functions as it sees fit.

The advice offered by a SACRE carries no statutory force. However, the LEA or school should always give careful consideration to advice offered.

LEAs are encouraged to keep their SACRE fully informed on all matters relating to RE and collective worship in their schools. This should include, where appropriate, information on individual schools following inspection by Estyn.

2. Annual Reports

SACRE must publish an annual report on its work. This should:

1. specify any matters on which it has advised the LEA
2. broadly describe the nature on that advice; and
3. Set out its reasons for offering advice on any matters which were not referred to it in the first place by the LEA.

A copy of the annual report must be sent to DCELLS (by 30<sup>th</sup> December). LEAs are encouraged to send copies of the annual report to schools and local teacher training institutions.

3. Composition

SACRE shall consist of representation from:

- Christian denominations and other religions and religious denominations, to broadly reflect the proportionate strength of the denomination in the area. It is recognised that there will be occasions when the interests of efficiency override the requirement for directly proportionate representation;
- Such associations representing teachers as, in the opinion of the authority, ought to be represented; and
- The local education authority.

It may also appoint co-opted members if required although these members have no voting rights.

It is for the LEA to appoint the members of the three groups.

Each group has a single vote on any matter to be decided by SACRE.

4. Chair

Legislation does not prescribe how the chair should be appointed. It is open to the authority to appoint the chairperson, or to allow a SACRE to appoint its own chair from its members.

5. Meetings & Business

Monmouthshire SACRE normally meets each term (3 meetings per annum) but meetings can be arranged as required.

A member from each group must be present for SACRE to be quorate.

The LEAs duty to convene a SACRE implies a duty to fund this body satisfactorily. The LEA should provide a clerk and sufficient funds for it to perform its functions.

SACRE is required to provide an annual report of its work which must be submitted to DCELLS (by 30<sup>th</sup> December).

A review of the Agreed Syllabus must be carried within every five year period.

6. Attendance \*

Apologies should be made in advance if a member cannot attend a meeting. Any member who has not attended three consecutive meetings without Apology will lose the right to his/her place. Supply cover will be paid for teachers' attendance at meetings. Religious representatives may claim expenses from their respective Organisations.

7. Membership of WASACRE

Monmouthshire SACRE is a member body of the Welsh Association of SACREs. Four SACRE representatives are nominated for attendance at WASACRE but these may be substituted as required.

The RE Adviser to SACRE shall act for the LEA at WASACRE meetings.\* Supply cover and travel expenses will be paid to teacher representatives attending meetings. Religious representatives may claim expenses from their respective organisations.

**(g) COLLABORATION AGREEMENT WITH COMMUNITY AND TOWN COUNCILS**

To review and update the Collaboration Agreement

**(h) APPOINTMENT COMMITTEE**

Appointed originally to take all decisions relevant to the recruitment of posts created as part of the management restructure 2010 this committee will appoint non-statutory chief officers and deputy chief officers.

**(i) REVIEW OF AREA COMMITTEES**

To develop terms of reference, size of areas, numbers of committees including forums and support staff, and to report back to the County Council.

**(j) COORDINATING BOARD**

- To manage the political business processes and the relationship between the constituent parts of the Council's political machinery.
- To review Council, Cabinet and Committee work programmes with a view to improving co-ordination and avoiding duplication.
- To enable Chairs to keep the Board informed of progress eg on Select Committee and other reviews.
- To share best practice across Committees and identify training and development needs
- To enable the Chief Executive to brief Chairs about forthcoming issues

**(k) REMUNERATION COMMITTEE (CHIEF EXECUTIVE)**

To make recommendations to the Council on pay and remuneration issues relating to the Chief Executive.

The Committee will meet at least annually

**(l) INVESTIGATION COMMITTEE**

Appointed pursuant to the Council's Officer Employment Procedure Rules relating to the Head of Paid Service, Chief Finance Officer and Monitoring Officer

**(m) DISCIPLINARY COMMITTEE**

Appointed pursuant to the Council's Officer Employment Procedure Rules relating to the Head of Paid Service, Chief Finance Officer and Monitoring Office