

APPENDIX C - 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.) They 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. They 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 they will take a decision. If the Chair of the Committee decides that there are no grounds for removal, they 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, they 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 them 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 RELIGION, VALUES AND ETHICS(SAC)

1. Function

To advise the local authority, in accordance with section 391(1A)(a) of the Education Act 1996, upon matters connected with:

- (i) religious worship in community schools, and
- (ii) the provision of teaching and learning, under the Curriculum and Assessment (Wales) Act 2021, either in respect of the mandatory element of Religion, Values and Ethics (within the meaning of that Act) (“RVE”), or under section 60 of that Act (post-compulsory education in maintained schools: Religion, Values and Ethics), as the authority may refer to SAC or as SAC may see fit.

To provide particular advice in respect of the above matters around the methods of teaching, the choice of materials and the provision of training for teachers (section 391(2), Education Act 1996).

To carry out, in accordance with section 391(1A)(b) of the Education Act 1996, the functions conferred on SAC by section 394 of the same Act (determination of cases in which requirement for Christian collective worship is not to apply).

Where the representative groups so demand (other than the group consisting of persons appointed to represent the local authority), to require the local authority, in accordance with section 391(3) of the Education Act 1996, to review and establish the RVE agreed syllabus via an agreed syllabus conference in accordance with paragraph 3 of Schedule 31 to the same Act. In accordance with Welsh Government guidance, SAC should request a review of the RVE agreed syllabus at least once every 5 years.

To publish in each year a report as to the exercise of its functions and any action taken by its representative groups in terms of requesting a review of the RVE agreed syllabus during the last preceding year (section 391(6)-(7), Education Act 1996). A copy of that report must be sent to the Department for Education and Skills, Welsh Government

To handle legacy advisory functions formerly the responsibility of the Monmouthshire Standing Advisory Council on Religious Education (“SACRE”), relating to the RE syllabus for those school years in which the RVE agreed syllabus has not yet been implemented.

To meet at least once a term (i.e. 3 meetings per academic year), but meetings can be arranged as required. The duty to convene a SAC implies a duty to fund the body satisfactorily. The local authority shall provide a clerk and sufficient funds for it to perform its functions.

2. SAC shall consist of representation from:

- Christian denominations and other religions and religious denominations, and non-religious philosophical convictions, the number of members appointed to the group to represent a religion, denomination or non-religious philosophical conviction being broadly reflective, so far as is consistent with the efficient discharge of the group's functions, of the proportionate strength of the religion, denomination or non-religious philosophical conviction in the area;
- 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 local authority to appoint the members of the three groups.

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

It is open to the local authority to appoint the chairperson, or to allow a SAC to appoint its own chair from its members.

Composition:

Local authority - 6 places representing Monmouthshire County Council

Religions, denominations and non-religious philosophical convictions – 13 places:

Representing the Church in Wales (1)
Representing the Roman Catholic Church (1)
Representing the Free Church Council (4)
Representing the Bahai'i Faith (1)
Representing the Buddhist Faith (1)
Representing the Hindu Faith (1)
Representing the Muslim Faith (1)
Representing the Jewish Faith (1)
Representing the Sikh Faith (1)
Representing non-religious philosophical convictions (1)

Representing the Teachers Associations 7 places

Co-opted Members 2 places

The representative for non-religious philosophical convictions shall not participate or vote when SAC determines legacy SACRE matters.

Membership of WASACRE

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

The RE Adviser to SAC shall act for the local authority at WASACRE meetings.

Supply cover and travel expenses will be paid to teacher representatives attending meetings.

Religious representatives and those representatives representing non-religious philosophical convictions may claim expenses from their respective organisations.

Any member who has not attended three consecutive meetings without apology will lose the right to their place.

Supply cover will be paid for teachers' attendance at meetings.

7. Membership of WASACRE

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

The RE Adviser to SAC shall act for the LA 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) 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

(h) DISCIPLINARY COMMITTEE

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

(I) REMUNERATION COMMITTEE

TERMS OF REFERENCE

1. Scope

To determine the remuneration for the Council's Senior Leadership Team which consists of the Chief Executive and 7 Chief Officers.

The purpose of the review is that there is a risk that the authority will not be able to attract qualified and competent chief officers due to uncompetitive pay arrangements.

The issue is about balancing the need for senior pay to be set in a fair, transparent way and be deemed an appropriate use of public funds, with the equal need to attract and reward leaders of sufficient calibre to drive a constant process of change and improvement.

We have a track record of creativity and innovation. We will need to build on this so that we are:

- A Fair place to live where the effects of inequality and poverty have been reduced;
- A Green place to live and work, with reduced carbon emissions, and making a positive contribution to addressing the climate and nature emergency;
- A Thriving and ambitious place, where there are vibrant town centres, where businesses can grow and develop;
- A Safe place to live where people have a home and community where they feel secure;
- A Connected place where people feel part of a community and are valued;
- A Learning place where everybody has the opportunity to reach their potential

2. Background

Local Authorities are required to be transparent as to how they use public monies. They have to publish each financial year a pay policy setting out its remuneration for its chief officers.

The **Localism Act 2011 (section 38 (4))** states that a pay statement must include the authority's policies relating to:

- (a) the level and elements of remuneration for each chief officer,
- (b) remuneration of chief officers on recruitment,
- (c) increases and additions to remuneration for each chief officer,
- (d) the use of performance-related pay for chief officers,
- (e) the use of bonuses for chief officers,
- (f) the approach to the payment of chief officers on their ceasing to hold office under or to be employed by the authority, and
- (g) the publication of and access to information relating to remuneration of chief officers.

A Chief Officer is defined in **s.43(2)** of the **Localism Act 2011** as:

(aa) its chief executive appointed under—

(i) section 54 of the Local Government and Elections (Wales) Act 2021 (chief executive of council in Wales), or

(ii) regulations made under Part 5 of that Act (chief executive of a corporate joint committee).

(b) its monitoring officer designated under section 5(1) of the Local Government and Housing Act 1989;

(c) a statutory chief officer mentioned in section 2(6) of that Act;

(d) a non-statutory chief officer mentioned in section 2(7) of that Act;

(e) a deputy chief officer mentioned in section 2(8) of that Act;

(f) its head of democratic services designated under section 8(1) of the Local Government (Wales) Measure 2011 (designation by council of a county or county borough in Wales).

s.54(3) of The Local Government and Election (Wales) Act 2021 requires the Chief Executive to keep under review such matters as:

(a) the manner in which the exercise by the council of its different functions is co-ordinated;

(b) the council's arrangements in relation to—

(i) financial planning,

(ii) asset management, and

(iii) risk management;

(c) the number and grades of staff required by the council for the exercise of its functions;

(d) the organisation of the council's staff;

(e) the appointment of the council's staff;

(f) the arrangements for the management of the council's staff (including arrangements for training and development).

3. Decision

All decisions will be made in accordance with the following principles: (a) proportionately (i.e. the action must be proportionate to the desired outcome); (b) due consideration and the taking of professional advice from Officers; (c) respect for human rights; (d) a presumption in favour of openness; (e) clarity of aims and desired outcomes; (f) consideration of any alternative options; and (g) the giving and recording of reasons for the decision and the proper recording of these reasons.

The committee has to:-

- Make recommendations on senior pay and reward issues to Council
- Make recommendations on structure of senior pay and reward, and grounds for pay progression.

- To comply with the requirements set out in the Local Government (Wales) Act 2015, and any subsequent legislation, which relate to senior pay decisions. The committee and the Council must have regard to any Independent Remuneration Committee's recommendations when reaching decisions on relevant pay. Appendix 1 provides the process to refer any pay recommendations to the Independent Remuneration Committee (IRP).

The terms of reference will be subject to approval by Council.

4. General Principles

- No permanent change to pay and reward of the Senior Leadership Team can be actioned until it is ratified by Full Council
- The basic pay of the Senior Leadership Team (including the Chief Executive) will be determined using an Independent HR Consultant and advice sought from any other external experts as deemed appropriate.
- The Committee will provide a structured governance body through which recommendations affecting Chief Officers pay can be taken in the best interests of Monmouthshire County Council and its stakeholders. It enables remuneration issues to be reviewed and considered with an impartial and balanced mind-set.

5. Role

The Remuneration Committee will make recommendations to Council on the permanent pay and reward of Senior Managers. It will:-

- a) Contribute to the Council's positive reputation with regard to having appropriate and effective corporate governance arrangements for senior pay by operating an independent, transparent and informed approach to managing senior pay through the Remuneration Committee.
- b) Develop broad policy decision for senior pay, having regard to the Council's Pay Policy 2024
- c) Propose levels of remuneration considered to be sufficient to attract, retain and motivate senior managers of the quality required to run the organisation successfully.
- d) Consider the affordability of its proposals
- e) Be sensitive to the context of senior pay, including pay and employment conditions elsewhere in the organisation
- f) Ensure the relationship between reward and senior management tiers and for employees below this level remain reasonable
- g) Ensure individuals are fairly and responsibly rewarded for their individual contribution
- h) Understand what other relevant organisations are paying for similar roles as well as their general approach to reward, and consider whether Monmouthshire County Council should position itself in relation to 'the market' – for example, whether the Council's approach may be to pay at around the lower quartile, median or upper quartile of the market etc.
- i) Ensure that proper and professional advice is obtained to assist in its deliberations

The committee's recommendations will be based on data, advice, evidence and views collected from a number of possible sources – for example:

- External pay data, advice and facilitation (e.g. from external consultants or other sources)
- The Council's Chief Executive, key documents and reports

The Council's policies such as People Strategy

- Performance data where relevant

The committee would not normally expect to present all of the background data and advice it had received

6. Membership & Support

The committee will comprise of 6 Members to give a balanced political background. One member of the committee will act as Chair. The Chair will be appointed at the first meeting.

The membership should include the Lead Member for Resources and one member from Cabinet.

The Lead HR Business Partner will provide a 'secretariat' function to the Committee because she is not part of SLT or a Head of Service. She will be responsible for arranging meetings, coordinating and preparing documentation and arranging support, training, advice and information for the Committee.

The Committee may commission external independent expertise to train and support them in fulfilling their role and/or to provide external data or advice (including relevant market and regional data). The Lead HR Business Partner will provide details of external experts considered suitable for the purposes in terms of experience, cost and best value for the Committee to select from.

7. Confidentiality

Members will be expected to maintain confidentiality whilst discussions are taking place and until the decisions have been published.

8. Conflicts of Interest

Should any committee member feel there is a conflict of interest with regards to any agenda item or discussion in the committee:-

- They should declare any personal and/or prejudicial interest in the matter
- It is prejudicial then they should leave the meeting during any discussion on the matter

(J) Appointments Committee

5 Members are to be appointed to the Committee. At least one member, but not more than half the total membership must be a Cabinet member (The Local Authorities (Standing Orders) (Wales) Regulations 2006).

To discharge the functions of the Council in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006) other than the Chief Executive and Chief Officers who are part of the Council's Strategic Leadership Team, in accordance with the Council's policies and procedures.