

Section One — Terms of Reference

- 1.0** The functions of the full Council shall be those set out in Article 4.
- 2.0** The functions of the Cabinet shall be **all** those functions not reserved to the full Council in Article 4 **or** specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Order 2000, as amended, to be dealt with by **or** delegated to a Committee, as set out in more detail in the Terms of Reference below; the Cabinet shall accordingly discharge the remaining ‘local choice’ functions contained in the Schedule 2 referred to above, as follows:

Function	Limitation
Any function under a local Act other than a function specified or referred to in Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Order 2000 or Schedule 2 thereof.	Excepting determination of the budget and policy framework and any other constitutional and quasi-legislative functions and any functions which involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person (except in case where there is only limited discretion in the discharge of the function) together with any related enforcement action (including prosecution).
Obtaining the particulars of persons interested in land under s16 of the Local Government (Misc. Provisions Act 1976	None
Making agreements for the execution of highways works	None
Making agreements with other local authorities for placing staff at the disposal of those other authorities.	None

- 2.1** The Cabinet shall be responsible for the development and approval of any policy, strategy, operating procedure or criteria and/or plan of the Council within and to deliver the budget and policy framework approved by the County Council under Article 4.
- 2.2** Responsibility for the functions of the Cabinet shall be assigned by the Leader of the Council to the individual members of the Cabinet (Cabinet Members) working collegiately with the Cabinet remits set out for the time being in Paragraph 8.0 below to ensure the integrated delivery of services. The names and addresses of current members of the Cabinet, the divisions they represent and

the remits they have been assigned are contained in a Register maintained by the Chief Executive.

3.0 The functions of the Council not discharged by the Cabinet in accordance with Paragraph 2 shall be the responsibility of the following Committees:

Appeals Committee
Appeals (Chief Officer) Committee
Appointments, Remuneration and Chief Officer Conduct Committee
Audit Committee
Development Management Committee
Health & Wellbeing Board
Investment and Pension Fund Committee
Locality (County) Committees (one for each District Council area)
Personnel Partnership and Personnel Panel
Procedures Committee
Public Rights of Way Committee
Standards Committee

The Terms of Reference of these Committees and any Committees of the Cabinet are set out in Paragraph 9.0.

4.0 Personnel matters – save those issues dealt with by the Appointments, Remuneration and Chief Officer Conduct Committee – shall be dealt with by a Personnel Partnership (comprising an equal number of elected members and staff representatives with the Chairing alternating annually between a Member and a staff representative) and a Personnel Panel. The terms of reference for both are set out in paragraph 9.

5.0 The functions of Scrutiny Committees are as set below and out in Article 7 and in the Council's Scrutiny Procedure Rules.

6.0 The Cabinet will be responsible for the discharge of all the functions of the Council under Education and Social Services legislation and in its capacity as Highway Authority (other than those exercised by the Public Rights of Way Committee), County Planning Authority (other than the determination of planning applications), Waste Disposal Authority, Public Transport Authority and Traffic Authority, Corporate Public Health and health and wellbeing duties and for all its statutory duties, including the exercise of relevant powers not specifically delegated by the Council to other Committees.

6.1 The Cabinet shall arrange for the discharge of certain of its functions by the following Committees of the Cabinet:

- 1) the management and development of the County Farms Estate, by the Farms Estate Committee, within the general strategy, policies and operating procedures of the Council;

- 2) those responsibilities for highways set out in paragraph 9.16 below by area Highways and Traffic Orders Committees;

7.0 In particular the Cabinet will:

- 1) participate in the annual budgetary process in accordance with the budget framework and keep under review the Council's treasury management policies and practices;
- 2) direct the Council's economic regeneration activities;
- 3) provide advice in the development of strategic, waste and minerals planning;
- 4) establish policies and procedures relating to the Council's property;
- 5) address issues of importance or public concern to the County;
- 6) consider references from Scrutiny Committees, Locality (County) Committees and Highways and Traffic Orders Committees;
- 7) receive the minutes of other Committees referred to at 6.1 above;
- 8) approve Local Impact Reports relating to applications for development consent in respect of nationally significant infrastructure projects (commonly referred to as major infrastructure projects) as set out in Section Four of this Part of the Constitution.

8.0 The responsibilities of the Cabinet shall be divided into the following Remits. Cabinet Members will also exercise regular budget monitoring of the resources allocated by the Council for those purposes, seek to achieve best value in the services for which they are responsible and have regard to the Council's policies and strategic objectives with respect to sustainability and health and wellbeing generally, to achieve the co-ordinated management of the Council's plans and policies and the integrated delivery of services for the people of Devon. Where elements of these Remits overlap with another, Cabinet Members will exercise their responsibilities jointly, particularly in respect of identifying the future delivery and direction of services.

8.1 Policy, Corporate and Asset Management

Responsibility for the overall strategic direction and the development of external relations and partnerships including Team Devon, and oversight of the formulation and coordination of corporate planning and policy development within the Council's Policy and Budget Framework and, in particular, the oversight of its governance and external affairs arrangements.

Also responsible for the management of the Council's property, the use of its assets and the development of its estates, including the schools' and education property portfolio and the Farms Estate.

8.2 Adult Social Care & Health Services

Responsibility (a) as Lead Member for Adult Social Care for the discharge of all the Council's statutory functions, powers and duties under Social Services legislation and all the functions of the Council which relate to the care and welfare of adults and those entering adulthood, including those with additional needs, the commissioning of integrated social care and health services for those in need; adult protection and harm reduction services and the provision of services for families with most complex needs and support for carers and (b) for fulfilling the Council's statutory lead role in relation to the Council's Health & Wellbeing Board.

8.3 Children's Services and Schools

Responsibility as Lead Member for Children's Services, for the discharge of all the Council's statutory functions, powers and duties in relation to children's social care and education and learning: this to include the Council's functions as local education authority particularly in respect of schools, support to children with special educational needs, provision of learning services, strategic commissioning of integrated services for children & young people, school planning, school transport and early years services; for child protection and harm reduction services, the Youth Offending Service, children in care and support for young carers: having regard to the Council's strategic objectives and working collegially to secure the future delivery and direction of these services.

Cabinet liaison for co-ordinated management of the Council's plans and policies and the integrated delivery of services for the people of Exeter by the County Council and partner organisations acting as the Cabinet proponent for advancing the needs of and aspirations of the County's Capital City.

8.4 Climate Change, Environment and Transport

Responsible for the Council's commitment to Climate Change and the principles of the Devon Climate Declaration, in particular carbon reduction and working in partnership with public, private and voluntary organisations to achieve its objectives.

Responsibility for strategic and infrastructure planning generally and for the provision of transport services in the community, for coast protection planning and for those Council services which safeguard individuals in the community and enhance their quality of life including countryside management, heritage, biodiversity and conservation.

Responsibility for delivering the Council's major infrastructure schemes including all transportation links and the children's and adults services, highways, environment and corporate capital programmes, in cooperation with other Cabinet Members, integrating resources and utilising external partner relationships, and for the discharge of the Council's functions relating to public transport and other energy-related issues: having regard to the Council's strategic objectives and working collegiately to secure the future delivery and direction of services.

8.5 Economic Recovery and Skills

Responsibility for the progression and promotion of economic recovery and development of the County; the encouragement of employment through regeneration and investment; fulfilling the Council's lead role relating to the provision of post-16 education, training and skills for employment in schools, colleges and other settings and for the provision of trading standards and consumer protection: having regard to the Council's strategic objectives and working collegiately to secure the future delivery and direction of services.

Also responsible for fulfilling the Council's role in relation to Local Enterprise Partnerships (LEPs).

8.6 Finance

Responsible for and the oversight of the Council's finances, annual budget setting, medium and long term financial planning, monitoring of expenditure, year-end closure of accounts and Treasury Management activities, to achieve value for money in the delivery of Council services.

8.7 Highway Management

Responsibility for the discharge of the Council's powers and duties as a Highway Authority, taking particular account of road safety requirements and asset management of the county highway network and for the implementation of a Local Transport Plan including the provision of cycle routes; having regard to the Council's strategic objectives and working collegiately to secure the future delivery and direction of services.

8.8 Organisational Development, Workforce & Digital Transformation

Responsibility for co-ordinating the management of organisational development and digital transformation in the Council to secure effective Council wide transformational outcomes for the benefit of citizens and communities including digital inclusion and digital skills.

Responsibility for the continuous improvement of performance and risk management across the Council, for all workforce issues which fall outside the remit of the Personnel Partnership, the development of the

Council's digital and technology platforms, Procurement systems and procedures, oversight of the Council's legal and communications services, including Freedom of Information, customer service arrangements and access to services by users and clients.

8.9 Public Health, Communities and Equality

Responsibility for the discharge of the Council's public health functions and health protection and promoting the health and wellbeing of the public and also responsible for those Council services which safeguard individuals in the community and enhance their quality of life: in particular local flooding, waste management including recycling, community safety, food insecurity, financial hardship and other community inequalities, emergency planning and gypsies and travellers.

This includes collaborating with and supporting other public sector bodies, voluntary and community organisations to develop relationships for mutual advantage and community gain, working together for the benefit of people and communities in Devon.

Responsible for the Council's statutory duties and responsibilities in relation to equality, diversity and inclusion together with its own equality policies and objectives.

Responsible also for the Registration Service and for the provision of a basic adult learning services, a library and archives service and support for the arts and for the discharge of all the Council's statutory functions, powers and duties in relation to the provision of youth services.

Responsible for the Armed Forces Covenant and initiatives thereunder.

8.1 Advisory Groups

8.1.1 From time to time, the Council may appoint Advisory Groups to advise and assist Cabinet Members in carrying out their duties, for example, to initiate the review and development of policies or discuss major issues prior to consideration by the Cabinet.

8.1.2 Where the Council has decided not to appoint Advisory Groups an Cabinet Member shall, nonetheless, have the right to convene, on an ad hoc basis and at his/her discretion, a small representative group of members of the council (i.e. all party) to assist them with particular issues or matters.

8.1.3 It is the Cabinet Member's prerogative to convene such meetings and frame the agenda. These Groups are not decision-making bodies and will not therefore be held in

public. Administrative support will be provided by the appropriate Head of Service including, inter alia, co-ordinating arrangements and preparing and circulating relevant papers and notes of the meeting, which shall be available to all members of the Council. Meetings must be fixed as far in advance as possible and shown in the Council's calendar of meetings and on the internet to avoid potential clashes and to give Members as much notice as possible.

9.0 Committees

9.1 Health & Wellbeing Board

To exercise the functions of the Council to:

ensure the delivery of improved health and wellbeing outcomes for the population of Devon, with a specific focus on reducing inequalities;

promote the integration of health, social care and public health, through partnership working with the NHS, Social Care Providers, District Councils and other public sector bodies;

promote an integrated health improvement approach to public health service provision, and to;

provide a local governance structure for the local planning of and accountability for all health and wellbeing related services to individual adults and young people and families working with strategic alliances, partnerships or national or local initiatives not identified hereunder which may impact on the commissioning or provision of services

assess the needs and assets of the local population and lead the development of the statutory Devon Joint Strategic Needs Assessment (JSNA) in partnership with Clinical Commissioning Groups

similarly, produce and update a Devon Joint Health and Wellbeing Strategy to provide a strategic framework to meet the needs identified in the JSNA

promote joint and joined-up commissioning and pooled budget arrangements, where that makes sense as a means of promoting integration and partnership working across areas

ensure that all commissioning plans and policies reflect the health and wellbeing priorities identified through the joint needs assessment process

to receive regular reports from the Devon, Plymouth & Torbay Health Protection Committee, the Devon Children Young People's & Families

Alliance, the Devon Children's and Adults Safeguarding Boards, Healthwatch Devon and other stakeholders, as required.

Scrutiny Committees

(see also Article 7 and Table 1 of the Council's Scrutiny Procedure Rules)

9.2 Corporate, Infrastructure and Regulatory Services Scrutiny Committee

- 1) To review the implementation of the Council's existing policy and budget framework and ensure effective scrutiny of the Council's Treasury Management Strategy and policies and consider the scope for new policies for the Council's use and management of its resources and the discharge of its corporate and strategic services and governance arrangements and community safety activity, including emergency planning and the Council's functions in the scrutiny of authorities responsible for crime and disorder strategies;
- 2) To review the implementation of existing policies and to consider the scope for new policies with regard to all aspects of the discharge of the Council's 'place shaping and universal population services' functions concerning the environment, economic activity and enterprise, integrated planning and transport and community services, including libraries, arts and cultural heritage of the County, an integrated youth service and post 16 education & skills;
- 3) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity and relate overview and scrutiny to the achievement of the Council's strategic priorities and objectives and of delivering best value in all its activities;
- 4) To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

9.3 Children's Scrutiny Committee

- 1) To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council's functions concerning the provision of personal services for children including social care, safeguarding and special needs services, schools and learning;
- 2) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity;
- 3) To relate scrutiny to the achievement of the Council's strategic priorities and objectives and of delivering best value in all its activities;

- 4) To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

9.4 Health & Adult Care Scrutiny Committee

- 1) To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council's functions concerning the provision of personal services for adults including social care, safeguarding and special needs services and relating to the health and wellbeing of the people of Devon, including the activities of the Health & Wellbeing Board, and the development of commissioning strategies, strategic needs assessments and, generally, to discharge its functions in the scrutiny of any matter relating to the planning, provision and operation of the health service in Devon;
- 2) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity;
- 3) To relate scrutiny to the achievement of the Council's strategic priorities and to its objectives of promoting sustainable development and of delivering best value in all its activities;
- 4) To make reports and recommendations as appropriate arising from this scrutiny to the County Council and to the Secretary of State for Health, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

9.5 Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee

- 1) To provide strategic overview and Scrutiny of the activities of the Heart of the South West (HotSW) Local Enterprise Partnership (LEP) to complement the existing Council's Scrutiny arrangements.
 - The review of strategic decisions made by the LEP Board;
 - The review of progress of programmes under the management of the LEP to identify barriers to progress, good practice and possible improvements to the LEP's programme management function, notwithstanding the ability of Local Authorities to scrutinise individual programmes of delivery which impact on their communities;
 - Scrutiny of the development and delivery of the Strategic Economic Plan and the Productivity Strategy and Local Industrial Strategy; and
 - To review LEP performance and effectiveness and consider any comparative data the Joint Committee deems necessary.

(Strategic overview of the LEP functions is reserved to the Joint Scrutiny Committee (which doesn't remove the right of other Scrutiny Committees to scrutinise matters relating to programme delivery).

Regulatory Committees

(exercising executive, non-executive and/or local choice functions set out hereunder, in line with paragraph 2 above)

9.6 Investment & Pension Fund Committee

To discharge the duties of the Council as Administering Authority of the Pension Fund, review and approve the annual statement of accounts of the Devon Pension Fund, consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from any audit that need to be brought to the attention of the Council. To review and approve the annual statement of the Pension Fund accounts. To exercise the powers and duties of the County Council as a shareholder of any vehicle established to manage the Council's Investment and Pension Funds.

9.7 Devon Pension Board

To assist the Administering Authority (the County Council) for the Devon Pension Fund (LGPS) Fund in securing compliance with any Legislation and Statutory Regulation relating to the governance and administration of the Local Government Pension Scheme or any requirements imposed by the Regulator in relation thereto, to ensure the effective and efficient governance and administration of the LGPS.

9.8 Appointments, Remuneration and Chief Officer Conduct Committee

To make recommendations, as appropriate, to the Council on the discharge of its duties in relation to:

- a) the appointment, remuneration and conditions of service of all substantive Chief Officer and Heads of Service posts, including the Head of Paid Service, Director of Finance (Chief Finance Officer),

and County Solicitor (Monitoring Officer), in line with the Council's Pay Policy Statement.

- b) Appointments to the post of Director of Public Health are jointly made (Local Authority and Secretary of State) and must comply with the relevant statutory guidance, therefore both the process and composition of the Committee will reflect that guidance accordingly.
- c) Appointments by Local Authorities to the post of Coroner (including terms and conditions) must be in line with the Coroners and Justice Act 2009 and relevant guidance, thereby requiring the consent of the Chief Coroner and the Lord Chancellor of any appointment.
- d) any reports from the Chief Executive in relation to a change in the manner in which the discharge of the Council's functions is co-ordinated and the number and grades of officers;
- e) the dismissal of Officers in line with the Council's Chief Officer Employment Procedure Rules and Disciplinary and Dismissal Policy for Chief Officers and Heads of Service¹
- f) the terms in the event of the cessation of employment of Officers at (a) above;
 - To discharge the duties of the Council and determine, as appropriate, any disciplinary matters short of dismissal in relation to those Senior Officers at (a) above governed by and in accordance with the Council's Chief Officer Employment Procedure Rules and Disciplinary and Dismissal Policy for Chief Officers and Heads of Service.
 - To review annually (or as otherwise determined) and recommend to the County Council the adoption of the Pay Policy Statement and Chief Officer Employment Procedure Rules set out at Part 6 of this Constitution.
 - The Chair of the Committee (Leader of the Council) shall have delegated to them, in consultation with the Deputy Leader of the Council, the power to suspend a Protected Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct are such that the Officer's remaining presence at work poses a serious risk to the health

¹ (An Independent Panel comprised of at least two independent persons appointed by the Council, for the purposes of the Council Members' conduct regime under section 28(7) of the Localism Act 2011 can review a recommendation of the Appointments, Remuneration and Chief Officer Conduct Committee proposing dismissal of the Chief Executive and any representations made by the Chief Executive).

and safety of others or the resources, information or reputation of the Authority.

9.9 Appeals (Chief Officer) Committee

To discharge, on behalf of the Council, the following duties:

- a) Hearing an appeal of a Chief Executive / Protected Officer against action taken by the Appointments, Remuneration and Chief Officer Conduct Committee on Sanctions (except for dismissal).
 - b) Consideration of an Investigation Report and any other relevant information considered by the Appointments, Remuneration and Chief Officer Conduct Committee.
- (a) Listening to the Chief Executive/Protected Officer who have the opportunity to state their case in person.
- (b) Giving careful consideration to these matters and conduct any further investigation it considers necessary to reach a decision.
- (c) Deciding whether to;
 - confirm the sanction of the Appointments, Remuneration and Chief Officer Conduct Committee;
 - impose no sanction; or
 - impose a lesser sanction.

(The decision of the Appeals Committee is final).

9.10 Appeals (Chief Officer) Committee

To discharge the functions of the Council as County Planning Authority:

- 1) by determining planning applications relating to minerals, waste disposal and the Council's own development proposals;
- 2) by dealing with other matters relating to town and country planning legislation;

and any other (non-executive or local choice) functions not reserved to the full Council in Article 4 or specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Order 2000, as amended, or to be discharged by the Cabinet or other Committee, as set out in the Council's Scheme of Delegation (see Introductory/Explanatory Note);

To oversee the production of the County Council's Minerals and Waste Plans, subject to approval at formal stages by the Cabinet and County Council, and to prepare and approve all other documents forming part of the County Council's Minerals and Waste Development Framework.

[A mechanism by which in certain circumstances an appeal against a decision by this Committee to refuse planning consent for proposed County Council development is set out in Section 3 of this Part of the Constitution. The Development Management Protocol adopted by the County Council is set out at Part 4 of this Constitution].

[Arrangements for responding to nationally significant infrastructure projects (commonly referred to as major infrastructure projects) are set out in Section Four of this Part of the Constitution].

9.11 Audit Committee

Audit Activity

To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with the Audit Commission (or any successor body) over the appointment of the Council's external auditor.

To commission work from internal and external audit.

Regulatory Framework

To make recommendations as appropriate to the Standards Committee and the Procedures Committee in respect of contract procedure rules,

financial regulations, codes of conduct and behaviour, whistleblowing policies and the Council's internal complaints procedure.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other published standards and controls.

Accounts

To review and approve 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.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

9.12 Development Management Committee

To discharge the functions of the Council as County Planning Authority:

(1) by determining planning applications relating to minerals, waste disposal and the Council's own development proposals;

(2) by dealing with other matters relating to town and country planning legislation;

and any other (non-executive or local choice) functions not reserved to the full Council in Article 4 or specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Order 2000, as amended, or to be discharged by the Cabinet or other Committee, as set out in the Council's Scheme of Delegation (see Introductory/Explanatory Note);

To oversee the production of the County Council's Minerals and Waste Plans, subject to approval at formal stages by the Cabinet and County Council, and to prepare and approve all other documents forming part of the County Council's Minerals and Waste Development Framework.

Other Committees

9.13 Appeals Committee

To determine appeals from parents arising from the application of Council policies relating to the provision of school transport and appeals from students arising from the application of Council policies relating to the payment of educational grants and awards.

9.14 Procedures Committee

To keep under review all matters relating to the governance of the Council including the operation of its Constitution, its Standing Orders, conventions, working practices and calendar of meetings; to oversee its civic arrangements and programmes for member development/training and to make recommendations to the Council on its Scheme of Members' Allowances.

9.15 Public Rights of Way Committee

To discharge all the Council's statutory functions relating to the mapping, protection, improvement and variation of the public rights of way network and unsurfaced roads;

To determine issues relating to the registration of village greens or the assertion of other public rights of access to land in the county.

9.16 Standards Committee

- 1) The role of the Council's Standards Committee referred to at Article 9 is further defined as follows:
- 2) To advise the County Council on the adoption of a local Members' Code of Conduct with any appropriate local provisions and on its subsequent monitoring and updating.
- 3) To implement a local Code of Conduct and promote and maintain highest standards of conduct including the training of members and officers.
- 4) To advise members as to the declaration of interests and the grant of dispensations where appropriate to allow members to participate in matters in which they have interests.
- 5) To supervise the Registers of Members' and Officers' Interests and of politically restricted officers.
- 6) To oversee the Council's policy on the Proper Conduct of Business.

- 7) To keep up to date the Council's Code of Practice on relations between members and officers.
- 8) To be responsible for the Council's procedures for investigating and responding to complaints.
- 9) To adopt contract conditions to apply the Council's complaints procedure to contractors.
- 10) To approve a Local Planning Code.
- 11) To consider Findings of Maladministration by the Local Government Ombudsman.
- 12) To undertake such other functions as may be determined by the County Council.

9.17 Personnel Partnership

To act as the forum for discussion of employee relations matters which form part of the County Council's Strategic Plan and any national initiatives which may impact on the Council and its employees in line with the agreed Partnership Constitution:

Provided that it shall not consider matters relating to individual employees (such as discipline, grievance, promotion or capability) and/or any matters relating to a Directorate which have not been fully considered by the relevant Joint Consultative Committee.

To seek to resolve issues referred to it by the Corporate Forum.

To seek to reach agreement through consensus, acknowledging that where such consensus cannot be achieved the matter shall be referred to the Cabinet for consideration and determination by the Council thereafter.

9.18 Personnel Panel

To determine appeals under the Council's appeals procedures, as appropriate.

9.19 Highways and Traffic Orders Committees

Within the general strategy, policies and operating procedures of the Council to exercise the following powers of the Highway Authority delegated by the Cabinet:

- 1) To develop, approve details and monitor and implement the Statutory Devon Local Transport Plan local area improvement programmes, up to a value [works costs] of £250,000.
- 2) To approve details and implement improvement schemes from the Statutory Devon Local Transport Plan, countywide, sub-regional and local safety scheme programmes, up to a value [works costs] of £250,000.
- 3) To approve details and implement Traffic Regulation Orders, and schemes for the control of parking on the highway and to be involved in the development of proposals for park and ride schemes.
- 4) To comment on proposals by third parties to stop up or divert highways and stop up private means of highway access.
- 5) To control the use of highways by the granting of consents, approvals, licences, minor property rights in connection with operations, uses or activities on, under, over or adjacent to the highway.
- 6) To ensure the effectiveness of the maintenance of highways, bridges and street lighting.
- 7) To consider and approve proposals for the making up of private streets.
- 8) To maintain an overview on issues relating to repeated obstruction of the highway and advise when action to enforce public rights of way may be considered appropriate.
- 9) To approve the establishment or deletion of school crossing patrol sites, within the criteria and budget defined by the Council.
- 10) To approve the revocation of New Street Orders.
- 11) To approve applications to the Magistrates' Court for the stopping-up or diversion of a public highway.
- 12) To make all the Orders required to implement a highway or transportation scheme approved by the Cabinet recognising that if, following public advertisement of such an Order, a HATOC has concerns about a proposal it should refer it to the Cabinet for final determination.
- 13) To make Gateway Orders under the Clean Neighbourhood Act 2005.

9.20 Locality (County) Committees (one for each District Council area)

- 1) To receive briefings from and discuss with the relevant Locality Development Officer (who will act as Lead Officer to the Committee) and with other officers as necessary specific service and community issues and projects within the district and to make recommendations to the Cabinet on appropriate action.
- 2) To improve information and communication with the public about its access to County Council services in the area and to monitor its performance in the delivery of these services.
- 3) To develop and ensure effective partnership working with the City, District or Borough Council (as the case may be) and other partners in the discharge of local functions.
- 4) To undertake any additional responsibilities and allocate budgets which may be delegated by the Cabinet from time to time.
- 5) To consider, if required, any grant or award proposed by individual members from locality budget funds allocated by the Cabinet in line with the Locality Budget Operating Principles set out at Section Four hereunder.
- 6) To express a vision for the areas reflecting cohesion principles and community views, demonstrate understanding of the make-up of the community and champion the participation of under-represented groups and promote integration of different groups.
- 7) To administer those educational trusts in the Committee's area for which the County Council is Trustee.