



Part 3

Responsibility for Functions : Committees etc.

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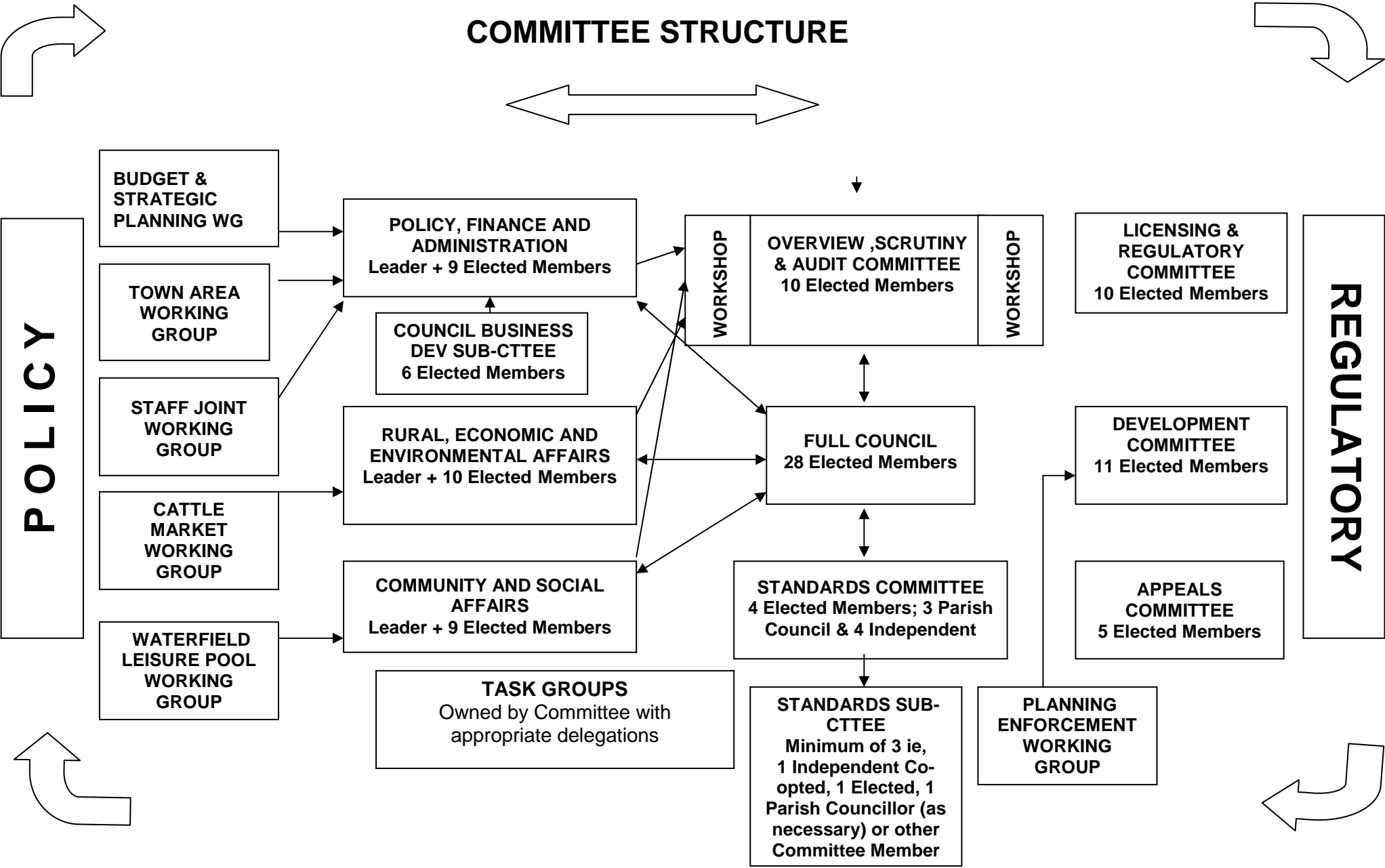
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RESPONSIBILITY FOR FUNCTIONS

The following pages comprise:

- A diagram illustrating the committee structure of the Council.
- Terms of Reference for each component part of the committee structure.
- Terms of Reference of Working Groups.
- Terms of Reference of Lead Members.
- The scheme of officer delegations.

COMMITTEE STRUCTURE



TERMS OF REFERENCE

Full Council

Full Council may exercise all of the functions exercisable by a district council or may delegate the exercise of any of its functions as far as is legally permissible to committees, sub-committees or officers.

Council shall exercise the following functions:-

1. All functions reserved to the Council by statute, subordinate legislation or Council procedure rules.
2. Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer.
3. Adoption, and amendment from time to time, of any statutory code of conduct for Members.
4. Adopting and changing the Constitution.
5. Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them.
6. Election of the Mayor, Deputy Mayor, Leader and Deputy Leader of the Council.
7. Appointing representatives to outside bodies unless the appointment has been delegated by the Council.
8. Adopting an allowances scheme under Article 2.4 of the Constitution.
9. To consider appropriate motions in accordance with Council procedure rules.
10. Determination of casual vacancies that are not politically balanced.
11. Matters referred to it for decision and resolution of conflicts between committees.
12. Resolution of recommendations from the Council's Policy and Overview, Scrutiny and Audit Committees.
13. Commissioning and receiving of reports from the Council's Policy and Overview, Scrutiny and Audit Committees.
14. Confirming the appointment of the Head of Paid Service.
15. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.
16. Making, amending, revoking, re-enacting or adopting Bye Laws and promoting or opposing the making of local legislation or personal bills.

TERMS OF REFERENCE OF COMMITTEES

GENERAL

All Committees of the Council must operate within their Terms of Reference and delegated powers and in accordance with Part 4 of the Constitution as appropriate.

All Councillors will require equalities training within 6 months of being elected. No Councillor may continue to sit on any Committee if they have failed to comply with this requirement.

The following authority/directives apply to all committees of the Council.

1. The delegated powers of committee shall be exercised in conformity with any directive of the Council on any matters relating to the policy framework.
2. No committee shall have the power to incur expenditure which has not been sanctioned by the Council.
3. Committees shall be authorised to take any steps, including delegation to officers, which may be necessary to carry out the functions and protect the interests of the Council in respect of matters within the scope of the duties, powers and functions delegated to that committee.
4. Committees shall be authorised to carry into effect any of the duties, powers or functions delegated to that committee.
5. Committees may award contracts subject to the relevant rules contained within Part 4 of the Constitution and adequate budgetary provision.
6. Each committee shall take into account the Council's purpose and corporate objectives in the delivery of its services.
7. Each committee is responsible for monitoring the performance of the services and functions which it carries out.
8. Any reference to a statute within the Terms of Reference of a committee includes reference to any re-enactments thereof and subordinate legislation made thereunder.
9. The committee may resolve to seek Council authority rather than to exercise delegated authority in any matter.
10. Any policy committee or regulatory committee may recommend to the Overview, Scrutiny and Audit Committee the commissioning of scrutiny work relating to its functions.

COMMITTEE: POLICY, FINANCE AND ADMINISTRATION

COMPOSITION

The Leader of the Council and 9 Elected Members; politically balanced.

ADVISORY FUNCTIONS

To make recommendations to Council.

- In relation to matters reserved to Council
- Where such is considered desirable.

DELEGATED FUNCTIONS

1. To determine policy framework in relation to Council functions.
2. To provide strategic direction in relation to all Council functions (except those reserved to Council or the Standards Committee) and to manage their performance within frameworks set.
3. To exercise any function of the Council not delegated elsewhere or reserved to Council.
4. To receive, consider and make decisions on reports received from other committees, statutory officers or Returning Officer in relation to policy.
5. To commission and receive input from the Overview, Scrutiny and Audit Committee into policy development.
6. Management and control of Council assets (except those reserved to other Committees) including land, property and financial resources.
7. Management, control and determination of all matters relating to the appointment, employment, training and dismissal of staff including maintenance of recreational, social and welfare facilities, conditions of employment and pensions.
8. To keep under review the appropriate establishment of staff.
9. To exercise general supervision and control over land charges.
10. Any matter relating to the Welland Partnership.
11. To deal with all matters relating to the Mayoralty, Civic Ceremonial matters and Members' allowances and expenses (except adopting an allowances scheme - full Council).
12. All matters relating to public relations.
13. To consider and approve the Council's Statement of Accounts.
14. To approve and monitor the Council's Performance Plans .
15. To exercise the Council's Health and Safety at Work functions.

COMMITTEE: RURAL, ECONOMIC AND ENVIRONMENTAL AFFAIRS

COMPOSITION

The Leader of the Council and **10** Elected Members; politically balanced.

ADVISORY FUNCTIONS

1. To make recommendations to Council.
 - In relation to matters reserved to Council
 - Where such is considered desirable.
2. To make recommendations to the Policy, Finance and Administration Committee.
 - In relation to matters of policy and strategic direction reserved to that Committee

DELEGATED FUNCTIONS

1. To exercise the Council's powers and duties in respect of the provision of public transport, parking and use of the highway except the regulatory functions relating to the licensing of taxis, operators and drivers.
2. To exercise the Council's powers and duties in relation to the collection and disposal of waste.
3. To exercise the Council's powers and duties in relation to the promotion and improvement of the economic, social and environmental well being of the area.
4. To exercise the Council's powers and duties in respect of the making of grants not falling within the delegated functions of any other committee.
5. To exercise general supervision and control over the Council's domestic and commercial environmental health services.
6. To exercise all the functions of the Council in an emergency.
7. To exercise the Council's powers and duties in relation to the Cattle Market.
8. To adopt the local development scheme, supplementary planning documents and the annual monitoring report.
9. To recommend to the Council the submission and adoption of development plan documents and the statement of community involvement and to make representations on other documents that form part of the development plan for the borough.
10. To commission and receive input from the Overview, Scrutiny and Audit Committee into policy development.
11. To exercise the Council's Health and Safety at Work functions in relation to the assets of this Committee.

COMMITTEE: COMMUNITY AND SOCIAL AFFAIRS

COMPOSITION

The Leader of the Council and **9** Elected Members; politically balanced.

ADVISORY FUNCTIONS

1. To make recommendations to Council.
 - In relation to matters reserved to Council
 - Where such is considered desirable.
2. To make recommendations to the Policy, Finance and Administration Committee.
 - In relation to matters of policy and strategic direction reserved to that Committee.

DELEGATED FUNCTIONS

1. To exercise the Council's powers and duties in respect of land and buildings owned by, leased to or otherwise occupied by, or subject to the control of the Council and used for the provision of recreation grounds, leisure facilities, open spaces, cemeteries, church yards or other public facilities.
2. To exercise the Council's powers and duties in respect of the operational provision of housing and related services.
3. To exercise the Council's powers and duties in respect of community safety.
4. To exercise the Council's powers and duties in respect of community development and welfare.
5. To exercise the Council's powers and duties in respect of allotments.
6. To exercise general supervision and control over the Council's reception services.
7. To exercise general supervision and control over the provision of housing benefit and Council Tax benefit.
8. To exercise general supervision and control over art, culture, leisure and sport development.
9. To exercise the Council's Health and Safety at Work functions in relation to the assets of this Committee.
10. To exercise the Council's powers and duties in respect of the making of grants falling within the delegated functions of this committee.
11. To commission and receive input from the Overview, Scrutiny and Audit Committee into policy development.
12. To exercise the Council's powers and duties in respect services to young people, older people and other vulnerable groups

COMMITTEE: DEVELOPMENT

COMPOSITION

11 Elected Members; politically balanced.

No Member may sit on this Committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

ADVISORY FUNCTIONS

1. To make recommendations to the Policy Committees in relation to matters of policy and strategic direction reserved to them or where such is considered desirable.
2. To advise the relevant Policy Committee of any matters relating to claims and payments or statutory compensation arising from decisions on planning matters.

DELEGATED FUNCTIONS

1. To exercise the powers and duties of the Council as local planning authority other than those specifically reserved to the Rural, Economic and Environmental Affairs Committee.
2. To administer and enforce the building regulations and any other statutory provisions with regard to plans of new buildings and streets.
3. To take any action necessary to deal with dangerous or dilapidated buildings and structures.
4. To exercise the Council's regulatory and enforcement powers and duties in respect of authorisations, licences, permits, consents or similar, under all statutory provisions other than those specifically reserved to other Committees.
5. To exercise the Council's powers and duties to review, make, amend, revoke or re-enact By-Laws.
6. To exercise the Council's enforcement powers and duties under all statutes, regulations, codes of practice and conditions of service relating to Health and Safety and to respond to enforcement by other agencies against the Council.
7. To supervise the collection of revenues and accounts due to the Council and not paid by the date of settlement and to give such directions as may be necessary for the recovery thereof.
8. To exercise the enforcement powers and duties of the Council and Returning Officer in relation to elections.
9. To exercise the enforcement powers and duties of the Council in respect of animals.
10. To exercise the regulatory and enforcement powers and duties of the Council in respect of pollution control.

11. To exercise the regulatory and enforcement powers and duties of the Council in respect of food safety.
12. To exercise the regulatory and enforcement powers and duties of the Council in respect of premises for wholesale or retail sale.
13. To exercise the regulatory and enforcement powers and duties of the Council in relation to the enforcement of any statutes, regulations. Codes of Practice, Bye Laws or other provisions enforceable by the Council.
14. To exercise the Council's powers in relation to trees under Sections 198-214D of the Town and Country Planning Act 1990.

COMMITTEE: APPEALS

COMPOSITION

5 Elected Members; politically balanced.

No Member may sit on this Committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

DELEGATED FUNCTIONS

1. To determine appeals in respect a decision of an officer of the Council that he will or is minded to, refuse revoke or suspend any authorisation, licence, permit, consent or similar under all statutory provisions (with the exception of Town and Country Planning and Building Regulation matters and appeals under the Licensing Act 2003 and the Gambling Act 2005) whether or not there is a statutory right of appeal.
2. To determine any appeals in respect of staff matters as detailed and provided for in the Council's human resources policies and procedures.
3. To determine any appeals arising from a decision of non-disclosure of information under the Freedom of Information Act 2000.

COMMITTEE: LICENSING AND REGULATORY

COMPOSITION

10 Elected Members not politically balanced.

No Member may sit on this Committee, the Licensing Sub-Committee or the Licensing Panel until he or she has undergone basic training on the law and procedure relating to the functions of those Committees.

DELEGATED FUNCTIONS

1. To make recommendations to the Policy, Finance and Administration Committee in relation to all licensing budgets.
2. To exercise the Council's regulatory duties in respect of the provision of public transport
3. To exercise the Council's regulatory and enforcement powers and duties in respect of authorisations, licences, permits, consents or similar, under all statutory provisions other than those specifically reserved to other Committees.
4. To deal with all matters in relation to the Licensing Act 2003, except the setting and adoption of the Statement of Licensing Policy which must be referred to Full Council.
5. To deal with all matters in relation to the Gambling Act 2005, except the setting and adoption of the Gambling Policy which must be referred to Full Council.
6. The licensing of dangerous wild animals, breeding establishments, animal boarding, pet shops and riding establishments.
7. Street trading licences.

LICENSING SUB –COMMITTEE

COMPOSITION

3 Members not politically balanced

The Licensing and Regulatory Committee has established a Licensing Sub-Committee to exercise its functions under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1982 to determine applications for licenses in respect of:

- hackney carriages
- private hire vehicles
- drivers of hackney carriages and private hire vehicles
- operators of hackney carriage and private hire vehicles

LICENSING PANEL

COMPOSITION

3 Members not politically balanced

The Licensing and Regulatory Committee has established a Licensing Sub-Committee referred to as the Licensing Panel to which it has in accordance with section 10 of the Licensing Act 2003 delegated the following functions :-

1. The determination of applications

- (a) for a premises licence or to vary such a licence
- (b) for a provisional statement
- (c) To vary the designated premises supervisor
- (d) For the transfer of a premises licence
- (e) For a club premises certificate or to vary such certificates
- (f) For the grant or renewal of a personal licence
- (g) For the review of a premises licence or a club premises certificate
- (h) To be removed as a designated premises supervision

2. The consideration:

- (a) of a police objection made to interim authority notice
- (b) whether to give a counter notice following police objection to a temporary event notice
- (c) whether to revoke a licence where convictions come to light after its grant
- (d) of a review of the premises licence following closure order

3. The power to submit comments on or object to an application made under the Act

Where the Council is a consultee and not the determining authority in respect of that application.

COMMITTEE: OVERVIEW SCRUTINY AND AUDIT

COMPOSITION

10 Elected Members; politically balanced

The full committee will meet at least twice a year in order to deal with those tasks of scrutiny and overview specifically allocated to it and consider any items specific to Policy, Finance and Administration Committee. The full committee will meet four times each year to discharge the responsibilities of the Audit Committee: these meetings will allow the committee to:

- Approve the Annual Audit Plan (March);
- Receive the Annual Report of Internal Audit (June);
- Receive the External Auditor's Letter (September); and
- Assess the performance of Internal Audit in delivering the Annual Audit Plan (December)

Special meetings may be held at any time as required and there shall be no barrier to the committee discharging both its Audit Committee and its Overview, Scrutiny and Audit responsibilities at the same meeting.

The remainder of the time the committee will split into two groups - workshops which will meet alternately under a common chair. These two groups will deal with REEA and CSA committees respectively. Any of the Policy committees may refer items to Overview, Scrutiny and Audit for its consideration.

The Workshop Teams will have the following remit:

- To investigate options and present those options with the appropriate background information to the Policy Committee/Full Council.
- The aim of this format is to be responsive to committee and Council needs and nimble enough to deal quickly and effectively with matters of an urgent or pressing nature.
- Short agendas to facilitate the focus on particular problem areas of policy development.
- The Workshops will operate mainly through the direct support of the Heads of Service.
- As a general rule these meetings will be with officers only.

DELEGATED FUNCTIONS

1. To assist the Council in the development of its budget and policy framework as detailed in the Council's budget and Policy Framework Rules.
2. To conduct research, community and other consultation in the analysis of policy issues and possible options.
3. To act as the Council's Audit Committee by:
 - Keeping under review the Council's corporate governance arrangements;

- Providing independent assurance as to the adequacy and effectiveness of the Council's risk management arrangements; the associated control environment; and anti-fraud and anti-corruption arrangements;
 - Monitoring the Council's Risk Management Strategy; the Risk Register and the actions taken by officers to identify; evaluate; manage and monitor the Council's material risks;
 - Reviewing summary internal audit reports and the main issues arising and seeking assurance that action is taken on the main issues raised in these reports;
 - Approve internal audit's strategy and plans and monitoring the performance of internal audit;
 - Ensuring that there are effective arrangements between internal and external audit and that the value of the audit process is actively promoted;
 - Obtaining appropriate assurance that the Council's Annual Governance Statement, and any other assurance statements required of the Council, properly reflect the risk environment and any actions required to improve it;
 - Reviewing the External Auditor's Opinion and other reports made by the External Auditor to Members and monitoring management action in response to issues raised by external audit.
4. To consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
 5. To question members and officers in accordance with the Overview & Scrutiny procedure rules about their views on issues and proposals affecting the area.
 6. To liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
 7. To review and scrutinise the decisions made by and performance of committees and Council officers both in relation to individual decisions and over time, including consideration of officer reports and recommendations following complaints by members of the public in relation to service delivery.
 8. To make recommendations to the appropriate committee and/or Council arising from the outcome of the scrutiny process.
 9. To review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview, Scrutiny and Audit Committee and local people about their activities and performance.
 10. To question and gather evidence from any person (with their consent).
 11. To consider the following specific areas of Council business:
 - (a) Ombudsman reports
 - (b) Reports of statutory inspection;
 - (c) Reports from the Council's internal auditor and external auditor;
 - (d) Draft policies, plans and strategies where appropriate;
 - (e) Any proposals for modification of the Council's Constitution.

12. To prepare an annual work plan identifying particular topics for review during the year.
13. To exercise overall responsibility for the finances made available to it.
14. To exercise the powers of the Council under section 19 of the Police and Justice Act 2006 in reviewing and scrutinising the actions and decisions of the Council in discharging its crime and disorder functions.

SUB-COMMITTEES

COUNCIL BUSINESS DEVELOPMENT SUB-COMMITTEE

Composition

6 Elected Members. Politically Balanced

Chair or Vice of the Extraordinary Efficiency Task Group

Delegated Functions

Delegated authority to the Council Business Development Sub-Committee which will manage the Council's response to the disaster of 30 May 2008, the recovery and rebuild of the Council's offices.

1. To oversee the actions taken to facilitate the Council's recovery from the fire at its offices.
2. To oversee the policy issues related to the development of service delivery model.
3. To manage the Council's transition to new ways of working to support the recovery and new service delivery models.
4. To manage the rebuild of the Council's offices.
5. To authorise legal arrangements or expenditure, as appropriate, accountable through the Council's insurance cover funded through partner/tenant contributions or approved budgets.
6. To authorise expenditure up to a value of £250,000 from unallocated funds or the Corporate Priorities Reserve.

STANDARDS SUB-COMMITTEES

The Standards Sub-Committees will be constructed in accordance with the legislation and as directed by the Standards Committee

JOINT ARRANGEMENTS

THE WELLAND PARTNERSHIP

1. In February 2000, the Welland Partnership was established as a cross-boundary, cross-community partnership. It comprises five local authorities of varying size and political control from four different counties. The local authorities are Melton Borough Council, East Northamptonshire Council, Harborough District Council, Rutland County Council and South Kesteven District Council.
2. The purpose of the Welland Partnership is to work together at all levels of the partner authorities in the spirit of Best Value to –
 - improve service delivery
 - pursue joint financing/grant aid
 - sustain rural economies
3. The partner authorities have established the following joint arrangement in order to effectively pursue the Welland Partnership's purpose:-

WELLAND JOINT COMMITTEE

COMPOSITION

2 Members and 2 substitutes from each Council.

ROLE

To oversee the management and delivery of the Welland Shared Services.

WELLAND PARTNERSHIP BOARD

COMPOSITION

A representative of each Council, three business representatives and one Voluntary Sector representative. Chief Executives assist and act as advisors, as appropriate.

ROLE

A discussion and development of partnership approach and influence in :

Activity in the fields of affordable housing, working within delivery by the third sector, the learning and skills agenda, the promotion and development of Market Towns, rural economic issues such as access to services and facilities as well as general work around tourism and other key economic infrastructure issues such as transport.

The Welland Partnership Board, is not a separate legal entity.

WORKING GROUPS

The Council has identified the need for three working groups and its terms of reference are set out below. Working Group documents are confidential unless the Working Group decides to publish.

STAFF JOINT WORKING GROUP

MEMBERSHIP: 7 members (politically balanced)

3 UNISON representatives

1 MPO representative

1 GMB representative

2 staff representatives

Quorum: 2 Members and 2 Staff

Chair to alternate annually between employers and staff side

- TERMS OF REFERENCE:**
- (a) to establish regular methods of consultation and dialogue between Melton Borough Council and its employees in order to prevent differences and to adjust them should they arise; always provided that no question of individual discipline, promotion, demotion and redundancy or efficiency should be within the scope of the Working Groups;
 - (b) to consider any matters relevant to the working environment and conditions of service on which there is disagreement following full consultation at management level prior to implementation;
 - (c) to make recommendations to the Policy, Finance and Administration Committee of the Council as to the application of the Terms and Conditions of Service and the education and training of staff employed by the Council;
 - (d) the Working Group may refer any question coming before them for consideration by and the advice of the appropriate provincial council and shall inform the provincial council of any recommendation of the Working Group which appears to the Working Group to be of more than local interest, always provided that such a recommendation should be approved by the Council prior to its submission to the provincial council;
 - (e) provided that there should be accepted from the foregoing functions any matters which pursuant to the National Scheme of Conditions of Service shall be referred to the appropriate provincial council;
 - (f) to carry out such other relevant tasks as may be given to it by the Policy, Finance and Administration Committee.

BUDGET AND STRATEGIC PLANNING WORKING GROUP

<u>MEMBERSHIP:</u>	6 Members (politically balanced)
<u>TERMS OF REFERENCE</u>	<p>(a) To review the Council's strategic intentions and to establish strategic priorities, aims and objectives for future financial years.</p> <p>(b) To consider, review and report upon the Council's medium and long term financial strategies.</p> <p>(c) To consider and establish a detailed framework for the budget process as outlined in the Policy Framework and Budget Procedure Rules</p> <p>(d) To consider programmes of capital expenditure and revenue estimates in consultation with budget holders</p> <p>(e) To make recommendations to the Policy, Finance and Administration Committee in respect of the Council's Policy Framework and Budget.</p> <p>(f) To scrutinise the Treasury Management Strategy prior to approval by Full Council.</p>

CATTLE MARKET WORKING GROUP

<u>MEMBERSHIP</u>	8 Members (Politically Balanced)
<u>TERMS OF REFERENCE</u>	To consider the short and long term development proposals for the Cattle Market site.

PLANNING ENFORCEMENT WORKING GROUP

<u>MEMBERSHIP</u>	5 Members
<u>TERMS OF REFERENCE</u>	To monitor, review and scrutinise the performance of the planning enforcement service, to set policy objectives, identify resources and monitor performance in relation to its policy and targets.

TOWN AREA WORKING GROUP

<u>MEMBERSHIP</u>	All Town Ward Members
<u>TERMS OF REFERENCE</u>	(a) To oversee, monitor, make recommendations and report back on special expense expenditure in the town to the PFA Committee.

(b) To meet informally to discuss town matters as required. Recommendations from such meetings to be forwarded to the relevant committee.

WATERFIELD LEISURE POOLS WORKING GROUP

MEMBERSHIP

5 Members

TERMS OF REFERENCE

To investigate the development options for the Leisure Pools including exploration of all funding options.

LEAD MEMBERS

The Council has identified the need for Lead Members and their terms of reference are set out below:-

- TERMS OF REFERENCE:**
- (a) To act as Community Leaders in their specialism, responsible for the "face of the Council".
 - (b) To engage, support and facilitate community action including the promotion of new partnerships.
 - (c) To guide and support officers in the development of policy and action.
 - (d) To be a conduit of information to colleagues and the Council.
 - (e) To support the chair of the relevant policy committee as required.