



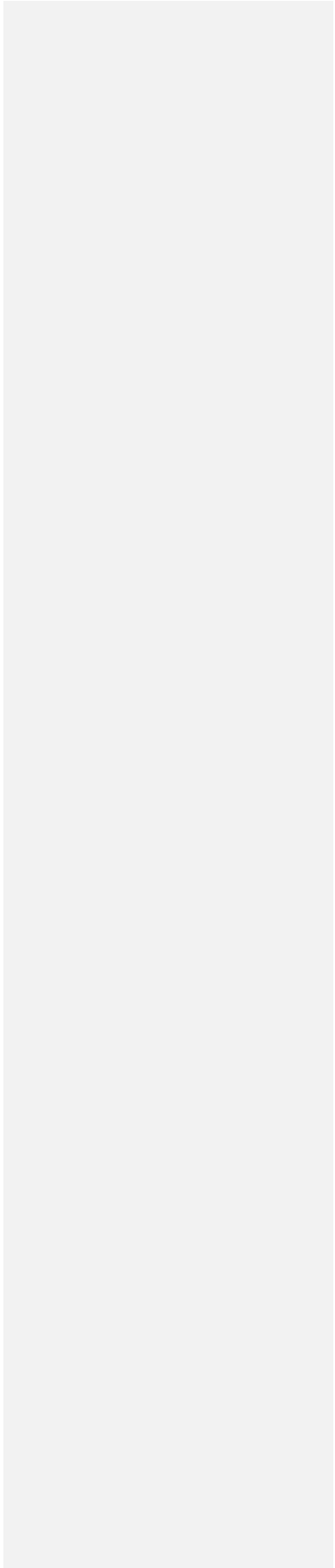
Part 3

Responsibility for Functions : Committees etc.

Updated May 2012

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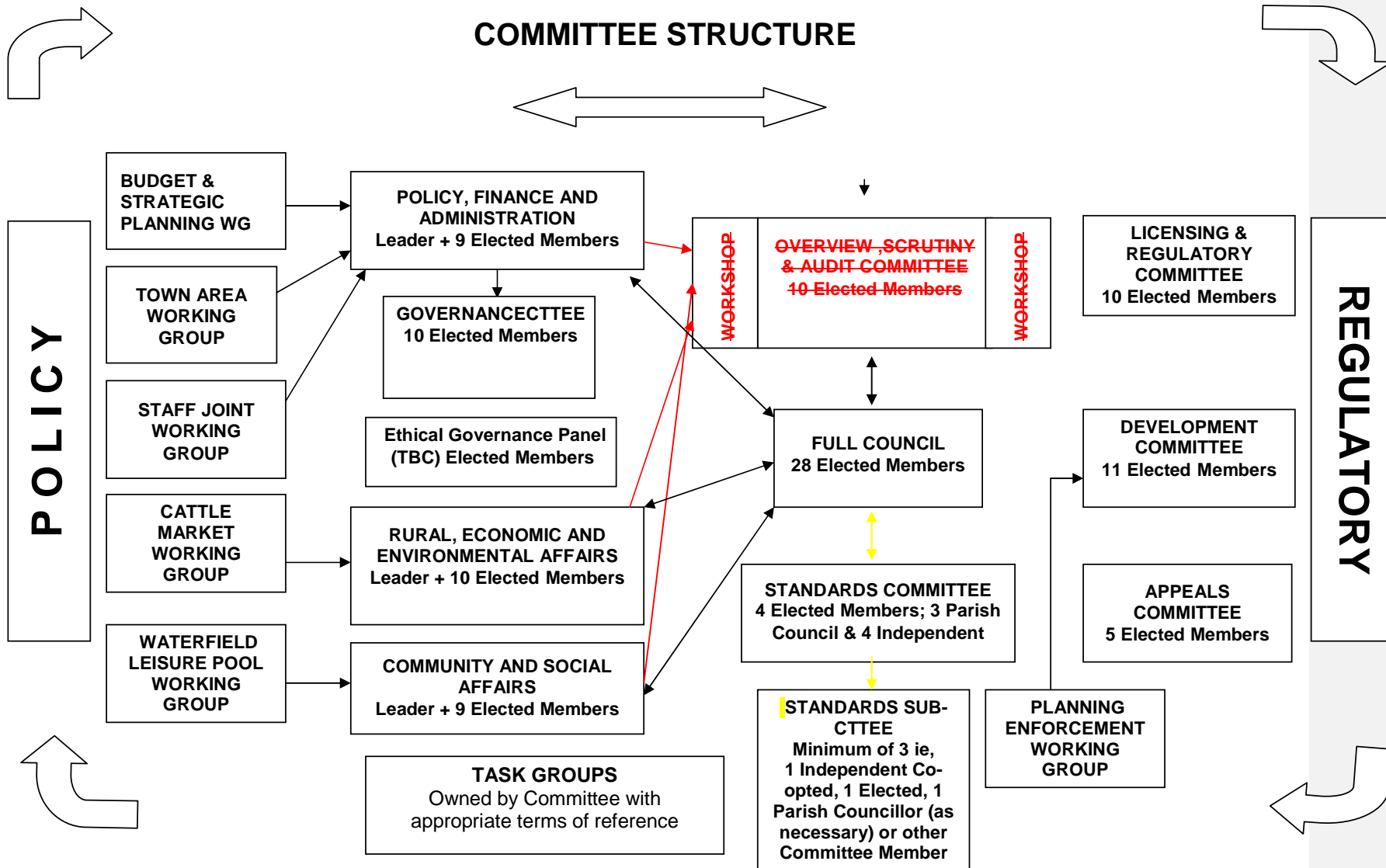


RESPONSIBILITY FOR FUNCTIONS

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.~~
- ~~6-5.~~ Management and control of Council assets (except those reserved to other Committees) including land, property and financial resources.
- ~~7-6.~~ 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.
- ~~8-7.~~ To keep under review the appropriate establishment of staff.
- ~~9-8.~~ To exercise general supervision and control over land charges.
- ~~10-9.~~ Any matter relating to the Welland Partnership.
- ~~11-10.~~ All matters relating to public relations.
11. To consider and approve the Council's Statement of Accounts.
12. To approve the Council's Performance Plan(s) .
13. The Committee shall not have the power to appoint a sub-committee to determine restructuring proposals, save in relation to appointments where Member approval is required.

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.

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 powers and duties in respect of the making of grants falling within the delegated functions of this committee.
- ~~10. To commission and receive input from the Overview, Scrutiny and Audit Committee into policy development.~~
- 11.10. To exercise the Council's powers and duties in respect services to young people, older people and other vulnerable groups

GOVERNANCE COMMITTEE AND ETHICAL GOVERNANCE PANEL

Composition

10 Elected members politically balanced.

Delegated Functions

A. AUDIT

1. To consider the appointment of the External Auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor.
2. To receive the External Audit Annual Plan and discuss, if necessary, with the External Auditor before the audit commences the nature and scope of the audit.
3. To review the Financial Statements, External Audit opinion and report to Members and monitor Management Action in response to any issues raised.
4. To receive the Internal Audit Annual Plan for the Council and Annual Internal Audit report, addressing key internal control issues as required.
5. To keep under review the effectiveness of internal control systems, to receive the External Audit Management Letter on behalf of the Council and any representations and refer any issues requiring attention to the relevant Committee and/or officer.
6. To monitor the performance of Internal Audit.
7. To review summary Internal Audit reports and the main issues arising and seeking assurance that action is taken on the main issues raised in these reports.
8. To ensure that there are effective arrangements between Internal and External Audit and that the value of the audit process is actively promoted.
9. To obtain 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.

B. CONSTITUTION AND GOVERNANCE

10. To consider matters pertaining to the governance arrangements of the Council including review of the Council's Constitution, its political arrangements and rules of procedure (subject to approval by Full Council, unless of a minor nature).

C. CONSULTATION AND ENGAGEMENT

11. To have oversight and management of the Councils consultation and engagement approach with its Community and monitoring those processes to ensure that they contribute to the work of the Council; including agreement of an Annual Consultation Plan.
12. To consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

13. To have oversight of the publication of an Annual Report in the most appropriate format.
14. Establishing clear channels of communication with the public and dealing with their concerns, including oversight and review of the Councils Corporate Complaints Policy and relationships with other regulatory bodies such as the Ombudsman.

D. ELECTORAL MATTERS

15. To consider reports from the Returning Officer in relation to statutory requirements and policy.
16. To respond on behalf of the Authority in relation to consultations issued by the Electoral Commission and other bodies relating to electoral registration or election issues.

E. MAYORALTY

17. To deal with all matters relating to the Mayoralty, Civic Ceremonial matters and Mayoral allowances and expenses (except adopting an Allowances Scheme – Full Council).

F. MEMBERS SUPPORT AND TRAINING

18. To have oversight of the Member Training proposals and to support the Member Development Steering Group, as required.
19. To support the development of the Members to meet the changing requirements of their role.

G. PERFORMANCE MANAGEMENT AND VALUE FOR MONEY

20. To have oversight of the Councils Performance Management System and monitor the Councils Improvement Plan, as required.
21. To monitor the openness of the Council in its dealings, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
22. To ensure that the Council has satisfactory measures in place to promote economy, efficiency and effectiveness.
23. To consider reports of inspection agencies and seek assurance that action is taken on any issues raised in these reports.

H. RISK MANAGEMENT AND INTERNAL CONTROL

24. To develop and maintain robust systems for identifying and evaluating significant risks and putting in place effective Risk Management Systems, including those relating to internal control and an internal audit function.

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25. To have oversight of provisions which reflect the transparency of the Council including Whistleblowing Policy and Procedures, Fraud and Corruption Policy and Procedures, and other related matters.
26. To oversee the arrangements to introduce new regulatory legislation such as the introduction of the Anti-Bribery Act 2010.
27. To ensure that the Councils financial and operating reporting processes are adequate and continue to be "fit for purpose."
28. To exercise the Council's Health and Safety at Work functions.
29. To monitor the Councils response to dealing with customer complaints including periodic review of the Councils Complaints Procedure.
30. To have oversight of matters referred to the Local Government Ombudsman.
31. To have oversight of the Council's management and response to the Freedom of Information Act and Data Protection Act.

I. VOLUNTARY AND COMMUNITY SECTOR RELATIONSHIPS

32. To ensure the Council fosters effective relationships and partnerships with other Public Sector agencies and the Private and Voluntary Sectors to ensure the most efficient and effective discharge of the Councils functions.
33. To have oversight of liaison, as appropriate with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

J. ETHICS AND PROBITY

34. Promoting and maintaining high standards of conduct by councillors and co-opted members.
35. The development, implementation, maintaining and review of the ethical framework, including the code of conduct for councillors and co-opted members.
36. Overseeing the provision of training, guidance and support in the context of Ethics and Probity.
37. Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Councillors' Code of Conduct.
38. The exercise of 34-36 in relation to the parish councils in its area and the members of those parish councils.

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 and 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.

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

ETHICAL GOVERNANCE PANEL

1. To deal with complaints in accordance with the legislative requirements set out in the Localism Act or as defined in Regulations.
2. The exercise of 1. in relation to the parish councils in its area and the members/co-opted members of those parish councils.

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

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

CATTLE MARKET WORKING GROUP

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

PLANNING ENFORCEMENT WORKING GROUP

- MEMBERSHIP** 5 Members
- TERMS OF REFERENCE** 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

- MEMBERSHIP** All Town Ward Members
- TERMS OF REFERENCE** (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.