



*Rural Capital of Food*

# Agenda

<b>Meeting name</b>	<b>Ad Hoc Governance Committee</b>
<b>Date</b>	<b>Monday, 30 April 2018</b>
<b>Start time</b>	<b>5.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Governance Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
Chief Executive

## Membership

<b>Councillors</b>	P. Cumbers (Chair)	J. Simpson (Vice-Chair)
	T. Beaken	M. Blase
	P. Chandler	J. Douglas
	P. Faulkner	A. Freer-Jones
	M. Glancy	J. Illingworth
<b>Substitutes</b>	M. Graham	T. Greenow

**Quorum:** 4 Councillors

<b>Meeting enquiries</b>	Catherine Richards
<b>Email</b>	<a href="mailto:crichards@melton.gov.uk">crichards@melton.gov.uk</a>
<b>Agenda despatched</b>	Friday, 20 April 2018

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
3.	<b>GOVERNANCE REVIEW</b> The Chief Executive to submit a report updating Members and requesting their comments on the work carried out by the Governance Development Group ('the Group'), which will form the basis of a further report of the Chief Executive to be considered at an extraordinary meeting of Full Council and enabling Members to consider and comment on the deferred items from the Constitution Review 2017/18, which were presented to a meeting of this Committee on 27 March 2018.	3 - 30
4.	<b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent.	

## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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## AD HOC GOVERNANCE COMMITTEE

30 APRIL 2018

### REPORT OF THE CHIEF EXECUTIVE

#### GOVERNANCE REVIEW

##### 1.0 PURPOSE OF REPORT

- 1.1 To receive an update and request comments on the work carried out by the Governance Development Group ('the Group') which will form the basis of the Chief Executive's report to be considered by an extraordinary meeting of Full Council.
- 1.2 To consider and comment on the deferred items from the Constitution Review 2017/18 that was previously presented to the Governance Committee meeting held on 27 March 2018.

##### 2.0 RECOMMENDATIONS

- 2.1 **To consider and comment on the work carried out to date by the Group which will form the basis of a report from the Chief Executive to the Extraordinary Meeting of the Council to be held on 8 May 2018 regarding the future governance of the Council. The Committee's comments to be reported to the Extraordinary Council Meeting.**
- 2.2 **To consider and comment on an amended Appendix D from the Constitution Review 2017/18 that was previously presented to the Governance Committee held on 27 March 2018 and is to form part of the report to the Extraordinary Meeting of the Council. The Committee's comments to be reported to the Extraordinary Council Meeting to be held on 8 May 2018.**

##### 3.0 KEY ISSUES

###### 3.1 Background

Following the LGA Peer Challenge held in December 2017 a report and list of recommendations together with an Action Plan was accepted by Full Council on 22 February 2018. One of the recommendations was to improve the Council's governance and decision making arrangements. The Local Government Association carried out a further review of this aspect between 12 and 14 March 2018, and the LGA report was considered by the Governance Committee at its meeting on 27 March 2018. At that meeting the Governance Committee supported the establishment of an informal member/officer group, subsequently named the 'Governance Development Group', and tasked it with bringing forward proposals to both strengthen and streamline the current committee structure, which at the same time needs to create a clearer route for policy development.

###### 3.2 Governance Development Group

The informal Governance Development Group ('the Group') met on 10 and 18 April 2018. The Group consists of the Leader (Councillor Orson), Councillors de Burle, Freer-Jones, Greenow and Illingworth, the Chief Executive, the Solicitor to the Council and the Business Manager.

###### 3.3 Committees and Decision-making

The LGA Governance Review Feedback report identified that the first step to be taken by the Council was to improve the existing committee structure, its operation and that of the associated boards and groups. To achieve this the remit of the committees needs to be reconsidered.

- 3.4 The Group considered a discussion paper prepared by officers, setting out the possible

options based upon the recommendations of the LGA Report. The Group concluded that the current 'policy' committees could be replaced by three committees; People Committee, Place Committee and Corporate Committee. These committees would replace the Community and Social Affairs (CSA), Melton Economic and Environmental Affairs (MEEA), Policy, Finance and Administration (PFA) and Town Area Committees respectively, and have equal standing. In updating the terms of reference for the 3 new policy committees attempts have been made to minimise potential for duplication and to create 3 autonomous committees with a clear scope and responsibility for all matters within their remit; including policy setting, delivery, performance, operational asset management, staffing structures and budget monitoring. Attempts have also been made to align the committee responsibilities and names with the refreshed corporate priorities and new senior management structure increasing coherence between the Council's ambitions and its member and officer accountability and delivery structures. Further rationale for some of the specific changes is set out below:

- 3.5 Given the desire to ensure the link between policy development and financial implications is retained it is proposed that responsibility for budget monitoring will be similar to the current arrangement and each committee will have monitoring and oversight responsibility for its own budgets and only decisions that are outside of the approved budget and policy framework would need to be referred to the Corporate Committee for a decision. Responsibility for oversight of Special Expenses and the Housing Revenue Account will be with the Place Committee. The Corporate Committee would however retain overall control of the Council's general fund financial affairs including budget setting proposals to the Council, the Medium Term Financial Strategy and Treasury Management. The Housing Revenue Account will sit entirely within the remit of the Place Committee. Given the proposed approach has the potential to retain some duplication between committees, particularly where a general fund supplementary estimate is required, it is proposed that to enable policy decisions to be enacted in a timely fashion, it would be beneficial for delegated authority to be provided to the Chief Executive, in consultation with the Leader, to authorise one-off supplementary expenditure up to a cumulative maximum of £100,000 in any one year. This would enable decisions taken by a policy committee which had an additional financial burden to be enacted quickly after the meeting, rather than waiting for the next Corporate Committee for approval. A more fundamental review of the scheme of delegation to support more streamlined decision making more generally is due to take place after the new Director for Legal and Democratic Services commences in June 2018. Crucially the consideration of any requirements for additional funding would not be taken in isolation and discussion regarding policy development and the financial implications across all three committees would take place at a newly established Policy Forum; the details of which are discussed below.
- 3.6 Performance has not previously been reported to the committees but this too is a crucial part of maintaining effective oversight. Therefore each of the new policy committees would be responsible for the monitoring and oversight of performance of its service areas with Full Council receiving an annual report on progress against the Corporate Delivery Plan and service performance. Currently performance is reported to a task group and this was identified as an area to be addressed by the LGA review. The day to day management of service related assets would also be the responsibility of the relevant committee; however strategic decisions regarding acquisition or disposal of all assets would be the responsibility of the Corporate Committee. The Group felt that these changes would remove much of the duplication and overlap between the committees and would improve the speed of decision making; though it should be noted some overlaps will remain which will require further review by the Group as part of the ongoing review of alternative governance options. A proposed new structure and terms of reference for the committees is attached as Appendix A to this report.
- 3.7 **Town Area Committee**  
As mentioned the proposed new structure would remove the Town Area Committee. The Group considered its role in light of the LGA findings that it was not widely understood and

created significant overlaps of responsibilities with other committees. Removing it and incorporating its responsibilities within the other committees will help remove duplication and improve clarity of responsibilities. That said, the Group and the LGA recognised that key aspects of the town and place agenda would be better served by engaging a wider set of stakeholders and seeking to build a consensus around a broader place marketing, tourism, and regeneration strategy. Accordingly it is proposed that the Council should support and work towards the development of a new Town and Place Partnership. Crucially, to ensure this new forum achieves a broader appeal, and wider involvement, it must avoid the perception of being a Council controlled forum. Therefore whilst the Council will be an influential partner and provide officer support to guide and develop, the partnership would ultimately benefit from a private sector chair to aid credibility, particularly with the wider business sector. The first steps in establishing the partnership will be the formation of a small Steering Group which would include the Chair and Vice Chair of the Place Committee alongside representatives from other key stakeholders, with a view to holding a much broader engagement session later in the year.

3.8 It is proposed any outstanding business for the Town Area Committee be transferred to the appropriate committee. Regarding consultation on planning and licensing applications currently undertaken by the Town Area Committee on items that meet a certain threshold, the provision for all Ward Councillors to make representations in the normal way remains available as part of the planning and licensing processes.

3.9 **Role of Leader and Committee Chairs**

The LGA report highlighted that whilst the current approach to governance was very inclusive it was necessary to create some form of hierarchy as currently the Council's leadership was widely dispersed and to obtain policy direction officers have to consult a wide number of Members on an individual basis. This has then created uncertainty as to whether recommendations will be supported or not increasing the potential for abortive work and has resulted in the Council having an unrealistic list of projects and priorities given its resources. This is currently being addressed through the recent prioritisation exercise and the adoption of a new Corporate Delivery Plan. Going forward it is proposed that the Leader and Chairs take a greater lead in all matters relating to their committees including developing agendas for meetings. It is proposed that training and support will be arranged to help with this new approach.

3.10 **Impact on Member Allowances Scheme**

Due to the redesignations of the existing committees with new terms of reference and removal of the Town Area Committee, there is a need to review the impact on the Member Allowances Scheme. Therefore the Chair of the Welland Independent Remuneration Panel is to be consulted and a meeting has been arranged for 24 April 2018. It is expected that there will be a saving from the removal of the chair and vice chair allowance to the Town Area Committee as outlined in the Financial Implications section of this report.

3.11 **Impact on other Committees**

In drafting the terms of reference of the new policy committees, it has been necessary to review some functions within other committees as to the most appropriate area for these to be located. This has been particularly relevant to the Governance and Planning Committees. With regard to the Planning Committee, the items transferred are those previously listed in the Constitution Review 2017/18 report to the Governance Committee on 27 March 2018 and those items have been assimilated into the new policy committees. The revised terms of reference for these committees are set out at Appendices B and C respectively.

3.12 **Working Groups, Task Groups and Boards**

In addition to the formal committees, there are a large number of sub structures, consisting of working groups, task groups and boards. The LGA review recommended that these should be reduced in number and that their responsibilities should be consolidated within the committees and the roles of the chairs. The Constitution currently lists a number of

such standing arrangements and the Group suggests that these should be removed. Therefore it is proposed that only the Joint Staff Working Group and the Melton Local Development Plan Working Group will currently remain with the proviso that the Melton Local Plan Working Group be disbanded once the Local Plan has been concluded. In the future, it is proposed that informal groups be set up to deal with specific issues on a time limited basis, as required, such as has been the case of the Governance Development Group dealing with the matters in this report. Discipline should however remain to ensure the Council does not re-build a significant number of sub structures and the Policy Forum (and wider group meetings) and then the Committees themselves should be the place where policy is first developed and then agreed.

### **3.13 Policy Development**

In addition to the committee structure the LGA's Review also highlighted the role of Members, particularly the Leader and the chairs of the committees and their role in policy development for the Council. Currently there is no recognised informal policy development route prior to discussion and debate at a formal committee meeting, and no place where competing ideas or options are weighed against each other. This can lead to uncertainty about where officers should go for policy direction and a risk that policy is decided in isolation without consideration of the wider corporate impact. Accepting the recommendation from the LGA, the Group felt it would be appropriate to create a Policy Forum, comprising of the chairs and vice chairs of the three policy committees; which would automatically include the Leader and Deputy Leader, and supported by relevant senior officers. This would become the place where policy formulation would commence, creating the opportunity for ideas to be debated and new proposals considered in the context of existing commitments, taking account of resources and competing priorities before being reported to the appropriate committee. The Group also felt that a similar forum for the chairs and vice chairs of the regulatory committees could also be developed, where matters affecting the regulatory functions could be considered. As a consequence of the creation of these two groups it is proposed the current 'Conservative Chairs' forum would no longer meet. It is important to note that whilst the Policy Forum would become the funnel for policy development, engagement with the wider membership would remain crucial; both through Chairs linking back to their group but also through the continuing use of all-member Away Days which have proved beneficial in ensuring wider understanding of key agendas.

### **3.14 Keeping Members informed**

In line with the LGA recommendations, committees will not typically receive information only items, rather Members will be kept informed of new initiatives and policy development through an improved Members' Bulletin and wider briefings as necessary; as well as more directly through the Chairs and Leader themselves.

### **3.15 Lead Members, Representatives on Outside Organisations/Partnerships**

Several other matters were raised in the review and considered by the Group that will help to clarify the leadership of the Council and help to avoid duplication. These relate to the removal of the Lead Member and Champion roles as currently the functions of these positions were duplicated with the work of the committee chair. The roles of representatives to partnerships and outside organisations were also considered by the Group and it was felt that where possible these should align to the chair or vice chair of the relevant committees and this be the default position unless there was some business reason, such as the work of the organisation was ward related, to appoint a different Member. This will then ensure that any key stakeholders agendas and issues related to the outside organisations can then be fed into the Policy Forum and enable fully informed discussions where these bodies are affected.

### **3.16 Committee Minutes at Full Council**

To also help reduce duplication and make a small saving on production, the group considered the removal of committee minutes on the Council agenda to be a positive step. This would not detract from Members asking questions as 'Questions from Members'



would remain as a standing item on the Full Council agenda.

### 3.17 **Next Steps**

The LGA also made some clear recommendations about the need to update and modernise the scheme of delegation; to make it more flexible and enable the Council to make decisions in a timely manner. The LGA also advised that the Council should consider the merits of alternative governance models further. These are more fundamental pieces of work and therefore alongside the proposals set out above, the group will seek support to explore them further over the coming year at the forthcoming Extraordinary Council meeting.

- 3.18 There are other transitional arrangements which will need to be in force until work is completed on their implementation. These primarily relate to the realignment of budgets into the new committee structure and responsibilities which will commence when the budgets are set for 2019/20 with budget monitoring under the new arrangements not implemented fully under the 2019/20 financial year. The Council's Constitution and scheme of delegation will need to be fully reviewed including the Financial Procedure Rules and work will commence on these when the Director for Legal and Democratic Services commences. Work also needs to be undertaken on the policy framework following the prioritisation exercise.

### 3.19 **Calendar of Meetings 2018 19**

With regard to the Calendar of Meetings for 2018/19, it is proposed that this be adjusted to remove the Town Area Committee dates and that the new policy committees utilise the existing policy committee dates already established ie. Corporate replace PFA, People replace CSA and Place replace MEEA. The Calendar of Meetings will then be presented to the Annual Meeting for approval on that basis.

### 3.20 **Constitution Review 2017 18**

With regards the outstanding items from the Constitution Review 2017/18 report (that was presented to the Governance Committee on 27 March 2018 and deferred to be aligned with this review of the Council's governance arrangements), the items that relate to transferring functions from the Planning Committee have been addressed as mentioned earlier in this report. The remaining outstanding items are presented for comments to this Committee and are set out at Appendix D and will be included as part of the Governance Review report to the Extraordinary Meeting of the Council on 8 May. The Committee's comments will be reported to that Council meeting.

## 4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 Ensuring effective governance is a key component to making the best use of resources and ensuring the effective delivery against the Council's Corporate vision and objectives.

## 5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 Any financial and resource issues will be met from existing resources.
- 5.2 An interim review of the Council's Member Allowances Scheme by the Chair of the Welland Independent Remuneration Panel will be carried out and taken into account should there be an amendment to the Council's committee structure. Should the proposals outlined in this report be accepted by the Council, it is expected that there will be a saving on Member Allowances from the removal of the Chair and Vice Chair of the Town Area Committee. The saving of the special responsibility allowances attributed to these roles would amount to £5,288 per annum.
- 5.3 With the removal of the Town Area Committee, there is a potential saving of the resources allocated to this committee in the sum of £2,500. However with regard to the direct

administrative support, this will be needed to assist with the new governance and management arrangements.

5.4 Other savings relate to the printing of committee minutes for the Council agenda and it is expected that this would be in the sum of £200 per year. There is also a climate change saving in not printing these minutes.

5.5 Streamlining of governance processes will inevitably have a productivity gain in terms of officer time being released to focus on other priorities. Whilst this cannot be quantified currently it will be evaluated over the coming months and considered in more detail, particularly as alternative governance models are considered further and the scheme of delegation updated.

**6.0 LEGAL IMPLICATIONS/POWERS**

6.1 There are no direct legal implications arising from this report but any subsequent recommendations will need to be considered in the context of current legislation.

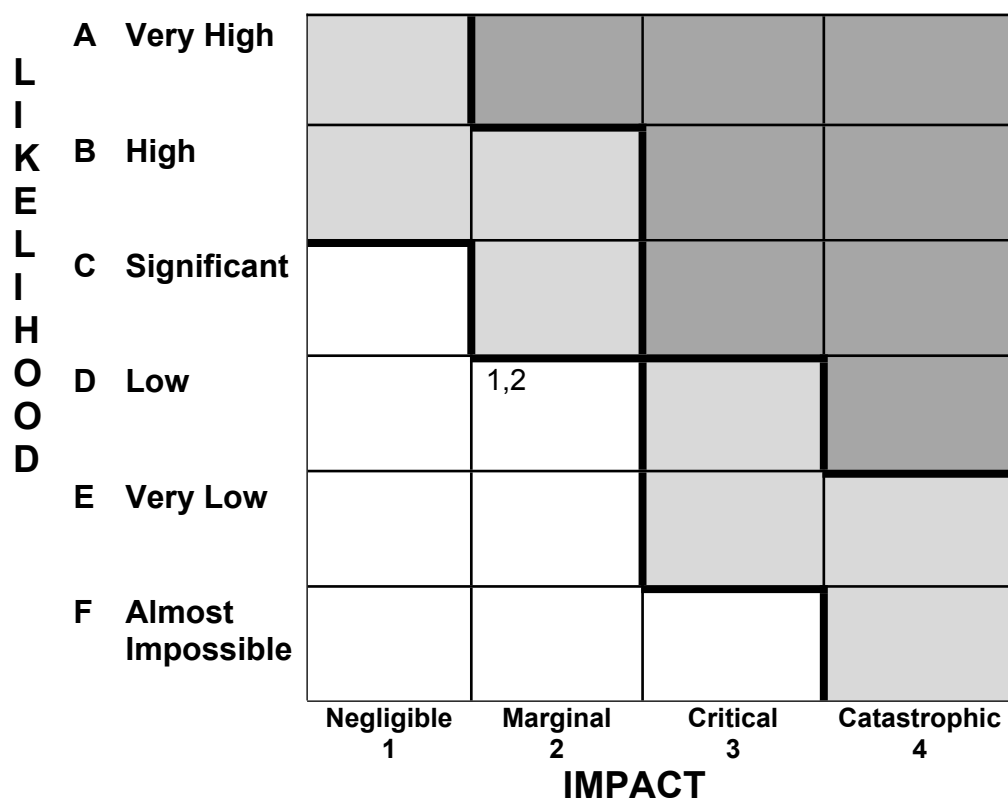
**7.0 COMMUNITY SAFETY**

7.1 There are no direct community safety implications arising from this report.

**8.0 EQUALITIES**

8.1 Equalities Screening Assessments have been drafted on constitution matters and most of these matters relate to the legality around governance arrangements.

**9.0 RISKS**



9.1	Risk No	Risk Description
	1	To not have robust governance arrangements could mean the Council's aims and objectives cannot be met
	2	Duplication of roles and functions impacts on the Council's resources and value for money

## 10.0 CLIMATE CHANGE

10.1 To remove the requirement for producing hard copy committee minutes at Full Council meetings would reduce the Council's paper usage and waste.

## 11.0 CONSULTATION

11.1 There have been meetings with the Governance Development Group to consider the way forward and develop the Council's proposed Governance arrangements.

## 12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Contact Officer: Verina Wenham, Solicitor to the Council  
Date: April 2018

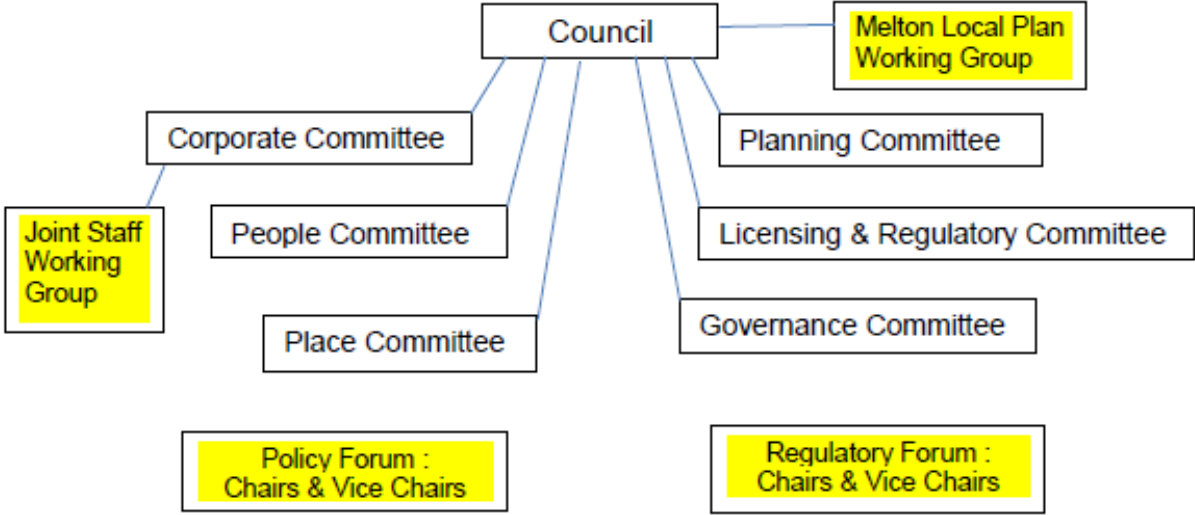
Appendices : Appendix A : New Committee Structure and Policy Committees TOR  
Appendix B : Governance Committee revised TOR  
Appendix C : Planning Committee revised TOR  
Appendix D : Outstanding deferred items from the Governance Review 2017 18

Background Papers: Peer Challenge Review – December 2017  
LGA Governance Review – March 2018

Reference : X : Committees\Governance\2017-18\300418

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Proposed new Committee Structure



Key :

Denotes non-formal decision-making

Appeals and Recruitment Committees to be convened as required

## Corporate Committee

<b>Membership</b>	10 Members Politically balanced Leader to Chair ; Deputy Leader is Vice Chair	
<b>Special Requirements</b>	Prior to sitting as the Investigating and Disciplinary Committee, the Committee must undergo the appropriate training	
	Councillors must receive equalities training within 6 months of being first elected. No Councillor may continue to sit on this Committee if they have not met this requirement.	
<b>Remit of this Committee</b>	Business Continuity Communications, Consultation and Public Relations Corporate and strategic asset management Corporate Improvement Commercial and Digital Strategies Financial Health of the Council; Budget Setting, MTFS; Treasury Management Scrutiny Human Resource Policies including Health and Safety ICT Strategy; Corporate and outward looking policies Internal Audit Investigating and Disciplinary Committee Legal, Democratic Services and Elections Welland Procurement Unit Any function not delegated elsewhere	
<b>No</b>	<b>Terms of Reference</b>	<b>To exercise the Council's powers and duties of the following functions :-</b>
1.	<b>General Responsibility</b>	responsibilities shall be exercised in accordance with the Council's Policy Framework and Corporate Priorities
2.		responsible for the strategic direction of the Committee's functions, service, policy, delivery, performance, operational asset management, staffing resources and budget monitoring
3.		shall not have the power to incur expenditure which has not been delegated by the Council in line with the Financial Procedure Rules
4.		authorised to take any steps, including delegation to officers, which may be necessary to carry out the functions within the scope of the delegations to the Committee
5.		may award contracts subject to the relevant rules contained within Part 4 of the Constitution and adequate budgetary provision
6.		any reference to a statute within the Terms of Reference of the Committee includes reference to any re-enactments thereof and subordinate legislation made thereunder
7.		any function of the Council not delegated elsewhere or reserved to

		Council
8.	<b>Budget and Financial Planning</b>	consider and review the Council's medium and long term financial strategies and the overall financial health of the Council
9.		consider and establish a detailed framework for the policy and budget setting process
10.		scrutinise the Treasury Management Strategy and any associated reports and policies prior to approval by Full Council
11.	<b>Business Continuity and Emergency Planning</b>	oversight of the Council's approach in a Council or community emergency
12.	<b>Human Resources and Health &amp; Safety</b>	development and implementation of policies relating to the appointment, employment, training, safety and dismissal of staff including maintenance of recreational, social and welfare facilities, conditions of employment, pensions and health and safety. Keep under review the staff establishment
13.		oversight of the development and delivery of the workforce strategy and work place policies
14.	<b>Recovery of outstanding revenues and accounts</b>	oversee collection of revenues and accounts due to the Council and not paid by the date of settlement and to give such direction as may be necessary for the recovery thereof
15.	<b>Strategic Asset Management</b>	strategic oversight and co-ordination of all the Council's assets including acquisition, management and disposal
16.		operationally manage assets within the Committee's remit
17.		<b><u>When acting as the Investigating and Disciplinary Committee the following 5 terms of reference apply :-</u></b>
18.	<b>Investigating &amp; Disciplinary Committee</b>	considering allegations relating to the conduct or capability of the Head of Paid Service, Section 151 (Chief Financial Officer) Officer or the Monitoring Officer.
19.		to appoint an Independent Investigator (including agreeing terms of reference of the investigation) from a list maintained by the JNC Joint Secretaries and in accordance with the procedure adopted by the JNC Joint Secretaries from time to time.
20.		to receive and consider the report of the Independent Investigator and be given authority to impose no sanction, or to take action short of dismissal and to impose an appropriate penalty or take other appropriate action.
21.		in such cases where the Committee considers it appropriate taking into account the threshold test the Committee may suspend the Head of Paid Service, the Section 151 (Chief Financial Officer) Officer or the Monitoring Officer.
22.		authority to negotiate any settlement in consultation with internal / external auditors and appoint such independent external advisers as required in this respect

## People Committee

	<b>Membership</b>	10 Members Politically balanced
	<b>Special Requirements</b>	Councillors must receive equalities training within 6 months of being first elected. No Councillor may continue to sit on this Committee if they have not met this requirement.
	<b>Remit of this Committee</b>	Assets of Community Value Council Housing Tenants and Tenancy Management Community Safety Partnership Community Support and Services; Lifeline; Me & My Learning Council Lottery Customer Services; Corporate Complaints Equalities Grants to Community Bodies Homelessness; Social Housing Housing Benefit and Council Tax Support Sports and Leisure Contract Management; Health & Well-being Tackling Anti-Social Behaviour and Nuisance inc Enforcement Voluntary and Community Sector Relationships
<b>No</b>	<b>Terms of Reference</b>	<b>To exercise the Council's powers and duties of the following functions :-</b>
1.	<b>General Responsibility</b>	responsibilities shall be exercised in accordance with the Council's Policy Framework and Corporate Priorities
2.		responsible for the strategic direction of the Committee's functions, service, policy, delivery, performance, operational asset management, staffing resources and budget monitoring
3.		shall not have the power to incur expenditure which has not been approved by the Corporate Committee or through an appropriate delegation
4.		authorised to take any steps, including delegation to officers, which may be necessary to carry out the functions within the scope of the delegations to the Committee
5.		may award contracts subject to the relevant rules contained within Part 4 of the Constitution and adequate budgetary provision
6.		any reference to a statute within the Terms of Reference of the Committee includes reference to any re-enactments thereof and subordinate legislation made thereunder
7.	<b>Assets of Community Value</b>	oversight and development of the Council's policy on Assets of Community Value
8.	<b>Council housing tenants</b>	management and support of Council housing tenants and related services including allocations, tenancy management and supporting services
9.	<b>Community</b>	community safety including Community Safety Partnership



	<b>Safety</b>	
10.		overview and scrutiny arrangements for the Police and Crime Panel Procedures as set out in Part 4 of the Constitution
11.		action to address anti-social behaviour and nuisance including the use of enforcement
12.	<b>Community Support and Services</b>	community development and welfare including services for young and older people and other vulnerable groups. Services include Lifeline, Me & My learning
13.		oversight of the Council's Customer Services function
14.		monitor the Council's response to dealing with customer complaints including periodic review of the Council's Complaints Procedure
15.		housing benefit and Council Tax support
16.		consider and implement mechanisms to encourage and enhance community participation in the development of policy options
17.	<b>Homelessness</b>	homelessness strategy, social housing and related matters
18.	<b>Voluntary and Community Sector Relationships</b>	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 Council's functions
19.		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
20.		oversight of the policy and allocation of the policy to award grants to community bodies

## Place Committee

	<b>Membership</b>	10 Members Politically balanced
	<b>Special Requirements</b>	Councillors must receive equalities training within 6 months of being first elected. No Councillor may continue to sit on this Committee if they have not met this requirement.
	<b>Remit of this Committee</b>	Council Housing Stock; HRA; Rent Setting Economic Development; Regeneration; Place Marketing; Tourism Environmental and Place-Based Enforcement Environmental Health; Public Sector Housing; Health & Safety Environmental Maintenance; Pest Control; Land Drainage Grant Schemes within this Committee's remit Planning; Local Plan; Building Control; Land Charges Public Assets; Open Spaces Public Transport & Highway; Parking Oversight of the Council's Special Expenses Leisure Centre Capital Development Street Cleansing; Waste Management Town and Place Partnership Wheels to Work
<b>No</b>	<b>Terms of Reference</b>	<b>To exercise the Council's powers and duties of the following functions :-</b>
1.	<b>General Responsibility</b>	responsibilities shall be exercised in accordance with the Council's Policy Framework and Corporate Priorities
2.		responsible for the strategic direction of the Committee's functions, service, policy, delivery, performance, operational asset management, staffing resources and budget monitoring
3.		shall not have the power to incur expenditure which has not been approved by the Corporate Committee with regard to the General Fund or through an appropriate delegation
4.		authorised to take any steps, including delegation to officers, which may be necessary to carry out the functions within the scope of the delegations to the Committee
5.		may award contracts subject to the relevant rules contained within Part 4 of the Constitution and adequate budgetary provision
6.		any reference to a statute within the Terms of Reference of the Committee includes reference to any re-enactments thereof and subordinate legislation made thereunder
7.	<b>Council housing stock</b>	management and maintenance of Council housing stock and assets including oversight of the Housing Revenue Account including rent setting
8.	<b>Economic Development &amp; Regeneration</b>	promotion and improvement of the economic growth and regeneration of the area

9.		support to and linking with the Town and Place Partnership
10.		oversight of the Council's place marketing and tourism agendas including supporting Christmas lighting and the Council's relationship with the BID
11.		oversight of any Council grant schemes within within the remit of this Committee
12.	<b>Environmental Health</b>	oversight and implementation, advice and enforcement of matters relating to :- domestic and commercial environmental health services including food safety health & safety private sector housing pollution including nuisance and environmental protection public health licensing and registrations
13.	<b>Environmental Services</b>	street cleansing and the collection and disposal of waste
14.		environmental maintenance, pest control and land drainage
15.	<b>Leisure Centre Development</b>	leisure centre capital development
16.	<b>Operational management &amp; maintenance of public open space</b>	management and maintenance of public assets including land, open spaces, and other public facilities including those owned by, leased to or otherwise occupied by or subject to the control of the Council also including those categorised as special expenses
17.	<b>Planning, Local Plan etc</b>	adoption of a local development scheme, supplementary planning documents, Statement of Community Involvement, the AMR, and agreement of Neighbourhood Plan designations, submission of NP's for Examination and proceeding to Referendum. The final 'making' of NP's following Referendum
18.		oversight and implementation of all stages of the production of a Local Plan and any subsequent reviews; recommending to Council the adoption of a Local Plan or Review
19.		oversight of building control and land charges
20.	<b>Transport and Parking</b>	public transport, parking and use of the highway

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## APPENDIX B

### GOVERNANCE COMMITTEE

#### 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 and approve 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 **Annual 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).

### CONSULTATION AND ENGAGEMENT

**Comment [SE1]:** Transfer to Corporate and People

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.

#### **C. 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.

#### **D. 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).

[The Mayor be authorised to determine recipients of Mayoral awards in consultation with other Members as appropriate.](#)

#### **E. 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.

#### **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~~

**Comment [SE2]:** Transfer to respective policy committees

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.~~

#### F. 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.
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, including General Data Protection Regulations.

**Comment [DG3]:** Corporate.

**Comment [DG4]:** We did say this would be people except where the ombudsman report needs to be considered by Governance

#### VOLUNTARY AND COMMUNITY SECTOR RELATIONSHIPS

**Comment [SE5]:** Transfer to People Cttee

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.~~

#### G. 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. To deal with complaints in accordance with the legislative requirements set out in the Localism Act or as defined in Regulations. This item links to Governance Sub Committees below.
39. The exercise of 34-37 in relation to the parish councils in its area and the members co-opted of those parish councils.

**K. EQUALITIES**

~~To deal with oversight and Member management of equalities.~~

**Comment [SE6]:** Transfer to People Cttee

**L. REGULATION OF INVESTIGATORY POWERS ACT (RIPA)**

To deal with policy issues with regard to RIPA.



## PLANNING COMMITTEE

### 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 Melton 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.~~
4. ~~To exercise the Council's powers and duties to review, make, amend, revoke or re-enact By-Laws.~~
4. ~~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.~~
4. ~~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.~~
4. ~~To exercise the enforcement powers and duties of the Council and Returning Officer in relation to elections.~~
4. ~~To exercise the enforcement powers and duties of the Council in respect of animals.~~
4. ~~To exercise the regulatory and enforcement powers and duties of the Council in respect of pollution control.~~
4. ~~To exercise the regulatory and enforcement powers and duties of the Council in respect of food safety.~~

4. ~~To exercise the regulatory and enforcement powers and duties of the Council in respect of premises for wholesale or retail sale.~~
4. ~~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.~~
4. To exercise the Council's powers in relation to trees under Sections 198-214D of the Town and Country Planning Act 1990.

**Review of Constitution 2017 18  
Items for Consideration**

No	Part	Item
1.	Part 3A	<p><u>Responsibility for Functions</u></p> <p><u>Welland Partnership – Joint arrangements</u></p> <p>To remove reference to the joint arrangements of the Welland Partnership as this body no longer exists.</p> <p><b>Action Proposed</b> To remove the joint arrangements with the Welland Partnership</p>
2.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Delegations to Assistant Director for Strategic Planning and Regulatory Services :</u></p> <p><u>Item 35 – to be updated as follows :-</u></p> <p><i>To make objections and representations to National Planning Policy and Guidance, any Regional Planning Guidance, the Leicestershire Minerals and Waste Local Plans, the Development Plans of neighbouring planning authorities and other proposals and policies prepared by other authorities that could be expected to affect the development of the Borough or the planning of its development.</i></p> <p><b>Action Proposed</b> To agree the update to item 35 of the delegations of the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>
3.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>3 new delegations to the Assistant Director for Strategic Planning and Regulatory Services relating to Planning Policy matters :-</u></p> <p>(1) Authority to designate a Neighbourhood Plan Area, unless objections to the designation have been received and</p> <p>(2) To determine whether a Neighbourhood Plan should proceed to Referendum following the receipt of an Examiner’s report, except where either: (i) the ‘qualifying body’ do not accept the Examiner’s recommendations; (ii) it is proposed to deviate from the Examiner’s recommendations.</p> <p>(3) To compile and publish the following documents:</p> <ul style="list-style-type: none"> <li>• The Annual Monitoring Report</li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Brownfield Land Register (and updates)</i></li> <li>• <i>Statements of Community Involvement</i></li> </ul> <p><u>Action Proposed</u> To agree the 3 new delegations to the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>
4.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>Item 13, page 34, introductory text, 2<sup>nd</sup> 3<sup>rd</sup> and final bullet points to be deleted and replaced with :</p> <p><u>Introductory Text:</u></p> <p><i>To determine (i.e. allow or refuse) all applications for work on trees in conservation areas and Permitted Development Order 2015 'Prior Notifications' (whether or not subject to any representations of support or objection);</i></p> <p><i>To determine all applications for planning permission, advertisement consent, listed building consent, conservation area consent, Certificates of Lawfulness and for works on trees covered by a Tree Preservation Order; except an application for which:</i></p> <ul style="list-style-type: none"> <li>• <i>2<sup>nd</sup> : The recommendation departs from the provisions of the Melton Local Plan and/or;</i></li> <li>• <i>3<sup>rd</sup> : letters of objection have been received from more than 10 separate households, or a petition or 'pro-forma' letters from over 25 signatories - where the grounds of objection are on bona-fide planning grounds - and the recommendation conflicts with the representations received.</i></li> <li>• <i>Final; Delete (notifications and Tree applications)</i></li> </ul> <p><u>Action Proposed</u> To agree the changes to the delegations to the Assistant Director for Strategic Planning and Regulatory Services as set out above <u>upon adoption of the Melton Local Plan.</u></p>
5.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>To add:</p> <p>Notices under part 8 of the Anti social Behaviour Act 2004 ('High Hedge Notices')</p>

		<p><u>Action Proposed</u> To agree the addition to the delegations of the Assistant Director for Strategic Planning and Regulatory Services as set out above.</p>
6.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations to Assistant Director for Strategic Planning and Regulatory Services</u></p> <p>Transfer items 59, 61 and 69 as listed below from the Assistant Director for Strategic Planning &amp; Regulatory Services to the Director of Growth and Regeneration.</p> <p><i>59 To be responsible for the management of the Council's Waste Management Contract.</i></p> <p><i>61 To be responsible for the management of the Council's internal Health and Safety arrangements.</i></p> <p><i>69 In consultation with the Chair of the Melton Economic &amp; Environmental Affairs Committee (MEEA), to make relevant changes to the method of operational delivery within the waste collection and street cleaning contract where there is no impact on service delivery to the end user and where financial savings can be made.</i></p> <p><u>Action Proposed</u> To agree the transfer of delegations 59, 61 and 69 of the Assistant Director for Strategic Planning and Regulatory Services to the Director for Growth and Regeneration as set out above.</p>
7.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Changes to delegations of the Director for Corporate Services</u></p> <p><u>Delete item 38 as follows :-</u></p> <p><i>38 In consultation with the Deputy Chief Executive to make any necessary changes to the Retail Relief Scheme, in accordance with further guidance from Central Government, consultation with partners across Leicestershire and to improve the scheme based on experience from delivery of the scheme.</i></p> <p><u>Transfer item 39 as follows to the Deputy Chief Executive :-</u></p> <p><i>39 To adjust the Local Council Tax Support scheme annually with regard to uprating personal allowances and premiums and changes to the universal Credit Scheme affecting the Local Council Tax Support Scheme as announced by Central Government.</i></p> <p><u>Transfer the following delegation from the Director for Corporate Services to the Deputy Chief Executive in consultation with the Director for Corporate Services :-</u></p>

		<p><i>52 In consultation with the Director for Corporate Services to adopt local business rate relief schemes, where it is in the interest of local businesses and the Council to do so, following guidance from Central Government.</i></p> <p><u>Action Proposed</u>  To agree the deletion of item 38 and the transfer of delegations 39 and 52 from the Director for Corporate Services to the Deputy Chief Executive as set out above.</p>		
8.	Part 3B	<p><u>Delegations to Officers</u></p> <p><u>Proper Officer Provisions</u></p> <p>The Proper Officer for the performance of the duties of the Data Protection Officer under General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018, under GDPR Articles 37, 38, and 39, will be the Council's Principal Solicitor as follows :-</p> <table border="1" data-bbox="384 752 1262 974"> <tr> <td> <b>General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018</b>  GDPR Articles 37, 38, 39  The Data Protection Officer </td> <td>The Principal Solicitor</td> </tr> </table> <p>In the interim, until the permanent appointment of the Principal Solicitor in the Legal &amp; Democratic Service, the Chief Executive, as Head of Paid Service, will designate an appropriate person to act as the named Data Protection Officer.</p> <p><u>Action Proposed</u>  To agree that the Principal Solicitor be the Proper Officer in respect of Data Protection as set out above and in the interim until a Principal Solicitor is appointed, the Chief Executive will designate an appropriate person to act as the named Date Protection Officer.</p>	<b>General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018</b> GDPR Articles 37, 38, 39 The Data Protection Officer	The Principal Solicitor
<b>General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018</b> GDPR Articles 37, 38, 39 The Data Protection Officer	The Principal Solicitor			
9.	Part 4	<p><u>Financial Procedure Rules</u></p> <p>In order to reflect the changes required under the new IFRS9 accounting standards a greater emphasis is required by budget holders to ensure the correct processes are followed which includes finance sign off and provision of data. Therefore the following new section is proposed.</p> <p><u>Section 3 – Financial Systems and Procedures</u></p> <p>Asset and Vehicle Leasing (new section)  2.62 Budget Holders</p> <p>a) All staff must consult financial services before entering into any proposed leasing arrangements to ensure appropriate options appraisal are considered.</p> <p>b) In order to undertake an options appraisal staff must collate and provide</p>		

		<p>the information outlined in section 2.3 of the budget manual to finance as part of the decision making process.</p> <ul style="list-style-type: none"><li>c) Following a full financial appraisal a lease can only be taken to the next stage for entering in to once approved by a qualified member of the Finance Team</li><li>d) Before any lease is signed any legal documentation provided by the potential supplier must be reviewed by a member of the legal services team</li><li>e) Once a lease is approved all the information required should be entered onto the lease register maintained by property services and property is to be informed of any changes should they arise.</li></ul> <p><u>Action Proposed</u> To agree insertion of the above to the Financial Procedure Rules.</p>
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