

PART 3: RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

The Council has established the following committees with the respective composition of members to carry out the functions set out in the second column of the Table One below subject to the delegation of functions prescribed in the third column thereof. Except for the Employment Committee, where further delegation is not appropriate, all functions of the Council can be further delegated downwards to sub-committees, panels or officers, subject to law and the Delegation Rules as the relevant committee may determine.

Employment Committee: Although this is constituted as a standing committee of the Council, its functions demand that it meets only when necessary to deal with relevant business.

Responsibility for Council Functions (Table One)

Civic Affairs Committee		
Membership	Functions	Delegation of functions
<p>12-9 councillors, including the Chairman of Council, Leader, Deputy Leader and Leader of the Major Opposition Group as ex officio members. Appointments to be subject to the requirements of political proportionality.</p>	<p>Review of the Council's Constitution:</p> <ul style="list-style-type: none"> • to bring forward proposals which, in the opinion of the Chief Executive and Monitoring Officer, entail substantive changes to the Constitution, for consideration by the Council, excluding those matters which are specifically included within the remit of other bodies on the Council. <p>Electoral Arrangements: Determination as follows:</p> <ul style="list-style-type: none"> • review district or parish electoral arrangements including boundaries and report recommendations to Council • give parish meetings powers of parish council • increase / reduce number of parish councillors • change parish electoral arrangements where agreed including parish warding • appoint temporary parish councillors, s. 91 LGA, 1972 <p>Recommend to Council:</p> <ul style="list-style-type: none"> • district and district ward boundary changes arising from review • parish warding and boundary changes where not agreed • Periodic Electoral Review • new parish establishment <p>Ethical Standards: As set out in Article 9.03</p>	<p>May appoint sub-committees to:</p> <ul style="list-style-type: none"> • consider an Investigating Officer's final report; • consider determination

Civic Affairs Committee		
Membership	Functions	Delegation of functions
		hearings (the "Hearings Panel") comprising three members of the Civic Affairs Committee who have undertaken the necessary training. Hearings shall operate in accordance with the hearings procedure set out in Part 5 of the Constitution and shall be chaired by the councillor appointed to that role by the Monitoring Officer, in consultation with the Civic Affairs Committee Chairman;

Audit and Corporate Governance Committee		
Membership	Functions	Delegation of functions
<p>9 7 councillors who are not members of the Cabinet, appointed in accordance with the rules of political balance. The Chairman of the Scrutiny and Overview Committee shall not be eligible to Chair the Committee although he / she may be a member of it.</p> <p>Members of the Cabinet are eligible to serve as substitute members of the Audit and Corporate Governance Committee.</p>	<p>General</p> <p><i>Responsibility of the Audit and Corporate Governance Committee:</i></p> <p>(i) to review and advise the Council on the embedding and maintenance of an effective system of corporate governance, risk management and internal control;</p> <p>(ii) to give assurance to the Council that there is a sufficient and systematic review of the corporate governance, risk management and internal control arrangements within the Council;</p> <p>(iii) in conjunction with the Chief Finance Officer, to commission such "value for money" or special studies as considered appropriate;</p> <p>(iv) to consider the Performance Indicators</p>	To the Chairman of the committee and officers as appropriate

Audit and Corporate Governance Committee		
Membership	Functions	Delegation of functions
	<p>and Local Authority Profile as published by the Audit Commission and, as appropriate, initiate investigative action;</p> <p>(v) to recommend to the Council action in respect any issues of major concern arising from audit reports and / or management letters;</p> <p>(vi) to maintain an overview of the main instruments of financial control, such as Standing Orders in relation to contracts, Financial Regulations etc., and, where appropriate, make recommendations to the Council for improvement;</p> <p>(vii) to approve the Statement of Accounts;</p> <p>(viii) to receive quarterly updates on the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA) powers and to review the RIPA policy on an annual basis and make amendments as necessary.</p>	
	<p>Shared responsibility with the Cabinet:</p> <p>(i) to monitor the overall efficiency and effectiveness of the internal and external audit services.</p> <p>(ii) to be informed by the Chief Finance Officer, at his discretion, of any matters of suspected fraud and / or mal-administration, pending receipt of an interim or final report.</p>	

Audit and Corporate Governance Committee		
Membership	Functions	Delegation of functions
	<p>External Audit</p> <p><i>Responsibility of the Audit and Corporate Governance Committee:</i></p> <ul style="list-style-type: none"> (i) to oversee, generally, the work of external audit and provide a suitable forum for discussion of related matters; (ii) to consider, annually, the programme of work to be performed by external audit and the draft audit time budget (iii) to confirm that the managed audit approach between external audit and internal audit is working for the maximum advantage of the Council; (iv) to receive, upon request, periodic presentations on specialist audit areas or other matters of interest. <p><i>Shared responsibility with the Cabinet:</i></p> <ul style="list-style-type: none"> (i) to receive copies of all external audit reports including value for money studies; (ii) to monitor, annually, or more frequently where deemed appropriate, the implementation of agreed recommendations in respect of both external audit reports and management letters. <p>Internal Audit</p> <ul style="list-style-type: none"> (i) to review and confirm annually with the Chief Finance Officer the Audit Risk Index and Strategic Audit Plan; (ii) in association with the 	

Audit and Corporate Governance Committee		
Membership	Functions	Delegation of functions
	<p>Chief Finance Officer, to consider the total resource requirements for the coming year and the proposed level of fees and fee structure;</p> <p>(iii) to monitor the activities of the Internal Audit service provider and measure performance against plan;</p> <p>(iv) to review the annual report of the Internal Audit Manager;</p> <p>(v) to examine and review the planning and co-ordination of internal audits with the aim of confirming an effective and efficient service continues to be provided;</p> <p>(vi) to consider a quarterly report by the Audit Manager detailing audit coverage and the extent to which any major problems were highlighted;</p> <p>(vii) to consider the draft annual governance statement prior to its inclusion in the statement of accounts.</p>	
	<p>Risk Management Strategy¹</p> <p>(i) approval of the risk management strategy; advice and assurance regarding the adequacy and effectiveness of risk management;</p> <p>(ii) to receive an annual report on the risk management strategy and process, including how EMT and the appropriate portfolio holder have performed the quarterly reviews of</p>	

(This page was last updated on 31 January 2013)

¹ The Executive, led by the appropriate portfolio holder, will have responsibility for agreement and ownership of the strategic risks facing the Council. See Tables 2A and 2B – Responsibility for Executive Functions.

Audit and Corporate Governance Committee		
Membership	Functions	Delegation of functions
	the Council's strategic risk register, thus giving the Committee assurance over the process.	

Employment Committee		
Membership	Functions	Delegation of functions
<p>9⁷ councillors including one (only) from the Executive who shall be the portfolio holder with responsibility for staffing matter, ex officio.</p> <p>The Standing Orders Regulations require at least one member of the Executive to be on any committee when appointing or dismissing designated senior officers.</p> <p>The Committee will oversee the recruitment to the roles of Chief Executive / Head</p>	<p>Disciplinary and Grievance Procedures; to consider appeals against dismissal, grading appeals (where contractual responsibilities and other contract of service matters are in issue) and grievances by employees of the Council. Disciplinary action against Directors other than dismissal².</p> <p>Appoint Directors³.</p> <p>To be responsible for the selection of the Chief Executive / Head of Paid Service and Executive Directors / Monitoring Officer⁶ and to make</p>	<p>Ad hoc panel of three councillors (Appeals Panel) chosen by the Chairman of the committee (or the Vice-Chairman in the absence of the Chairman) from the members of the Committee</p> <p>Ad hoc panel of three councillors, to include the Finance and Staffing Portfolio Holder or a relevant portfolio holder and the remaining members chosen from members of the committee by the Chairman of the committee, or the Vice-Chairman in the absence of the Chairman. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities and involve relevant group(s) of members in the selection process.</p> <p>Ad hoc panel of at least five councillors, comprising three Members of the Employment Committee chosen by the Chairman of the Committee</p>

² Officer Employment Procedure Rules, rule 6(b).

³ Officer Employment Procedure Rules, rule 4

⁶ Officer Employment Procedure Rules, rule 3(a)

Employment Committee		
Membership	Functions	Delegation of functions
<p>of Paid Service, Executive Directors or Monitoring Officer and when carrying out this role the Committee will include the Leader and the Leader of the Major Opposition Group as ex officio members.</p> <p>This Committee's responsibilities will include agreeing the Job Description and Person Specification of the above posts and whether the position should be advertised externally and if so how it should be advertised and who should run the external recruitment process.</p> <p>If necessary the Committee will need to consider the appointment of a temporary Chief Executive / Head of Paid Service until such time as the recruitment is completed⁴.</p> <p>These steps should be taken before an Employment Panel is appointed to manage the selection process</p>	<p>recommendations to Council on their appointments.</p>	<p>(or the Vice-Chairman in the absence of the Chairman) along with the Leader of Council and the relevant portfolio holder for staffing. So far as circumstances allow, the Chairman shall ensure the panel membership complies with Council policy and good practice on equalities and involve the Cabinet and other relevant group(s) of members in the selection process.</p>

⁴

Section 4 of the Local Government and Housing Act 1989.

Employment Committee		
Membership	Functions	Delegation of functions
<p>and appropriate reports made to Council if considered necessary at this stage.</p> <p>The Committee must make a recommendation to Council on the appointment of a “proper officer” to act as the liaison point for notification between the candidates for appointment and the Employment Panel, the Council and the Cabinet⁵.</p> <p>Only members who have undertaken recruitment and selection training are eligible to be appointed to a Panel of the Employment Committee.</p>		
	<p>Suspend Head of Paid Service, Executive Director, Monitoring Officer, Chief Finance Officer and / or Directors and / or recommend to Council dismissal of these officers⁷.</p>	<p>The Chairman of the Committee (suspension only) otherwise as above.</p>

⁵ Local Authority (Standing Orders) Regulations 2001 Schedule 1 Part 2
⁷ Officer Employment Procedure Rules, rules 3(a), 4(a) and 6(a), ibid

Licensing Committee		
Membership	Functions	Delegation of functions
<p>154 councillors, which may include the Portfolio Holder with responsibility for Licensing, who have received suitable training as required by Article 8.06 above, appointments to be subject to the requirements of political proportionality.</p>	<p>All licensing applications not determined by the Licensing Officer under delegated powers, under any provisions which are the statutory function of the Council, not otherwise the functions of the Planning Committee.</p> <p>All appeals from the determination of the Licensing Officer where in-house procedures allow appeals.</p> <p>All private hire driver license applications following a referral by the Licensing Officer or authorised officer.</p> <p>Determination of Consent, Licence and Prohibited Streets and all other functions set out in the Local Government (Miscellaneous Provisions) Act, 1982</p>	<p>The Licensing Officer has general delegated powers subject to the Delegation Rules.</p> <p>The Licensing Appeals Sub-Committee, comprising at least 3, but not more than 5, councillors from the Licensing Committee who have undertaken the necessary training. The Democratic Services Officer shall select members to sit on the Sub-Committee when it is required to meet. The Democratic Services Officer shall select the Chairman of the Sub-Committee when it is required to meet, in consultation with the Chairman of the Licensing Committee or, in his / her absence, the Vice-Chairman of the Licensing Committee.</p> <p>A Licensing Review Panel, comprising not more than 5 councillors from the Licensing Committee, who have undertaken the necessary training. The Chairman of the Licensing Committee is authorised to make appointments to the Panel when it is required to meet.</p> <p>The Licensing Officer after consulting the Chairman of the committee and the local member(s)</p>

Licensing Committee (2003 Act)		
Membership	Functions	Delegation of functions
10-15 councillors, who have received suitable training as required by Article 8.06 above, who shall be the same as the membership of the Licensing Committee	All licensing applications under the Licensing Act 2003 not determined by the Licensing Officer under delegated powers.	As set out in the annex below (Delegation of Functions)

Table of Delegations in respect of the Licensing Functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police representation is made	If no representation is made
Application for personal licence with unspent convictions relevant to the act		All Cases	
Application for premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application for provisional statement	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to Vary premises licence / club premises certificate	If relevant representation relates to Cumulative impact	If a relevant representation is made	If no representation is made
Application to vary designated personal licence holder		If a police representation is made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for interim authority		If a police representation is made	All other cases
Application to review premises licence / club premises certificate		If a relevant representation is made	All other cases

Planning Committee		
Membership	Functions	Delegation of functions
<p>42 <u>11</u> councillors, which may include the Portfolio Holder with responsibility for Development Control, who have received suitable training as required by Article 8.06 above, appointments to be subject to the requirements of political proportionality.</p>	<p>Determination of all applications under the Town and Country Planning Act 1990, the Listed Buildings Act 1990 and Hazardous Substances Act 1990 and exercise all Enforcement functions under those Acts, with the exception of applications to be determined by the Northstowe and Fringe Sites Joint Development Control Committees established by the Council in accordance with Section 101 of the Local Government Act 1972.</p> <p>Deal with matters in relation to Public Paths, Protection of Important Hedgerows and Tree Preservation and safety</p> <p>Administer and enforce Building Regulations regimes for existing or proposed buildings.</p> <p>[Note: NOT determination of POLICY or designation of conservation areas or Building Regulation policy].</p>	<p>The existing scheme of delegation – Part 3 Table 3 as may be amended by the committee from time to time</p>