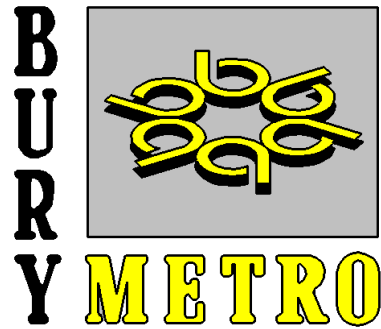


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METROPOLITAN BOROUGH OF BURY



**FALL BACK PROPOSALS FOR A
LEADER WITH CABINET STYLE OF
GOVERNANCE**

March 2008

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CABINET STYLE OF GOVERNANCE**

LOCAL GOVERNMENT ACT 2000

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

1. INTRODUCTION

- 1.1 A valid Petition requesting a Referendum for an 'Elected Mayor with Cabinet' for the Metropolitan Borough of Bury, was received on 3 January 2008.
- 1.2 In the period of one month from the receipt of the Petition the signatures to the Petition were verified to ensure that all signatories are electors in the Borough. Following the verification it was declared that there were 8,207 valid signatures. A valid Petition is required to contain not fewer than 6,961 signatures of electors in the Borough which is the published 'Verification Number' for the Council for 2007/2008. The 'Verification Number' is 5% of the electors on the Register of Electors for any particular year.
- 1.3 The Secretary of State and the Petition organiser, Mr G Berg, were informed that a valid Petition had been received and a Public Notice in the local press has been published within the Statutory deadlines.
- 1.4 The Petition states:
- "We the undersigned being local government electors of Bury MBC, to whom this Petition is addressed, seek a Referendum on whether the electors for that area should elect a Mayor who, with a Cabinet, will be in charge of our local services and lead Bury MBC".
- 1.5 By virtue of Regulations made under Section 34 of the Local Government Act 2000, the Council is required to hold a Referendum within the statutory timescale, that is, within six months of the date of the Petition.
- 1.6 The Regulations require the Council to prepare proposals for an Elected Mayor with Cabinet style of governance involving a public consultation exercise prior to the Referendum.

2. SUMMARY OF PROPOSALS

- 2.1 In accordance with Section 25 of the Local Government Act 2000, the Council is required to prepare a Statement specifying:-
- (i) Details of its Executive arrangements:
- (a) The form of Executive that is specified in the Petition;

- (b) A description of the roles of the Executive, including which functions are to be the responsibility of the Executive;
 - (c) A description of the roles of the full Council, including which Plans and Strategies will be subject to approval by full Council;
- (ii) The timetable with respect to the implementation of the proposals;
 - (iii) The extent to which the proposals are likely to assist in securing continuous improvement in the way the Council's functions are exercised;
 - (iv) The steps which the Council has taken to consult Local Government electors and other interested parties throughout the Borough; and
 - (v) The outcome of the consultation and the extent to which that outcome is reflected in the proposals.
- 2.2 The Council's current arrangements for its governance are based on the Weak Leader/Cabinet model as set out in the Council Constitution which was adopted with effect from 21 June 2001. The provisions of the Constitution have evolved as reviews of the operation of the Council and its constituent bodies have been undertaken as legislative and local needs have arisen.
- 2.3 The provisions of the Local Government and Public Involvement in Health Act 2007 provide that all authorities must have adopted a 'strong' Leader/Cabinet model not later than 31 December 2009. The Council's 'Fall Back' Proposals make provision for the adoption of this model in the event of the Elected Mayor with Cabinet being rejected by the Referendum.
- 2.4 Under the 'strong' Leader/Cabinet model the Council will appoint the Leader from amongst the elected Councillors and the Leader will appoint the Executive Members from amongst the Councillors and allocate a Portfolio to each of those Members.
- 2.5 The 'Fall-Back' proposals providing for the style of a Leader with Cabinet are set out in the succeeding paragraphs.

3. THE EXECUTIVE

- 3.1 The Executive is responsible for carrying out all of the Authority's functions which are not reserved to the full Council or other part of the Council. It is at the centre of the operational decision-making process and has a fundamental role in formulating policies and strategies, including the Budget, for approval by the full Council as part of the Policy Framework. The Executive is responsible for the implementation of the Council Policy expressed within the Policy Framework.

3.2 The Executive will comprise the Leader and nine other Elected Members of the Council appointed by the Council including two Opposition Members without Portfolio.

3.3 The Leader will undertake the following functions:

- w Chair and lead the Executive
- w Assign responsibilities within Portfolios to individual Executive Members
- w Drive Community Leadership
- w Exercise Executive functions within the specified areas for which the Leader has a defined responsibility
- w As the representative of the Executive, to propose the Council Budget and Policies and Strategies within the Policy Framework to the full Council for approval.

4. SPECIFICATION OF EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

4.1 The Council will adhere to the statutory guidance in dividing its functions between the Council and the Executive.

- (i) Section 13 of the Local Government Act 2000 together with the related Functions and Responsibilities Regulations, assign responsibility for a prescribed list of functions to the full Council. These functions may be discharged by way of delegation to Committees, Sub-Committees or Officers.
- (ii) A number of other functions are defined in statute as 'Local Choice' functions and the Council may decide to discharge them through the Executive or through full Council, Committee, Sub-Committee or Officer. The allocation of these functions will be as described in Appendix 1 to these proposals.
- (iii) All other remaining functions will be the responsibility of the Executive.

5. FULL COUNCIL

5.1 The Council will comprise the Leader and 50 other Councillors representing the 17 Wards of the Borough.

5.2 The person presiding at meetings of the Council cannot be the Leader.

5.3 The Councillor presiding at meetings of the Council shall be described as 'The Mayor' or such other title as may be decided by the Council.

5.4 The Deputy Mayor will deputise for the responsibilities of the Mayor as necessary.

5.5 The Mayor will have the following responsibilities:-

- (i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council; and
- (vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate

5.6 Where the Council has delegated powers and duties to the Executive, Regulatory and Non-Executive Committees, Executive Members or Officers, the following matters shall be excluded from that delegation and reserved for the Council itself:-

1. Constitutional

- (a) To adopt and amend the Council Constitution including Standing Orders and Financial Regulations of the Council.
- (b) To determine the general structure of the Council's decision-making processes.
- (c) To adopt or amend the terms of reference and delegation scheme in respect of the Executive, Executive Members, Regulatory and Non-Executive Committees and the Officer Delegation Scheme in relation to Council, executive and local choice functions.
- (d) To elect the Mayor and the Deputy Mayor of the Council at the Annual Meeting of the Council.
- (e) To determine the Regulatory and Non-Executive Committees, Scrutiny Commissions to be appointed for the next Municipal Year and the number of seats on each body.
- (f) To determine the number of seats on the various Committees to be allocated, pro rata in accordance with the political balance requirements of the Local Government Act 1989, to the political groups.

- (g) To receive notification from the Leaders of the political groups of the names of persons which their respective groups have appointed to fill seats allocated to them on the various Committees and of any changes to the names of persons appointed to such Committees.
- (h) To appoint Chairs of the various Committees.
- (i) To receive reports of the Returning Officer on the result of the Municipal Elections.
- (j) To make appointments to other internal bodies not affected by the political balance rules.
- (k) To receive notification of the appointment by the minority political groups on the Council of the Leaders and Deputy Leaders of these groups.
- (l) To appoint representatives of the Council on the Joint Authorities and of Spokespersons to answer questions at Council on the functions of the Joint Authorities.
- (m) To appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
- (n) To make arrangements for the discharge of the Council's functions by another local authority.
- (o) To change the name of the area and to confer the title of Honorary Alderman or Freedom of the Borough.

2. Probity

- (a) To adopt the Council's Code of Conduct for Members and Officers.
- (b) To adopt or amend the Members' Allowance Scheme under Article 2.5 having regard to recommendations of the Independent Remuneration Panel on the level of Members' Allowances.

3. Policy

- (a) To approve or amend the Council's Policy Framework.
- (b) To approve any application to the Secretary of State for the transfer of housing land.
- (c) To consider and determine any strategic plan or policy referred to Council by the Executive.
- (d) To make decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or Budget where

the decision taker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.

- (e) To promote or oppose any legislation or to make or amend Byelaws.
- (f) To approve any plans or strategies which require approval by a Secretary of State.

4. Financial

- (a) To approve the Council's Revenue Budget and Capital Expenditure Programme.
- (b) To set a Council Tax annually.
- (c) To determine any matter involving expenditure not provided for in the Council's approved budget, subject to any agreed virement arrangements.
- (d) To fix Council house rents.
- (e) To approve any plan or strategy for the control of the authority's borrowing or capital expenditure, including the adoption of a Treasury Management Policy Statement.
- (f) To approve policies and practices regarding the granting of discretionary rate relief or remission of rates in accordance with Section 47 of the Local Government Finance Act 1988.

5. Electoral

- (a) To make decisions concerning district boundaries, Wards and Polling Districts.

6. Staffing

- (a) To confirm the appointment of the Head of Paid Service.
- (b) To deal with recommendations from the Human Resources and Appeals Panel on the dismissal or taking of disciplinary action against the Head of Paid Service, Director of Finance and E-Government or Monitoring Officer in accordance with the Officer Employment Procedure Rules.

7. Reports

- (a) To consider a report of the Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989.

- (b) To consider a report by the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.
- (c) To consider a report by the Chief Finance Officer in accordance with Section 115 of the Local Government and Finance Act 1988.
- (d) To consider the External Auditor's Public Interest Report.

8. General

- (a) To take decisions on all local choice functions set out in Part 3 of the Council's Constitution which the Council decides should be undertaken by itself rather than the Executive.
- (b) To take decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-Committees or Officers.
- (c) To take decisions on all other matters which, by law, must be reserved to Council.

5.7 The Policy Framework of the Council will comprise the following Plans and Strategies:-

- (a) those plans and strategies required by the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 and Regulations under section 32 of the Local Government Act 2000 to be adopted by the Council:
 - The Bury Plan (incorporating Best Value Performance Plan and Corporate Plan)
 - Children's and Young People's Plan;
 - Sustainable Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Plans and alterations which together comprise the Development Plan;
 - Local Transport Plan;
 - Youth Justice Plan
 - Gambling Act 2005 – Policy Statement
- (b) those other plans and strategies recommended in the Guidance on New Council Constitutions issued by the Department of the Environment, Transport and The Regions should be adopted by the Council as part of the Policy Framework:
 - Risk Management Annual Report
 - Food Law Enforcement Service Plan;

- Plans and Strategies which comprise the Housing Investment Programme;
 - Local Agenda 21 Strategy;
 - Quality Protects Management Action Plan
 - Council's Corporate Plan or equivalent;
- (c) any other plans or strategies which the Council may decide should be adopted by them as a matter of local choice:-
- Regeneration Strategy

(d) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(e) Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

6. OVERVIEW AND SCRUTINY

6.1 The Council will appoint five Overview and Scrutiny Commissions with the remits as set out in Appendix 2.

6.2 Generally, within their terms of reference, Scrutiny Commissions will:-

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any Joint Committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area of its inhabitants; and
- (iv) exercise the right to call-in, for re-consideration, decisions made but not yet implemented by the Executive

6.3 The specific roles of Scrutiny Commissions will be:-

(a) Policy Development and Review

To assist the Council and the Executive in the development of its Budget and Policy Framework

(b) Scrutiny

To review and scrutinise the decisions made by and performance of the Executive, Committees or Officers

(c) Best Value Reviews

To consider progress on Best Value Reviews and approve Best Value Service Reviews and forward Improvement and Action Plans to the Executive for approval.

(d) Annual Report

Scrutiny Commissions must report annually to full Council on their workings and make recommendations for future Work Programmes and amended working methods if appropriate.

(e) Work Programme

Scrutiny Commissions must put forward proposals for their Work Programmes to the Scrutiny Management Committee for approval.

6.4 A Scrutiny Commission is a politically balanced Committee. It may appoint one or more sub-committees and may arrange for these sub-committees to discharge any of its functions, and undertake its functions jointly with another Scrutiny Commission.

Membership

A Scrutiny Commission may not include any member of the Executive but may include persons who are not members of the Authority in a non-voting capacity, except for the following voting church or parent representatives in respect of education functions:-

- i) One representative of the Church of England Diocese
- ii) One representative of the Roman Catholic Diocese
- iii) One representative of the Jewish Faith.
- iv) Two Parent Governors one primary and one secondary

Lead Members may only be appointed to Scrutiny Commissions dealing with areas in which they have no involvement or influence.

7. REGULATORY COMMITTEES

7.1 The following Regulatory Committees will be established by the Council.

(i) **Planning Control Committee**

The Committee will comprise 13 Councillors and have the overall responsibility for the planning and development control matters specified in Appendix 2.

(ii) **Licensing and Safety Panel**

The Panel will comprise 13 Councillors and have responsibility for the licensing functions set out in Appendix 2.

Three members of the full Panel to be selected to form individually politically balanced Licensing Panels to deal with all matters relating to licensing under the Licensing Act 2003 and the Gambling Act 2005.

(iii) **Standards Committee**

The Committee will comprise 7 Councillors and 4 Independent voting Members one of whom will Chair the Committee. The Committee's role will be to strengthen and maintain the highest ethical standards of Councillors and Officers in line with the various Codes of Conduct.

The delegations to the Committee are set out in Appendix 2.

(iv) **Audit Committee**

The Committee will comprise 9 Councillors.

The delegations to the Committee are set out in Appendix 2.

(v) **Human Resources and Appeals Panel**

The overall Panel will comprise all Councillors. 3 or 5 Councillors will be selected to form individual Human Resources and Appeals Panels.

The delegations to the Committee are set out in Appendix 2.

(vi) **Scrutiny Management Committee**

The Council will also appoint a Scrutiny Management Committee to oversee the scrutiny and review process. The delegations to the Committee are set out in Appendix 2.

8. OFFICER DELEGATION SCHEME

- 8.1 The Council will operate an Officer Delegation Scheme based on the principle of empowerment of Officers 'by exception', that is, all matters are delegated to Officers other than the matters reserved to a particular body established by the Council.

9. IMPLEMENTATION OF THE PROPOSALS

- 9.1 The Council has received a valid Petition on 3 January 2008 to hold a Referendum on an Elected Mayor with Cabinet. The following timetable will be adhered to by the Council:-

Date	Activity
26 March 2008	Draft proposals for the operation of governance by way of an Elected Mayor with Cabinet considered by the Council.
27 March 2008 to 23 April 2008	'Light touch' consultations on the agreed draft Proposals.
24 April 2008	Special meeting of the Council to consider the outcomes from the consultations and agree final Proposals.
25 April 2008	Submission of the final Proposals to the Secretary of State (at least two months before the Referendum)
25 April 2008 to 3 June 2008	'Balanced' awareness-raising about the Mayoral Option and Fall-Back Proposals
4 June 2008 to 3 July 2008	Election Publicity Embargo
3 July 2008	Referendum date
If 'YES' vote: 16 October 2008	Mayoral Election
If 'NO' vote: Next following meeting of the Council	Implement the 'Fall Back' Proposals of 'Strong Leader in the Cabinet' in line with the Local Government and Public Involvement in Health Act 2007.

10. CONSULTATIONS WITH LOCAL ELECTORS AND OTHER INTERESTED PARTIES

(To be completed in the light of outcomes from the consultation exercise).

David Hanson
Head of Democratic Services
March 2008

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Appendix 1 – Terms of Reference of Committees

LOCAL CHOICE FUNCTIONS

Function	Executive or Council function?
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authority (Functions and Responsibilities) Regulations 2000 as amended.	Executive
2. The determination of an appeal against any decision made by or on behalf of the Authority, except for appeals for which alternative statutory arrangements apply.	Council
3. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1988 (children to whom section 87 applies: appeals by governing bodies).	Executive
4. The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996(b) for enabling questions to be put on the discharge of the functions of a police authority.	Council
5. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant Councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council
6. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive
7. Any function relating to contaminated land.	Executive
8. The discharge of any function relating to the control of pollution or the management of air quality.	Executive

9. The service of an abatement notice in respect of a statutory nuisance.	Executive
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive
11. The inspection of the authority's area to detect any statutory nuisance.	Executive
12. The investigation of any complaint as to the existence of a statutory nuisance	Executive
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive
14. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive
15. The obtaining of agreements for the execution of highways works.	Council
16. The appointment of any individual:- (a) to any office other than an office in which he is employed by the authority (b) to any body other than:- (i) the authority; (ii) a joint committee or sub-committee of such a body; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment	Council
17. The making of agreements with other Local Authorities for the placing of staff at the disposal of those other authorities	Executive
18. Any function of the Local Authority in their capacity as harbour Authority	Executive

**TERMS OF REFERENCE
OVERVIEW AND SCRUTINY COMMISSIONS AND OTHER COMMITTEES**

Body and Membership	Terms of Reference
<p>Healthier Communities Scrutiny Commission 9 Councillors and 4 non-voting Co-opted Members (Politically balanced)</p>	<p>The provision, planning and management of Adult care services; disability mental health services, environmental health, holding to account of the three Health Trusts, jointly managed health care services, culture, recreation and sports services activities.</p> <p>Scrutiny of relevant aspects of the Community Strategy, in particular Healthier Communities and Vulnerable People and Safe, Strong and Confident Communities themes.</p> <p>Scrutiny of relevant borough partnerships: Community Safety Partnership and Strategic Partnership for Health and Social Care.</p>
<p>Safe, Strong and Confident Communities Scrutiny Commission 9 Councillors and 2 non-voting Co-opted Members (Politically balanced)</p>	<p>Community safety (including drugs, anti-social behaviour, environmental crime, youth offending and Community Safety Strategy/Community Safety Partnership), Community Cohesion. Community engagement, social inclusion and area working.</p> <p>Scrutiny of relevant aspects of the Community Strategy, in particular Safe, Strong and Confident Communities theme.</p> <p>Scrutiny of relevant borough partnerships: Community Safety Partnership and Local Community Safety Partnerships</p>

Body and Membership	Terms of Reference
<p>Resource and Performance Scrutiny Commission 9 Councillors and 2 non-voting Co-opted Members (Politically balanced)</p>	<p>The provision, planning and management of Adult care services; disability mental health services, environmental health, holding to account of the three Health Trusts, jointly managed health care services, culture, recreation and sports services activities.</p> <p>Scrutiny of relevant aspects of the Community Strategy, in particular Healthier Communities and Vulnerable People and Safe, Strong and Confident Communities themes.</p> <p>Scrutiny of relevant borough partnerships: Community Safety Partnership and Strategic Partnership for Health and Social Care.</p>
<p>Economy, Environment and Transport Scrutiny Commission 9 Councillors and 6 non-voting Co-opted Members (Politically balanced)</p>	<p>Community safety (including drugs, anti-social behaviour, environmental crime, youth offending and Community Safety Strategy/Community Safety Partnership), Community Cohesion. Community engagement, social inclusion and area working.</p> <p>Scrutiny of relevant aspects of the Community Strategy, in particular Safe, Strong and Confident Communities theme.</p> <p>Scrutiny of relevant borough partnerships: Community Safety Partnership and Local Community Safety Partnerships</p>
<p>Children and Young People Scrutiny Commission 9 Councillors, 5 voting Co-opted Members and 10 non-voting Co-opted Members (Politically balanced)</p>	<p>The provision, planning and management of Adult care services; disability mental health services, environmental health, holding to account of the three Health Trusts, jointly managed health care services, culture, recreation and sports services activities.</p>

Body and Membership	Terms of Reference
	<p>Scrutiny of relevant aspects of the Community Strategy, in particular Healthier Communities and Vulnerable People and Safe, Strong and Confident Communities themes.</p> <p>Scrutiny of relevant borough partnerships: Community Safety Partnership and Strategic Partnership for Health and Social Care.</p>
<p>Planning Control Committee 13 Councillors (Politically balanced)</p>	<p>1. To deal with any applications for planning permission under the Town and Country Planning Act 1990 and related legislation or for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to the inclusion of adequate detailed information relating to the application which is to the satisfaction of the Chief Planning and Economic Development Officer, as follows:-</p> <p>(a) (i) Any application recommended for approval where there is a material planning objection, with the exception of any domestic householder planning application which falls within the approved supplementary planning guidance; and (ii) Any application which has raised a novel planning issue</p> <p>(b) Any application in respect of which at least one Member of the Planning Control Committee has given prior written notice to the Director of Environment and Development Services or Chief Planning and Economic Development Officer that he/she wishes the application to be determined by the Planning Control Committee.</p> <p>(c) Any application relating to a development which would constitute a substantial departure from the provisions of any approved plan or policies, in particular the Unitary Development Plan, which is recommended for approval</p>

Body and Membership	Terms of Reference
	<p>and/or is not a repeat or duplicate application of one previously refused.</p> <p>(d) Any application submitted by or on behalf of a Member of the Council or his/her spouse or by an officer of the Council, which is recommended for approval.</p> <p>(e) Any application over and above the levels defined in (i) and (ii) detailed below, subject to the application not being a repeat or duplicate of an application previously refused:-</p> <p>(i) 50 or more dwellings or, if it is known, where the site is 2.5 hectares or more;</p> <p>(ii) for all other uses, where the floor space to be created is 5,000 square metres or more or the site is 0.5 hectares or more.</p> <p>(f) Any other application which, in the opinion of the Director of Environment and Development Services or Chief Planning and Economic Development Officer, merits consideration by the Planning Control Committee.</p> <p>2. To deal with the naming and re-naming of streets and the numbering and renumbering of properties, where objections have been received to proposals.</p> <p>3. To deal with the making or confirmation of tree preservation orders, in accordance with Sections 197 to 214D of the Town and Country Planning Act 1990 and the Tree Regulations 1999, where objections have been received to proposals.</p> <p>4. To determine applications for grants for repair/maintenance works in respect of listed buildings where the amount of grant requested</p>

Body and Membership	Terms of Reference
	<p>exceeds £5,000.</p> <ol style="list-style-type: none"> <li data-bbox="1016 309 2042 379">5. To designate a conservation area under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. <li data-bbox="1016 421 2042 491">6. To give directions restricting permitted development under Article 4 of the Permitted Development Order 1995. <li data-bbox="1016 533 2042 715">7. To deal with any functions relating to town and country planning and development control referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers. <li data-bbox="1016 756 2042 938">8. To deal with any functions relating to commons registration referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers. <li data-bbox="1016 979 2042 1120">9. To deal with any functions relating to public rights of way referred to in the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.
<p>Licensing and Safety Panel 13 Councillors (Politically balanced)</p>	<ol style="list-style-type: none"> <li data-bbox="1016 1187 2042 1402">1. To determine all new applications for hackney carriage and drivers' licences and private hire vehicles', operators' and drivers' licences where the applicants do not comply with the relevant criteria or where there are grounds for refusal of the applications (as to licensing hackney carriages) under the Town Police Clauses Act 1847 as extended by section 171 of the Public

Body and Membership	Terms of Reference
	<p>Health Act 1875 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (as to licensing private hire vehicles) sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (as to licensing drivers) sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (as to licensing operators) sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>2. To determine applications for the renewal of private hire vehicles', operators' and drivers' licences where the applicants do not comply with the relevant criteria (under the legislation referred to in (1) above).</p> <p>3. To determine the design of the plates and badges to be displayed in connection with hackney carriage and drivers' licences and private hire vehicles and drivers' licences.</p> <p>4. To determine all applications for sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.</p> <p>5. To deal with the approval of premises for the solemnisation of marriages in accordance with Regulation 46A of the Marriage Act 1994 (c.76) and the Marriages (Approved Premises) Regulations 1995 and to set the appropriate fees.</p> <p>6. To deal with matters relating to the functions of the Council relating to the Safety of Sports Grounds Act 1975 and the Sporting Events (Control of Alcohol Etc) Act 1985 and Part III of the Fire Safety and Safety of Places of Sport Act 1987 where the</p>

Body and Membership	Terms of Reference
	<p>appropriate officer does not wish to exercise his/her delegated powers.</p> <p>7. To determine the terms, conditions and restrictions to be attached to any licence which falls within the purview of the Licensing and Safety Panel.</p> <p>8. To authorise the revocation or suspension of any Licence which falls within the purview of the Licensing and Safety Panel except in circumstances involving risk to the public interest in which case authority be delegated to the Head of Commercial and Licensing after consultation with the Chair of the Panel to revoke or suspend a Licence with immediate effect subject to a report to the next Panel meeting.</p> <p>9. To determine any applications for licences where the appropriate officer does not wish to exercise his/her delegated powers.</p> <p>10. To deal with any licensing and registration functions referred to in the Local Authorities (Function and Responsibilities) Regulations 2000, as amended, where the appropriate officer does not wish to exercise his/her delegated powers.</p> <p>11. To deal with any health and safety matters under Part 1 of the Health and Safety Act 1974 where the appropriate officer does not wish to exercise his/her delegated powers.</p> <p>12. To deal with all matters relating to licensing functions covered by the Licensing Act 2003, in accordance with any agreed arrangements for the delegation of functions to individual Licensing Panels in respect of the determination of individual applications for licences, and to deal with all policy and monitoring</p>

Body and Membership	Terms of Reference
	<p>matters relating to licensing functions covered by the Act.</p> <p>13. To deal with all matters relating to licensing functions covered by the Gambling Act 2005, in accordance with any agreed arrangements for the delegation of functions to individual Licensing Panels in respect of the determination of individual applications for licences, and to deal with all policy and monitoring matters relating to licensing functions covered by the Act.</p> <p>14. To determine refusals to grant revocations and variations of licences for Housing in Multiple Occupation under the provisions of the Housing Act 2004.</p>
<p>Standards Committee</p> <p>7 Councillors and 4 Independent voting members one of whom will Chair the Committee</p> <p>(Politically balanced)</p>	<p>1. To make recommendations to the Council on the adoption, implementation, maintenance and review of a local Code of Conduct for Members and Officers.</p> <p>2. To make recommendations to the Council on the discretionary elements of the local Code of Conduct including monitoring and revisions and on the whistleblowing policy.</p> <p>3. To determine the effective training of Councillors in matters of conduct and advice to individual Councillors on issues relating to the treatment of personal interests and on the propriety of conduct generally.</p> <p>4. To deal with the arrangements for Councillors to receive dispensations to speak on, or participate in, matters in which they have pecuniary or non-pecuniary interests.</p> <p>5. To determine the appropriate action on matters referred to it by the Standards Board for England other than specific complaints</p>

Body and Membership	Terms of Reference
	<p>arising from the Code of Conduct.</p> <ol style="list-style-type: none"> 6. To determine the appropriate action on matters referred to this Committee by the Monitoring Officer. 7. To ensure compliance throughout the Council with all appropriate Codes of Conduct and procedures from time to time determined by this Committee. 8. To review and amend Corporate, Departmental and Ombudsman Complaints Procedures. 9. To have oversight of the Council Constitution. 10. To deal with any appropriate matter referred to it from other Committees. 11. To make payments or provide other benefits in cases of maladministration etc under section 92 of the Local Government Act 2000 in excess of £1000. 12. To determine local complaints by way of Standards Hearing Panels.
<p>Audit Committee 9 Councillors (Politically balanced)</p>	<ol style="list-style-type: none"> 1. To approve, monitor and review internal and external audit plans and associated issues. 2. To receive and consider, on a quarterly basis, details of internal audit reports undertaken by the Internal Audit Section.

Body and Membership	Terms of Reference
	<ol style="list-style-type: none"> 3. To take appropriate action to ensure the implementation and review of audit recommendations. 4. To deal with any appropriate matter referred to the Committee by other bodies. 5. To approve the Statement of Accounts.
<p>Human Resources and Appeals Panel All 51 Councillors, 3 or 5 Councillors to form individual Panels</p>	<p>(i) Personnel Functions</p> <ol style="list-style-type: none"> 1. To appoint staff under Section 112 of the Local Government Act 1972. 2. To determine collective and corporate terms and conditions of service on which staff hold office (including procedures for their dismissal). 3. To appoint officers for particular purposes (appointment of Proper Officers). 4. To establish at the appropriate time panels of members to act as appointment panels for the shortlisting and the appointment of the Chief Executive, Chief Officers and designated Deputy Chief Officers. 5. To consider, where appropriate, Departmental staffing and organisational reviews. 6. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in their opinions

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	<p>sufficient to allow their statutory duties to be performed.</p> <ol style="list-style-type: none"> 7. To determine "market rates" supplements. 8. To determine policies relating to local government pensions and discretionary compensation for early termination of employment. 9. To submit recommendations to the Executive on all policy matters relating to staffing. 10. To submit recommendations to the Executive on the overall departmental structure of the Authority and major restructuring within Departments/Divisions. 11. To deal with appeals by employees against action taken under the Disciplinary and Grievance Procedures. 12. To submit recommendations to the Council on the dismissal or taking of disciplinary action against the Head of Paid Service, Chief Finance Officer and Monitoring Officer. 13. To deal with the dismissal of or other disciplinary action in relation to Chief Officers and Deputy Chief Officers (other than the Monitoring Officer and Chief Finance Officer). 14. To deal with requests from employees to retire under the Premature Retirement Scheme. <p>In exercising the above powers and responsibilities, the Panel shall have delegated power except for any matter where:</p> <ol style="list-style-type: none"> (a) the Chief Executive determines the matter should be

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	<p style="text-align: center;">considered by full Council</p> <p style="padding-left: 40px;">(b) the Council has resolved to determine the matter.</p> <p>(ii) Appeal Functions</p> <p>15. To determine any representations which may be received as a consequence of the service of any Notice by this Council under the provisions of the Registered Homes Act 1984.</p> <p>16. To determine admission and exclusion appeals under Sections 423 and 159 of the Education Act 1996, respectively.</p> <p>17. To determine appeals against any Notices by the Council proposing the cancellation or refusal of the registration of a childminder or the refusal of consent for different premises to be used for day-care, or the imposition, removal or varying of any requirement or the refusal to vary any requirement in relation to the registration under the provisions of Sections 71, 72, 73, 74 and 77 of the Children Act 1989.</p> <p>18. To determine appeals against decisions made and initial appeals determined in respect of applications for discretionary or hardship relief for non-domestic ratepayers in accordance with Sections 43, 45, 47, 18 and 49 of the Local Government Finance Act 1988.</p> <p>19. To determine any other appeals against decisions taken by or proposed to be taken by or on behalf of the Authority.</p>

Body and Membership	Terms of Reference
Scrutiny Management Committee	<ol style="list-style-type: none"> <li data-bbox="1016 240 2024 384">1. To approve an annual Scrutiny and Review Work Programme after consultation with the Scrutiny Commissions to ensure that there is efficient use of the Commissions' time and that the potential for duplication of effort is minimised. <li data-bbox="1016 443 2024 587">2. To receive requests from the Executive and/or full Council for reports from Commissions and to allocate them to Commissions ensuring that they do not jeopardise the existing workload and priorities of individual Commissions. <li data-bbox="1016 646 2024 751">3. To ensure referrals from Commissions to the Executive either by way of report or for reconsideration are managed efficiently and do not exceed any limits set out in this Constitution. <li data-bbox="1016 810 2024 986">4. To make decisions about the priority of referrals made to the Executive or requests received from the Executive if the volume of such reports or requests creates difficulties for the management of the business of the Executive or any Commissions or jeopardise the efficient running of the Council. <li data-bbox="1016 1045 1733 1078">5. To review and monitor the scrutiny process. <li data-bbox="1016 1137 2024 1281">6. To allocate any monies made available for overview and scrutiny purposes to enable research to be undertaken outside the Council or consultants to be used in respect of specified policy reviews.