

Part 3 – B

RESPONSIBILITY FOR NON-EXECUTIVE COUNCIL FUNCTIONS

1. The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below and to the Chief Executive. These Committees may consider and decide any matter of relevant non-executive business referred to the Committee by a Sub-Committee or a Director. Meetings will commence at 7.15pm and end at 10.15pm with the exception of the Planning Applications Committee, Licensing Sub-Committee and Appeals Committee meetings, which are not subject to the three hour guillotine.

Except for matters reserved to councillors, or other decision makers all other matters relating to the Council's non-executive functions are delegated to the Chief Executive and Head of Paid Service

1.1 Standards and General Purposes Committee

a) Membership

12 councillors, excluding the Mayor or Leader.

Independent Persons are invited to attend in an advisory or non-voting capacity.

b) Role and functions

Promotion and maintenance of high standards of conduct and probity within the Council:

- To promote and maintain high standards of conduct and probity by councillors and co-opted members
- To receive reports from the Monitoring Officer on dispensations granted to councillors and co-opted members.
- To hear appeals from councillors and co-opted members where a dispensation has been refused by the Monitoring Officer.

Assistance to councillors and co-opted members

- To receive reports upon, monitor, manage and advise the Council on the implementation of the Council's Member Development Strategy and Member Development Programme, including training on the Member Code of Conduct.

Enforcement of the Code of Conduct

- To oversee the arrangements for the enforcement of the Council's Member Code of Conduct, including amendments to the procedure and assessment criteria.
- To oversee the maintenance of the Register of Members' interests, including approval of the form of declaration and guidance to members.
- To establish sub-committees to deal with pre-hearing issues.
- To hear complaints made against Members and to decide what action, if any, to take, in consultation with the Independent Person.

Financial Governance and Audit Matters

- To approve the Council's statement of accounts, and to consider any reports produced by the Chief Finance Officer, in accordance with the duty to make arrangements for the proper administration of the Council's financial affairs,
- To consider reports and receive recommendations from External Audit.
- To consider reports and receive recommendations from Internal Audit. To monitor the effectiveness, development and operation of risk management and governance.
- To formally agree the Annual Governance Statement and review the improvement plans.

Other functions

- To monitor and review the operation of the Council's Constitution as required by Article 15.1 of the Constitution, including the Financial Regulations, and to make appropriate recommendations to the Council in relation thereto.
- To monitor and receive regular reports on the operation of the Regulation of Investigatory Powers Act 1998 (RIPA).
- To maintain an overview of complaints handling and Local Government Ombudsman investigations, including receiving reports of payments exceeding £1000 to persons adversely affected by any maladministration on the part of the Council, as identified in a report by the Local Government Ombudsman.
- To determine (under Section 3A of the Local Government and Housing Act 1989) applications by Council employees for exemption from political restriction.
- To monitor amendments to and the operation of the Staff Code of Conduct.
- To assist in the appointment of independent persons.
- To discharge the Council's functions in relation to elections.

- To consider any issues, which is in the professional opinion of the Chief Executive or Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.
- Except for matters reserved by statute for consideration by Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- To determine all other matters which are non-executive functions and which are not otherwise reserved to Council are not within the terms of reference of any other committee and which are not delegated to an officer.
- To exercise the function, powers and duties of the Council as trustee of trusts for which the Council is Corporate Trustee except insofar as those functions that have been delegated to Chief Officers of the Council.

1.2 **Appointments Committee**

(a) **Membership:** 10 Members

(b) **Functions:**

- (i) To recommend the appointment of a Chief Executive and Head of Paid Service to the Council
- (ii) To interview and appoint Chief Officers, and Officers at director level or equivalent, including the Monitoring Officer, and to approve statements specifying:
 - the duties of the officer concerned and
 - any qualifications or qualities to be sought in the person to be appointed and
 - to make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it and
 - to make arrangements for a copy of the statements mentioned in sub paragraph (ii) to be sent to any person on request and
 - to make arrangements to shortlist applicants for these posts and agree the assessments to be taken by shortlisted applicants.
- (iii) To determine the terms and conditions on which officers hold office (including the terms of dismissals), restructures, exits, statutory discretion relating to termination payments, reorganisations involving changes to staff responsibilities at Deputy Chief Officer and above.

All other staffing matters that have not been delegated to any other decision maker.

1.3 Planning Applications Committee

- (a) **Membership:** 10 Members (10 seats plus 1 Independent non-voting co-opted member to be appointed by the Planning Committee)
- (b) **Functions:**
 - (i) To hear and determine all applications received under the Town and Country Planning Acts, including heads of terms of any ancillary agreements
 - (ii) To hear and determine objections to new Tree Preservations Orders
 - (iii) To exercise the Council's functions in relation to planning control and building control
 - (iv) To consider the implications of changes in legislation and powers relating to control over development and building control, and related enforcement matters
 - (v) To develop an annual work programme, set targets and a review mechanism through the year
 - (vi) To ensure all the work of the committee promotes the Council's commitment to equality of opportunity for councillors, staff and the local community
 - (vii) To ensure the work of the committee meets the needs and aspirations of the local community and is responsive to the wishes of the community at large
 - (viii) To arrange for the discharge of any of its functions by the Director of Environment and Regeneration

1.4 Licensing Committee 2003 and Licensing Committee (Miscellaneous)

1.4.1 These committees will consist of the same membership and be scheduled to meet at the same time to deal with:

- (a) Licensing Committee (2003)
 - (i) All matters which can be dealt with by the Licensing Committee established by the Licensing Act 2003
- (b) Licensing Committee (miscellaneous)
 - (i) Licensing matters which cannot be dealt with by the Licensing committee established under the Licensing Act 2003

1.4.2 **Membership** 12 Members

1.4.3 **Functions** – Licensing Committee (2003):

- (a) To discharge on behalf of the Council all of its licensing functions which are not reserved to full Council or another decision maker, pursuant to the provisions of:
 - (i) the [Licensing Act 2003](#)
 - (ii) the [Gambling Act 2005](#)
 - (iii) Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982 (in respect of sex establishments)
- (b) To advise the Council on its Statements of Policy with respect to the exercise of its licensing functions relating to
 - (i) the [Licensing Act 2003](#)
 - (ii) the [Gambling Act 2005](#)
- (c) To agree any Statements of Policy relating to Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982 (in respect of sex establishments)
- (d) To review the Statements of Policy at such times as it considers appropriate and report to Council when required.
- (e) To delegate functions to sub-committee(s) or officers as appropriate, having regard to guidance issued by the Secretary of State

1.4.4 **Functions** – Licensing Committee (miscellaneous)

- (a) To deal with any other licensing matter which must be dealt with by a committee of the council and cannot be deal with by the Licensing Committee (2003)
- (b) To deal with any matter which the Chief Executive considers appropriate to be referred to the Licensing Committee (miscellaneous)

1.5 **Appeals Committee**

- (a) **Membership:** 3 Members
- (b) **Functions:** To determine appeals against decisions made by or on behalf of the authority relating to:

- (i) applications for rehousing;
- (ii) licensing determinations; and,
- (iii) any other appeals which are not delegated to another decision-maker.

1.6 Overview and Scrutiny Commission

- (a) **Membership:** Membership 15, consisting of 4 statutory co-opted Members, 1 non-voting co-opted Member and 10 Councillors.
- (b) **Functions:** The functions of the Overview and Scrutiny Commission and Panels are set out in Article 6 of Part 1 of the Constitution and should be read in conjunction with the Overview and Scrutiny Commission Procedure Rules in Part 4-E.
- (c) Scrutiny panels and joint scrutiny panels membership and details are found within Overview and Scrutiny Commission Procedure Rules in Part 4-E

1.7 Borough Plan Advisory Committee

- (a) **Membership:** 6 Members (Members of the Cabinet and Assistant Cabinet members may not be appointed to this Committee)
- (b) **Functions:**
 1. To discharge the Council's responsibilities contained in the Local Government Act 2000 and Planning and Compulsory Purchase Act 2004 (as amended) with respect to the Merton Local Plan specifically to make recommendations as appropriate to the Cabinet and Council on matters including:-
 - (i) Local Development Scheme
 - (ii) Statement of Community Involvement
 - (iii) Development Plan Documents
 - (iv) Local Development Documents
 - (v) Area Plans and Supplementary Planning Documents
 - (vi) Strategic Environmental Assessment
 - (vii) Tests of Soundness of Development Plan Documents
 - (viii) Neighbourhood plans

2. To consider and advise the Cabinet and Council on the Report of the Inspector conducting the Independent Examination of Development Plan Documents of the Merton Local Plan.
3. To advise the Cabinet and Council on the preparation of Local Plans prepared with adjoining boroughs, specifically the Joint Waste Development Plan Document.
4. To advise the Cabinet and Council on other Strategic / London-wide spatial planning and transport planning matters.
5. To consider the need for information, research, studies and investigations further to the preparation of the Merton Local Plan and to advise the Council on the resources required to prepare and review the Merton Local Plan.
6. To consider new and emerging legislation relevant to the preparation and review of the Merton Local Plan.
7. To consider and advise Cabinet and Council on buildings and structures to be included in the Local List, considering officer recommendations and consultation feedback.

1.8 Urgency Committee

- (a) **Membership:** 5 Members
- (b) **Functions:** To exercise all of the powers and carry out all the duties of the Council in case of emergency or urgency (with the exception of those which may not be legally delegated) where the interests of the Council would be prejudiced if a decision were not to be taken prior to the next scheduled ordinary meeting of the full Council.

1.9 Joint Regulatory Services Committee.

- (a) **Membership:** 2 Members from each the Council being represented on the Joint Committee
- (b) **Functions:**
 - Review ~~and recommend and set~~ the service level obligations for the functions contained in the shared service
 - Review the Shared Service performance against the requirements agreed by the Councils
 - Review and monitor a risk register for all aspects of the Shared Service

- Be responsible for any matter relating to the Shared Service not specifically reserved to any Council or delegated to the Head of the Shared Service
- ~~Determine and review~~Review and advise on the charging and funding mechanisms of the operation of the Shared Service
- ~~Establish~~Review and advise on future direction and expectations of the Shared Service

1.11 Local Pension Board

- (a) **Membership:** The Board shall consist of 4 voting members made of: 2 Councillors, 2 Employer Representatives; and 1 further representative without voting rights to be appointed at the discretion of the Council
- (b) **Functions:** The purpose of the Board is to assist the Council in its role as a scheme manager of the Scheme. Such assistance is to:
- (1) To secure compliance with:
 - (i) Regulations made under the Public Service Pensions Act 2013 that apply to the matters referred to in sections 5 and 6 of that Act.
 - (ii) Any other legislation relating to the governance and administration of the Scheme and any connected scheme
 - (iii) Any requirements imposed by the Pensions Regulator in relation to the Scheme. These areas include but are not restricted to:
 - Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations.
 - Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code
 - Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
 - Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.

- Review the implementation of revised policies and procedures following changes to the Scheme.
 - Review the compliance of particular cases, projects or process on request of the Committee.
 - Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.
- (2) To ensure the effective and efficient and effective governance and administration of the Scheme. Including but not restricted to:
- Assist with the development of improved customer services.
 - Assist with the development of improved management, administration and governance structures and policies.
 - Assist in the development and monitoring of process improvements on request of Committee.
 - Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
 - Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.