

## **PART 3 – B**

### **1. RESPONSIBILITY FOR NON-EXECUTIVE COUNCIL FUNCTIONS**

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.

1A Except for matters reserved to Members 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 The Standards Committee**

(a) **Membership:** 8 Councillors (other than the Mayor or Leader) and 3 non-voting co-opted members.

#### **(b) Non-voting co-opted members**

The term of office for non-voting co-opted members shall be three years

A maximum of two terms can be served consecutively.

Persons who have served as Councillors or co-opted members within five years prior to the appointment date, or close friends or relatives of such persons, are not eligible to serve as co-opted members.

Eligibility is restricted to persons who live or work in the borough.

#### **(c) Role and Functions:**

(i) Promotion and maintenance of high standards of conduct within the Council

- To promote and maintain high standards of conduct by Councillors and co-opted members;
- To assist Councillors and co-opted members to observe the Members' Code of Conduct and other relevant codes;
- To consider proposals to change the Constitution and to advise the General Purposes Committee and the Council of any ethical governance issues considered to arise from them.

- To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law and guidance from the [Audit Commission Council's external Auditors](#)
  - To receive reports from the monitoring officer on dispensations granted to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
  - To hear appeals from councillors and co-opted members where a dispensation has been refused by the monitoring officer.
- (ii) Assistance to councillors and co-opted members
- To ensure that all Members of the Council have access to training in all aspects of the Member's Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local Councillors under the Code.
  - To monitor progress of the Council's Member Development Programme for elected Members
- (iii) Enforcement of the Members' Code of Conduct
- to oversee the arrangements for the enforcement of the Council's code of Conduct including responsibility for amendments to the procedure and assessment criteria;
  - maintenance of the register of Members' interests including approving the form of declaration and guidance to members
  - to establish sub-committees to deal with pre-hearing issues;
- (iv) Advising the Council on ethical governance matters
- To monitor and review the operation of the Council's Constitution as required by Article 15.1 of this Constitution;

- To be consulted by the Monitoring Officer on ways in which the Constitution could be amended in order to better achieve the purposes set out in article 1 as required by Article 15.1;
- To refer changes to the Constitution to the General Purposes Committee jointly with the Head of Paid service and the Monitoring in accordance with Article 15.2 of the Constitution.
- To advise the Council on ethical and corporate governance issues, and in particular upon the Council's Annual Governance Statement, Corporate Code of Governance and performance indicators so far as they relate to ethical conduct and the Members' Code of Conduct.

(v) Other Functions

- To monitor amendments to and the operation of the Staff Code of Conduct.
- To monitor and receive an annual report on the operation of the Regulation of Investigatory Powers Act 1998;
- To maintain an overview of complaints handling and Ombudsman investigations.
- To determine (under s. 3A of the Local Government and Housing Act 1989) applications by Council employees for exemption from political restriction.
- To determine the publicity other than advertisement in a local newspaper which will be used to invite and encourage applications to become independent members of the Standards Committee.
- To assist in the appointment of independent members.
- To make arrangements for the appointment of non-voting co-opted members of the Standards Committee and recommend appointments to the Council.
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## 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 and 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 sat by shortlisted applicants.
- (iii) To determine the terms and conditions on which officers hold office (including the terms of dismissals), restructures, exits, statutory discretion's relating to termination payments, reorganisations involving changes to staff responsibilities at Deputy Chief Officer and above.
- (iv) All other staffing matters that have not been delegated to any other decision maker.
- (v) (Amended May 18 2005)

### 1.3 **Planning Applications Committee** (amended by Council 28.04.04)

- (a) **Membership:** 15 Members
- (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 Environmental Services

### 1.3A Licensing Committee 2003 and Licensing Committee (Miscellaneous)

1.1 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

1.2 Membership:

- 10 Members

1.3 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 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)

#### 1.4 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.

#### 1.5 Overview And Scrutiny Commission

- (a) **Membership:** Membership 19, consisting of 4 co-optees and 15 Council Members.
- (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.

#### 1.5.A Better Health Care Closer To Home Joint Overview And Scrutiny Committee (as amended September 2004)

- (a) **Membership:** 18 Members, 5 appointed by Merton
- (b) **Functions:** To:-
  - i) Review the consultation process and content/format of the consultation document;
  - ii) Assess whether the consultation gave sufficient information upon which proposed changes could be approved by residents and staff;
  - iii) Evaluate the quality and content of information available regarding the proposed model of care as presented in the BHCH consultation document;

- iv) Evaluate the feasibility of the model of care as presented in the BHCH consultation document;
- v) Evaluate the affordability/costs of the proposals;
- vi) Identify and assess additional factors affecting the consultation or proposed model of care;
- vii) Seek assurances from the PCTs and Programme Board that developments will not be implemented unless they will ensure improvements in the delivery and quality of health services for residents across all boroughs covered by the proposals;
- viii) Seek assurances from the PCTs and Programme Board that there will be sufficient funding for the proposed model of care.

Note

*This is a joint Committee established under the Health Act 1999. The other authorities who are part of this committee are Surrey CC, L.B Sutton and the Boroughs of Bromley, Croydon, Kingston, Lambeth, Richmond and Wandsworth who share one representative between them. London Borough of Merton is responsible for appointing five Members.*

**1.5.B Joint Overview and Scrutiny Committee (St George's)**  
(established May 18 2005)

- (a) **Membership:** 12 Members, 2 appointed by Merton
- (b) **Functions:**
  - (i) To scrutinise and make recommendations on the proposed changes in specialist service provided by the South West London and St. George's Mental Health NHS Trust and on the consultation on these changes.
  - (ii) To determine whether any other changes that may be proposed in services provided by the South West London and St. George's Mental Health NHS Trust:
    - (a) materially affect services in more than one local authority area; and
    - (b) are so significant as to require formal consultation
  - (iii) To consider whether, following decisions of the relevant NHS Boards on proposed changes within the Joint Overview and Scrutiny Committee's remit:

- (a) the consultation process was flawed; or
- (b) the decision is not in the interest of the residents and health services, and in either case whether to refer the matter to the Secretary of State for Health.

Note

*This is joint Committee established under the Health Act 1999. The other Local authorities are London Boroughs of Wandsworth, Kingston, Richmond, Croydon and Sutton.*

*London Borough of Merton is responsible for appointing two (2) Members*

**1.6 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.



## 1.7 General Purposes Committee

(a) **Membership:** 10 Members

(b) **Functions**

- (i) Except for matters reserved by statute for consideration by the Full Council, to determine any matter which has been specifically referred to the Committee for consideration.
- (ii) 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, but not in respect of the formulation of a plan or strategy which is a function of the Executive (and subject to final approval by the Council) or detailed operational matters which are within the purview of the executive.
- (iii) To consider reports and receive recommendations on all plans, including, but not limited to, the Annual Audit Report, anti-fraud measures, strategic risk assessments, audit letter and reports from the [Council's external Auditors](#) ~~Audit Commission~~, and to report to the Council, the Cabinet and /or Scrutiny Committees and Sub- Committees as necessary with decisions and recommendations.
- (iv) Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to the Local Government Pension Scheme including, but not limited to, the management of the Council's superannuation fund investments and the establishment of a Pension Fund Investment Panel and exercise of Council discretion in relation to adopting policies.
- (v) Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to health and safety at work, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
- (vi) Subject to the Council's Scheme of Delegation to officers, to discharge the Council's functions in relation to elections.
- (vii) Subject to the Council's Scheme of Delegation to officers, to consider all personnel-related issues which are not within the terms of reference of any other committee or otherwise reserved to Council including the appointment of an independent person to undertake investigations as required into allegations of misconduct against the Chief Executive, Monitoring Officer or Chief Finance Officer.
- (viii) To receive reports of all payments exceeding £1,000 to persons who have been, or may have been, adversely affected by any maladministration on the part of the Council as identified in a report by the Local Government

Ombudsman.

- (ix) To exercise the functions, powers and duties of the Council as Trustee of trusts for which the Council is Corporate Trustee except insofar as those functions have been delegated to Chief Officers of the Council.
- (x) To maintain an overview of the Council's Constitution (insofar as it relates to the discharge of non-executive functions) and Financial Regulations and to consider related reports from the Chair of Standards Committee. The Head of Paid Service, the Monitoring Officer and/or Chief Finance Officer and to make appropriate recommendations to Council in relation thereto.
- (xi) Any issue which in the professional opinion of the Chief Executive or Chief Officers should be referred to the Committee.
- (xii) Any matter which has been referred by the Council or from another committee for determination.
- (xiii) The setting up of sub-committees and panels and the setting of their terms of reference.
- (xiv) To receive reports upon, monitor, manage and advise the Council upon the implementation of the Council's Member Development Strategy and the Member Development Programme.
- (xv) 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 officers.

## 1.8 Borough Plan Advisory Committee

**Membership:** 6 Members (Members of the Cabinet and Assistant Cabinet members may not be appointed to this Committee)

**Functions:**

1. To discharge the Councils responsibilities contained in the Local Government Act 2000 and Planning and Compulsory Purchase Act 2004 with respect to the Merton Local Development Framework, 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
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 Development Framework.
3. To advise the Cabinet and Council on the preparation of Local Development Framework Joint Development Plan Documents 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 Development Framework; to approve the Annual Monitor Report; and to advise the Council on the resources required to prepare and review the Merton Local Development Framework.
6. To consider new and emerging legislation relevant to the preparation and review of the Merton Local Development Framework, including linkages of the Local Development Framework to the Sustainable Community Strategy.