

## **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.
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## **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 and the Monitoring Officer to the Council
- (ii) To interview and appoint Chief Officers as defined by the Officer Employment Procedure Rules and to approve statements specifying:
  - the duties of the officer concerned;
  - any qualifications or qualities to be sought in the person to be appointed;
  - 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;
  - 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.
- (iv) All other staffing matters that have not been delegated to any other decision maker

- ~~(v) To establish a sub-committee to perform any of these functions as appropriate~~
- ~~(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 dealt 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.~~

#### ~~1.89~~ **Joint Regulatory Services Committee.**

- (a) **Membership:** 2 Members from each the Council being represented on the Joint Committee
- (b) **Functions:**
  - Review and recommend 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
  - Review and advise on the charging and funding mechanisms of the operation of the Shared Service
  - Review and advise on the future direction and expectations of the Shared Service

#### ~~1.911~~ **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.

## 1.10 South West London and Surrey Joint Health Overview and Scrutiny Committee (JHOSC)

### TERMS OF REFERENCE

- 1.1 The South West London and Surrey Joint Health Overview and Scrutiny Committee is established by the Local Authorities of London Borough of Croydon, London Borough of Merton, London Borough of Richmond upon Thames, Surrey County Council, London Borough of Sutton, London Borough of Wandsworth, and the Royal Borough of Kingston upon Thames (constituent areas) in accordance with s.245 of the NHS Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 1.2 It will be a standing Joint Overview and Scrutiny Committee or a sub-committee thereof which will undertake scrutiny activity in response to a particular reconfiguration proposal or strategic issue affecting some, or all of the constituent areas.
- 1.3 The length of time a specific matter / proposal will be scrutinised for will be determined by the Joint Committee or Sub Committee.
- 1.4 The purpose of the Standing Joint Committee is to act as a full committee or commission sub-committees to consider the following matters and carry out detailed scrutiny work as below:
- (a) To engage with Providers and Commissioners on strategic sector wide proposals in respect of the configuration of health services affecting some or all of the area of Croydon, Merton, Richmond upon Thames, Surrey County Council, Sutton, Wandsworth, and the Royal Borough of Kingston upon Thames (constituent area).
- (b) Scrutinise and respond to the consultation process (including stakeholder engagement) and final decision in respect of any reconfiguration proposals affecting some, or all of the constituent areas.
- (c) Scrutinise in particular, the adequacy of any consultation process in respect of any reconfiguration proposals (including content or time allowed) and provide reasons for any view reached.

(d) Consider whether the proposal is in the best interests of the health service across the affected area.

(e) Consider as part of its scrutiny work, the potential impact of proposed options on residents of the reconfiguration area, whether proposals will deliver sustainable service change and the impact on any existing or potential health inequalities.

(f) Assess the degree to which any proposals scrutinised will deliver sustainable service improvement and deliver improved patient outcomes.

(g) Agree whether to use the joint powers of the local authorities to refer either the consultation or final decision in respect of any proposal for reconfiguration to the Secretary of State for Health.

(h) As appropriate, review the formal response of the NHS to the Committees consultation response.

- 1.5. The Joint Committee will consist of 2 Councillors nominated by each of the constituent areas and appointed in accordance with local procedure rules. Each Council can appoint named substitutes in line with their local practices.
- 1.6 Appointments to the Joint Committee will be made annually by each constituent area with in-year changes in membership confirmed by the relevant authority as soon as they know.
- 1.7 A Chairman and Vice Chairman of the Joint Committee will be elected by the Committee at its first meeting for a period of one year and annually thereafter.
- 1.8 The life of the Joint Committee will be for a maximum of four years from its formation in May 2018.
- 1.9 For each specific piece of scrutiny work undertaken relating to consultations on reconfiguration or substantial variation proposals affecting all or some of the constituent areas, the Joint Committee will either choose to act as a full Committee or can agree to commission a sub-committee to undertake the detailed work and define its terms of reference and timescales. This will provide for flexibility and best use of resource by the Joint Committee.
- 1.10 In determining how a matter will be scrutinised, the Joint Committee can choose to retain decision making power or delegate it to a sub-committee.
- 1.11 The overall size of each sub-committee will be determined by the main Committee and must include a minimum of 1 representative per affected constituent area.
- 1.12 Where a proposal for reconfiguration or substantial variation covers some but not all of the constituent areas, in establishing a sub-committee, formal membership will only include those affected constituent areas. Non affected

constituent areas will be able to nominate members who can act as 'observers' but will be non-voting.

1.13 The Committee and any sub-Committees will form and hold public meetings, unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000, in accordance with a timetable agreed upon by all constituent areas and subject to the statutory public meeting notice period.

## **South West London and Surrey Joint Health Overview and Scrutiny Committee (JHOSC)**

### **Rules Of Procedure**

#### **1. Membership of Committee and Sub-Committees**

1.1 The London Boroughs of Croydon, Merton, Richmond upon Thames, Sutton, Wandsworth and the Royal Borough of Kingston upon Thames and Surrey County Council will each nominate, 2 members to the JHOSC, appointed in accordance with local procedure rules.

1.2 Appointments will be reconfirmed annually by each relevant authority.

1.3 Individual authorities may change appointees in accordance with the rules for the original nomination.

1.4 Individual authorities will be strongly encouraged to nominate substitutes in accordance with local practice.

1.5 In commissioning Sub-Committees, membership will be confirmed by the JHOSC and can be drawn from the main Committee or to enable use of local expertise and skill, from non-Executive members of an affected constituent area.

1.6 The membership of a sub-committee will include at least one member from each affected constituent areas. An affected constituent area is a council area where the proposals will impact on residents. Non affected areas can appoint 'observer' members to sub-committees but they will be non-voting.

1.7 The JHOSC, may as appropriate review its membership to include authorities outside the South West London area whom are equally affected by a proposal for reconfiguration or substantial variation who can be appointed to serve as members of relevant sub-committees.

#### **2. Chairman**

2.1 The JHOSC will elect the Chairman and Vice Chairman at the first formal meeting. A vote will be taken (by show of hands) and the results will be collated by the supporting Officer.

- 2.2 The appointments of Chairman and Vice Chairman will be reconfirmed annually.
- 2.3 If the JHOSC wishes to, or is required to change the appointed Chairman or Vice Chairman, an agenda item should be requested supported by four of the seven constituent areas following which the appointments will be put to a vote.
- 2.4 Where a sub-committee is commissioned, at its first meeting a Chairman and Vice-Chairman will be appointed for the life of the sub-committee.

### **3. Substitutions**

- 3.1 Named substitutes may attend Committee meetings and sub-committee meetings in lieu of nominated members. Continuity of attendance is strongly encouraged.
- 3.2 It will be the responsibility of individual committee members and their local authorities to arrange substitutions and to ensure the supporting officer is informed of any changes prior to the meeting.
- 3.3 Where a named substitute is attending the meeting, it will be the responsibility of the nominated member to brief them in advance of the meeting.

### **4. Quorum**

- 4.1 The quorum of a meeting of the JHOSC will be the presence of one member from any five of the seven participating constituent areas.
- 4.2 The quorum of a meeting of a Sub Committee of the JHOSC will be three quarters of the total membership of the sub-committee to include a minimum of two members.

### **5. Voting**

- 5.1 Members of the JHOSC and its sub Committees should endeavour to reach a consensus of views and produce a single final report, agreed by consensus and reflecting the views of all the local authority committees involved.
- 5.2 In the event that a vote is required, each member present will have one vote. In the event of there being an equality of votes the Chairman of the JHOSC or its sub-committee will have the casting vote.

### **6. JHOSC Role, Powers and Function**

- 6.1 The JHOSC will have the same statutory scrutiny powers as an individual health overview and scrutiny committee that is:
- accessing information requested
  - requiring members, officers or partners to attend and answer questions

- Referral to the Secretary of State for Health if the Committee is of the opinion that the consultation has been inadequate or the proposals are not 'in the interests' of the NHS

6.2 The JHOSC can choose to retain the powers of referral to the Secretary of State for Health for a particular scrutiny matter or delegate them to an established sub-committee.

## **7. Support**

7.1 The lead governance and administrative support for the JHOSC will be provided by constituent areas on an annual rotating basis.

7.2 The lead scrutiny support for sub-committees will be provided by constituent areas on a per issue basis to be agreed by the sub-committee.

7.3 Meetings of the JHOSC and its sub-committees will be rotated between participating areas.

7.4 The host constituent area for each meeting of the JHOSC will be responsible for arranging appropriate meeting rooms and ensuring that refreshments are available.

7.5 Each constituent area will identify a key point of contact for all arrangements and Statutory Scrutiny Officers will be kept abreast of arrangements for the JHOSC.

## **8. Meetings**

8.1 Meetings of the JHOSC and its sub-committees will be held in public unless the public is excluded by resolution under section 100a (4) Local Government Act 1972 / 2000 and will take place at venues in one of the seven constituent areas.

8.2 Meetings will not last longer than 3 hours from commencement, unless agreed by majority vote at the meeting.

## **9. Agenda**

9.1 The agenda will be drafted by the officers supporting the JHOSC or its sub-committees and agreed by the appropriate Chairman. The officer will send, by email, the agenda to all members of the JHOSC, the Statutory Scrutiny Officers and their support officers.

9.2 It will then be the responsibility of each borough to:

- publish official notice of the meeting
- put the agenda on public deposit
- make the agenda available on their Council website; and
- make copies of the agenda papers available locally to other Members and officers of that Authority and stakeholder groups

as they feel appropriate.

## **10. Local Overview and Scrutiny Committees**

- 10.1 The JHOSC or its sub-committees will invite participating constituent areas health overview and scrutiny committees and other partners to make known their views on the review being conducted.
- 10.2 The JHOSC or its sub-committees will consider those views in making its conclusions and comments on the proposals outlined or reviews.
- 10.3 Individual Overview and Scrutiny Committees will make representations to any NHS Body where a consensus at the JHOSC cannot be reached.

## **11. Representations**

- 11.1 The JHOSC or its sub-committees will identify and invite witnesses to address the committee and may wish to undertake consultation with a range of stakeholders.
- 11.2 As far as practically possible the committee or sub-committee will consider any written representations from individual members of the public and interest groups that represent geographical areas in South West London and Surrey that are contained within one of the participating local authority areas.
- 11.3 The main Committee and any established sub-committees will consider up to 3 verbal representations per agenda item from individual members of the public and interest groups that represent geographical areas in South West London and Surrey that are contained within one of the participating local authority areas. Individuals must register to speak before 12pm on the day before the meeting takes place and will be given three minutes to make their representations to the committee.
- 11.4 The Chairman or any committee or sub-committee will have the discretion to accept more or late speakers where s/he feels it is appropriate.