

PART 3

SCHEDULE 2

SCHEME OF DELEGATION OF (NON-EXECUTIVE) FUNCTIONS TO COMMITTEES

1. The Council delegates under Section 101 of the Local Government Act 1972 to the Committees set out below all those non-Executive functions vested in it, identified in the terms of reference for each Committee.
2. This Scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties including any statutory re-enactment or modification of the legislation referred to in this Scheme.
3. Any exercise of responsibility for functions or delegated powers shall comply with:
 - (i) any statutory requirements;
 - (ii) the Council's Constitution;
 - (iii) the Council's Budget and Policy Framework and approved budget;
 - (iv) the Members' Code of Conduct;
 - (v) the Code of Recommended Practice on local authority publicity;
 - (vi) the agreed arrangements for recording decisions;
4. This scheme does not delegate any matters reserved by law to the full Council or assigned to the Executive.

5. PLANNING COMMITTEE

Planning Functions

Within approved Council policy and in accordance with the overall aims and objectives of the Council, this Committee shall exercise the following delegated functions and powers:

- (1) The powers and duties of the Council as Local Planning Authority as set out below:

A. Functions relating to town and country planning and development control	
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.

12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
14A Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

24. Power to issue enforcement notices in relation to demolition of unlisted buildings in conservation area.	Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160)
29. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.
30. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)
31. Power to make limestone pavement order	Section 34(c) of the Wildlife and Countryside Act 1981.
32. Power to authorise stopping-up or diversion of highway	Section 247 of the Town and Country Planning Act 1990.
33. Power to authorise stopping-up or diversion of footpath or bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.
34. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
35. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

- (2) The issuing of planning policy directions as may be considered appropriate.
- (3) In consultation with the relevant Overview and Scrutiny Committee to make appropriate recommendations to the Cabinet on the formulation of the Local Development Framework for the Borough.
- (4) To carry into effect Sections 222 and 223 of the Local Government Act 1972 so far as they affect this committee and to exercise the powers of the Council in relation thereto and in particular to authorise any appropriate officer to institute or defend on behalf of the Council proceedings before any court or tribunal or to appear on behalf of the

Council before any such court or tribunal in any proceedings instituted by the Council or on its behalf or against it.

- (5) To obtain information as to interests in land under S.330 Town & Country Planning Act 1990
- (6) To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (7) To appoint proper officers and deputies where required by an Act of Parliament for the discharge of the functions of the Council delegated to this Committee;
- (8) To carry into effect so much of any Act of Parliament relating to any of the functions set out above and any Orders, Regulations, Schemes or Bye-Laws made under or in pursuance thereof and to exercise non-executive powers of the Council in relation thereto;

6. LICENSING ACT 2003 COMMITTEE

Functions relating to Licensing matters in accordance with the Licensing Act 2003 and the Gambling Act 2005.

7 LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

- (1) The Committee shall exercise the following functions:

A Highways Functions

1. Power to create footpath or bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980.
2. Power to create footpaths and bridleways and restricted byways.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths and bridleways and restricted byways.	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths and bridleways and restricted byways.	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.

11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway or restricted byway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway or restricted byway.	Section 135A of the Highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
28. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984
29. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981

30. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
31. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
32. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
33. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980.
34. Power to license planting, retention and maintenance of trees, etc. in part of highway.	Section 142 of the Highways Act 1980.
35. Power to authorise erection of stiles, etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.
36. Power to license works in relation to buildings, etc. which obstruct the highway.	Section 169 of the Highways Act 1980.
37. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
38. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
39. Power to restrict the placing of rails, beams, etc. over highways.	Section 178 of the Highways Act 1980.
40. Power to consent to construction of cellars, etc. under street.	Section 179 of the Highways Act 1980.
41. Power to consent to making of openings into cellars, etc. under streets and pavements lights and ventilators	Section 180 of the Highways Act 1980
42. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981 or an order under section 147 of the Inclosure Act	Regulation 6 of the Commons Registration (New Land) Regulations 1969
43. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)
44. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.

45. To approve the making of Gating Orders.	Section 129A of the Highways Act 1980.
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B. Licensing and registration functions

1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act, as extended by section 171 of the Public 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; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to appoint and revoke Hackney Carriage stands on the highway and on non-adopted roads (with consent) for part of or the whole day to include the number of Hackney Carriages permitted on a stand and times of usage.	Section 63 of the Local Government (Miscellaneous Provisions) Act 1976
7. Power to license sex establishments.	The Local Government (Miscellaneous Provisions) Act 1982,
8. Power to license performances of hypnotism.	The Hypnotism Act 1952.
9. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
10. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
11. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
12. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.

13. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
14. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
15. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
18. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971.
19. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
21. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
22. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
23. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
24. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
25. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.
26. Power to approve premises for the solemnisation of marriages.	The Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995.
27. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916

	and section 2 of the House to House Collections Act 1939.
28. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
29. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.
30. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
31. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
32. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
33. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
34. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
35. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
36. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
37. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
38. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
39. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)
40. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
41. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
42. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
43. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

44. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
45. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
46. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
47. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001.

- (2) Service of an abatement Notice in respect of a statutory nuisance.
- (3) Inspection of the area to detect a statutory nuisance.
- (4) Obtaining particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976.
- (5) To hear appeals against decisions made by officers carrying out delegated licensing functions.
- (6) All the functions in relation to Health and Safety set out in Part C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (“the Functions Regulations”) namely relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than those that relate to the Council’s capacity as employer.
- (7) To designate unsocial drinking zones under the Local Authorities (Alcohol Consumption in public places) Regulations 2001.
- (8) Power to make closing orders for take-away food shops under (Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- (9) Functions relating to elections set out in Part D of Schedule 1 of the Functions Regulations as amended from time to time.
- (10) Power to consider and make recommendations to the Council on matters relating to the name and status of the Borough and individuals and bylaws and to promote or oppose Parliamentary Bills.
- (11) Enforcement of the provisions relating to smoke-free legislation under the Health Act 2006, including powers to:
 - enforce offences relating to the display of no-smoking signs (section 6(5));

- enforce offences relating to smoking in smoke-free places (section 7(4));
- enforce offence of failing to prevent smoking in smoke-free places(section 8(4));
- transfer enforcement functions to another enforcement authority under the Smoke-free (Premises and Enforcement) Regulations 2006.

(12) To have responsibility for Sea Fisheries matters.

(13) To deal with any other non-Executive functions not reserved to Council by law or this Constitution or delegated to any other committee, sub-committee or officer.

8. **EMPLOYMENT AND APPOINTMENTS COMMITTEE**

(1) The appointment of Chief Officers and Deputies in accordance with the Employment Procedure Rules.

To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.

To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).

(2) To hear and determine appeals in connection with disciplinary action or dismissal of Chief and Deputy Chief Officers.

(3) To exercise any of the Council's functions as an Employer under the Local Government Pension Scheme.

(4) To provide advice, views or recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.

(5) To approve, amend and/or revise Council employment/workforce policies and schemes.

(6) To monitor and exercise oversight of workforce performance and management matters.

(7) The Chairperson shall, in consultation with Party Spokespersons and the Assistant Director: Human Resources and Organisation Development, have authority to make minor amendments to employment/workforce policies and schemes.

(8) To consider and approve substantive changes to the Council's senior management structure proposed by the Chief Executive/Head of Paid Services where the overall cost of the restructure can be met from existing approved budgets. Where the overall cost cannot be met from

existing approved budgets, the Committee shall make a recommendation to Council as appropriate.

For the avoidance of doubt, Chief Officers are posts are above Spinal Column Point 74 on the Council's pay scales.

9. CHIEF OFFICERS EMPLOYMENT DISCIPLINARY SUB COMMITTEE

The Council delegates to and confers upon the Sub-Committee the following duties, powers and authorities:-

- (1) To receive and consider reports from a designated independent person investigating allegations of misconduct against the Council's Head of Paid Service, the Monitoring Officer or Chief Finance Officer.
- (2) To investigate and take disciplinary action in respect of the misconduct of Chief Officers and Deputies, (subject to their right of appeal to the Employment and Appointments Committee)
- (3) To provide advice, views or recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.

10. STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

The Standards and Constitutional Oversight Committee's functions and delegated powers are set out in Article 9, Part 2. The terms of reference of the Standards and Constitutional Oversight Committee Panel's (Sub-Committees) are also set out in Article 9.

11. AUDIT AND RISK MANAGEMENT COMMITTEE

- (1) To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
- (2) To maintain an overview of the contract procedure rules and financial regulations and to agree any changes to the same;
- (3) The Committee has the following duties, powers and authorities:
 - (a) approval of the Council's statement of accounts;
 - (b) the responsibilities of the Council under section 151 of the Local Government Act 1972 to make proper provision for its financial affairs;

- (c) to consider and make recommendations to Council or Cabinet as appropriate on;
 - (d) the annual Audit Report and the Management Letter of the external auditor;
 - (e) any other statutory report of the external auditor;
 - (f) any internal audit report that may be referred to the committee by the Chief Executive, the Director: Finance and Investment (as Chief Finance Officer) or the Director: Governance and Assurance (as Monitoring Officer);
 - (g) summaries of specific internal audit reports as requested;
 - (h) the effectiveness and adequacy of the response by the Council, the Cabinet, any committee or sub-committee of the Council or of any officer to any internal or external audit report or management letter;
 - (i) the systems of control and the arrangements for the prevention of fraud and corruption within the Council;
 - (j) any other matter relevant to the audit of the Council's accounts and financial records or its systems for the control and safeguarding of all the Council's assets;
 - (k) a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale; and
 - (l) the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;
 - (m) to approve (but not direct) the strategy, plan and performance of the Council's internal audit service;
 - (n) to oversee the production of the Authority's statement or internal control and recommend its adoption;
 - (o) to monitor the Council's policies on "Raising Concerns at Work", to the anti-fraud and corruption strategy and the complaints procedure;
 - (p) to liaise with the Audit Commission over the appointment of the Council's external auditors.
 - (q) The Chair of the Audit and Risk Management Committee shall act as the Council's Risk Management Champion.
- (4) Cabinet Members will not normally be members of the Audit and Risk Management Committee

12. **OVERVIEW AND SCRUTINY COMMITTEES**

The Overview and Scrutiny Committees terms of reference are set out in Part 2, Article 6 of the Council Constitution.

13. **PENSIONS COMMITTEE**

- (1) To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the County of Merseyside Pension Fund, and in particular the following.

- (2) To be responsible for the overall investment policy, strategy and principles of the Fund and its overall performance of the Fund.
- (3) To appoint and terminate the appointments of the professional advisers to, and external managers of, the Fund and agree the basis of their commission and remuneration.
- (4) To receive actuarial valuations of the Fund and determine the level of employers' contributions necessary to balance the Fund.
- (5) To monitor the Local Government Pension Scheme including the benefit regulations and payment of pensions and their day to day administration and to be responsible for any policy decisions relating to the administration of the scheme.
- (6) To consider any views expressed by employing organisations and staff representatives relating to the scheme.
- (7) To appoint members of the Investment Monitoring Working Party, which shall have responsibility for reviewing the performance of the Fund's investments and its asset allocation and regularly reporting their findings to the Pensions Committee.
- (8) To award contracts for goods and services relating to the Fund in accordance with the Contract Procedure Rules after taking into account the recommendations of officers and external professional advisers (where appropriate).