

PART 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR FUNCTIONS

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

| Function | | Decision making body and Delegations |
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| 1. | Any function under a Local Act in so far as it relates to registration, licensing and regulatory functions. All other functions under the Act shall be executive functions. | The appropriate regulatory committee |
| 2. | The determination of any appeal against any decision made by or on behalf of the Authority for which no specific provision has been made. | The Appointments and Appeals Committee or such other body or person as is specified in relevant council policies. |
| 3. | The making of arrangements pursuant to section 51A of the Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 | The Director of Legal and Democratic Services is given delegated authority to appoint to and make changes to Panels and to make all necessary arrangements for the determination of appeals in accordance with prescribed regulations and guidance. |
| 4. | The making of arrangements pursuant to section 94(1) and (4) and schedule 4 of the Education Act 2002 and the School Admissions (Appeals Arrangements) (England) regulations 2012. | As 3 above. |
| 5. | The making of arrangements pursuant to s95 (2) SSFA 1998 and schedule 4 of the EA 2002 and school admissions (appeals arrangements) (England) regulations 2012 | As 3 above. |
| 6. | The making of arrangements to ask questions on police matters at council meetings to be put on the discharge of the functions of the Police and Crime Commissioner. | The Council |

| | Function | Decision making body and Delegations |
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| 7. | Any function relating to contaminated land. | The Council is responsible for the adoption or approval of any plan or strategy after the submission of a draft by the Executive. All other functions are delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers and with advice from the Director of Public Health. |
| 8. | The discharge of any function relating to the control of pollution or the management of air quality. (Pollution Prevention and Control Act 1999; Part IV, Environment Act 1995; Part I, Environmental Protection Act 1990; Clean Air Act 1993) | The Council is responsible for the adoption or approval of any plan or strategy after the submission of a draft by the Executive. All other functions are delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers and with advice from the Director of Public Health. |
| 9. | The service of an abatement notice in respect of a statutory nuisance. | Council function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers. |
| 10. | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough. | The Council |

| | Function | Decision making body and Delegations |
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| 11. | The inspection of the Authority's area to detect statutory nuisance. | Council function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers. |
| 12. | The investigation of any complaint as to the existence of a statutory nuisance. | Council function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the scheme of Delegation to Officers. |
| 13. | The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land. | The Council, except to the extent that it relates to actions preliminary to the exercise of powers to make Compulsory Purchase Orders which is an Executive function. Delegated in both cases to the Director of Legal and Democratic Services, or in the case of functions under the Town and Country Planning Acts, the Head of Regulatory Services or the Head of Planning and Development. |
| 14. | The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. | The Council, except to the extent that it relates to actions preliminary to the exercise of powers to make Compulsory Purchase Orders which is an Executive function. Delegated in both cases to the Director of Legal and Democratic Services. |
| 15. | The making of agreements for the execution of highway works under s.278, s.38, s.6, s.8, s.72, s.184 of the Highways Act 1980, s.111 of the Local Government Act 1972, s.23 of the New Roads and Streetworks Act 1991 | Executive function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers. |

| | Function | Decision making body and Delegations |
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| 16. | <p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than</p> <p style="margin-left: 20px;">i) the authority</p> <p style="margin-left: 20px;">ii) a joint committee of two or more authorities or</p> <p>(c) to a Committee or Sub-Committee of such a body</p> <p>and the revocation of any such appointment.</p> | The Council insofar as the appointment does not relate to an Executive function. |
| 17. | The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. | The Executive |
| 18. | Any function of the local authority in its capacity as a harbour authority. | The Council |

2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

| Committee | Membership | Functions |
|------------------------------|----------------------------|--|
| Accounts and Audit Committee | 7 members of the Authority | <p><u>Statement of Purpose</u></p> <p>The purpose of the committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p><u>Composition</u></p> <p>Membership of the Audit and Accounts Committee shall comprise 7 Members, be politically balanced and shall not include any Members of the Executive. A non voting member, with appropriate skills and experience, may be co-opted on to the Committee with the approval of the Council.</p> <p><u>Terms of Reference</u></p> <p><u>Internal and External Audit</u></p> <ul style="list-style-type: none"> a) Review and approve (but not direct) the terms of reference for Internal Audit, an Internal Audit strategy and internal audit resourcing. b) Review and approve (but not direct) the annual Internal Audit work programme. Consider the proposed and actual Internal Audit coverage and whether this provides adequate assurance on organisations main business risks, review the performance of Internal Audit. c) Receive summary internal audit reports and seek assurance on the adequacy of management response to internal audit advice, recommendations and action plans. d) Review arrangements made for cooperation between Internal Audit, External Audit and other review bodies and ensure that there are effective relationships which actively promote the value of the audit process. e) Receive the Annual Internal Audit report and opinion. f) Review and consider proposed and actual External Audit coverage and its adequacy and consider the reports of external audit and inspection agencies. g) Receive updates from External Audit on External Audit findings and opinions (including the audit of the annual financial statements and the value for money conclusion) |

| Committee | Membership | Functions |
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| Accounts and Audit Committee (continued) | | <p>and seek assurance on the adequacy of management response to External Audit advice, recommendations and action plans.</p> <p><u>Risk Management</u></p> <p>a) Review the adequacy of arrangements for identifying and managing the organisation's business risks, including partnerships with other organisations. This includes review of the Council's risk management policy and strategy and their implementation.</p> <p>b) Review the robustness of the strategic risk register and the adequacy of associated risk management arrangements.</p> <p>c) Receive and consider regular reports on the risk environment and associated management action.</p> <p><u>Internal Control Arrangements, Corporate Governance and the Annual Governance Statement</u></p> <p>a) Review the effectiveness of corporate governance arrangements and internal control across the organisation and the adequacy of action taken to address any weaknesses or control failures.</p> <p>b) Conduct a critical review of the proposed Annual Governance Statement (AGS), which is a key assurance statement required to be completed each year in accordance with the Accounts and Audit Regulations 2011. The review includes the procedures followed in its completion and the content of the Statement to consider:</p> <ul style="list-style-type: none"> • how meaningful the AGS is; • the robustness of the evidence and assurances on which the AGS is based; and • whether the AGS discloses adequately the organisations actions for addressing any significant internal control weaknesses disclosed within the statement. <p>c) Make recommendations for amendment of the AGS and the associated procedures.</p> <p><u>Anti - Fraud and Corruption Arrangements</u></p> <p>a) Review and ensure the adequacy of the organisation's Anti – Fraud & Corruption policy and strategy and the effectiveness of their application throughout the Authority.</p> <p>b) Review and ensure that adequate arrangements are</p> |

| Committee | Membership | Functions |
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| Accounts and Audit Committee (continued) | | <p>established and operating to deal with situations of suspected or actual fraud and corruption.</p> <p><u>Accounts</u></p> <ul style="list-style-type: none"> a) Approve the annual Statement of Accounts, including subsequent amendments. b) Consider the External Auditor's report on the audit of the annual financial statements. c) Be responsible for any matters arising from the audit of the Council's accounts, including the auditor's opinion on the accounts, identification of any misstatements, comments on the accounting and internal control systems and qualitative aspects of accounting practices and financial reporting. <p><u>Access and Reporting</u></p> <ul style="list-style-type: none"> a) To have the right of access to senior officers and all committees of the Council. b) To report directly to the Executive or Council, as appropriate, on matters within these terms of reference. <p><u>Delegation</u></p> <p>In exercising the power and duties assigned to the Committee in its terms of reference, the Audit and Accounts Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p> |
| Appointments and Appeals Panel | All members of the authority - smaller numbers of Members will constitute individual panels. | <p>To act as the Council's appeals body regarding appeals other than those for which specific arrangements have been established.</p> <p>To be responsible for staff appointment and related matters regarding</p> <ul style="list-style-type: none"> • short-listing applicants and appointments of Corporate Directors and Directors • appeals in accordance with the disciplinary and grievance procedures • appeals by employees against grading |
| Employment Committee | 7 members of the Authority | <p><u>Terms of Reference</u></p> <ul style="list-style-type: none"> 1. To determine collective and corporate terms and conditions of employment. 2. To consider any matter referred to the Committee by the Head of Paid Service or Corporate Director Resources. |

| Committee | Membership | Functions |
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| Employment Committee (continued) | | <p>3. To consider, approve and adopt any new or significant revision to existing corporate human resources strategies and policies in so far as they relate to the appointment, terms and conditions of employment and dismissal of staff.</p> <p>4. To determine any other matters relating to the appointment, terms and conditions of employment and dismissal of staff which are neither covered by policies of the Council nor delegated to Officers under the Scheme of Delegation.</p> <p><u>Delegation</u></p> <p>The Executive Member with responsibility for Strategic HR and the Corporate Director Resources will notify/keep the Committee informed of all other relevant HR related issues, as required.</p> <p>In exercising the above powers and responsibilities, the Committee shall have delegated power (subject to Council Procedure Rule 9 - Call-in of Decisions taken under Delegated Powers) to make decisions on behalf of the Council, except for any matter where:</p> <ul style="list-style-type: none"> • the Head of the Paid Service determines the matter should be considered by full Council, or • the Council has resolved to determine the matter <p>[Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to Council]</p> |
| Licensing Committee | 15 members of the Authority | <p><u>Terms of Reference</u></p> <p>1. To exercise the Council's licensing functions under the Licensing Act 2003 with the exception of any function conferred on the Council under Section 5 of the Act (statement of licensing policy).</p> <p>2. In respect of each 5 year period, in consultation with the Executive, to formulate or prepare for approval by the Council its policy with respect to the exercise of its licensing functions under the Licensing Act 2003.</p> <p>3. To keep the policy with respect to the exercise of its licensing functions under the Licensing Act 2003 under review and recommend any revisions to the policy to the Council.</p> <p>4. To exercise the Council's licensing functions under the Gambling Act 2005 with the exception of any function conferred on the Council under Section 349 of the Act (statement of licensing policy).</p> |

| Committee | Membership | Functions |
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| Licensing Committee (continued) | | <p>5. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:</p> <ul style="list-style-type: none"> (i) all licensing and registration functions except those relating to town and country planning and the regulation of the use of the highway; (ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and (iii) associated functions under any local Act. <p>6. To establish one or more Sub-Committees under Section 10(1) of the Licensing Act 2003 and Section 154 of the Gambling Act 2005 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Licensing Act 2003 and the Gambling Act 2005. The functions to be exercised by the Sub-Committees include the functions set out at Appendix 1 and Appendix 2. Licensing Act and Gambling Act Sub-Committees shall be chaired in accordance with the protocol set out at Appendix 3.</p> <p>7. To establish a Safety at Sports' Grounds Sub-Committee consisting of three Members of Council to oversee the exercise of the Council's functions in relation to safety at sports' grounds.</p> <p>8. To establish a Public Protection Sub-Committee for the discharge of all other licensing, registration and regulatory functions within the terms of reference of the Licensing Committee not covered by the sub-committees in paragraphs 6 and 7 above. That in establishing a Public Protection Sub-Committee this is to be a Sub-Committee of 9 Members (5:3:1) with up to 5 substitute Members for the Sub-Committee Members being allowed (3:2:0). The substitute Members for the Sub-Committee can only be nominated from the membership of the Licensing Committee.</p> <p><u>Delegation</u></p> <p>In exercising the power and duties assigned to them in their terms of reference, the Licensing Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p> |

| Committee | Membership | Functions | | | | |
|------------------------------------|------------|---|----------------|--------------------------------------|---------------------------------------|--|
| Licensing Committee (continued) | | <u>Appendix 1 to the Licensing Committee's Terms of Reference</u> | | | | |
| | | Delegated Functions | | | | |
| | | Matter to be dealt with | Full Committee | Sub Committee | Officers | |
| | | Application for personal licence | | If a police objection is made | If no objection is made | |
| | | Application for personal licence with unspent convictions | | All Cases | | |
| | | Application for premises licence/club premises certificate | | If a relevant representation is made | If no relevant representation is made | |
| | | Application for provisional statement | | If a relevant representation is made | If no relevant representation is made | |
| | | Application to vary premises licence/club premises certificate | | If a relevant representation is made | If no relevant representation is made | |
| | | Application to vary designated premises supervisor | | If a police objection is made | All other cases | |
| | | Request to be removed as designated premises supervisor | | | All cases | |
| | | Application for transfer of premises licence | | If a police objection is made | All other cases | |
| | | Application for interim authorities | | If a police objection is made | All other cases | |
| | | Application to review premises licence/club premises certificate | | All cases | | |
| | | Decision to Serve Counter Notice to Temporary Event Notice | | All cases | | |

| Committee | Membership | Functions | | | | |
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| Licensing Committee (continued) | | <u>Appendix 2 to the Licensing Committee's Terms of Reference</u> | | | | |
| | | Delegated Functions | | | | |
| | | Matter to be dealt with | Full Council | Sub-Committee of Licensing Committee | Officers | |
| | | Final approval of three year licensing policy | X | | | |
| | | Policy not to permit casinos | X | | | |
| | | Fee setting (when appropriate) | | | X | |
| | | Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn | |
| | | Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn | |
| | | Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission | |
| | | Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn | |
| | | Review of a premises licence | | X | | |
| | | Application for club gaming/club machine permits | | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn | |
| | | Cancellation of club gaming/club machine permits | | X | | |
| | | Application for other permits | | | X | |
| | | Cancellation of licensed premises gaming machine permits | | | X | |
| Consideration of temporary use notice | | | X | | | |
| Decision to give a counter notice to a temporary use notice | | X | | | | |

| Committee | Membership | Functions | | | | | | | | | | | | |
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| Licensing Committee (continued) | | <p data-bbox="603 232 1410 264"><u>Appendix 3 to the Licensing Committee's Terms of Reference</u></p> <p data-bbox="603 297 954 329">List of proposed Chairmen</p> <table border="1" data-bbox="611 353 1465 730"> <thead> <tr> <th data-bbox="611 353 1294 421">Title</th> <th data-bbox="1294 353 1465 421">Order of Priority</th> </tr> </thead> <tbody> <tr> <td data-bbox="611 421 1294 477">Chairman of Licensing Committee</td> <td data-bbox="1294 421 1465 477">1</td> </tr> <tr> <td data-bbox="611 477 1294 544">Vice-Chairman of Licensing Committee</td> <td data-bbox="1294 477 1465 544">2</td> </tr> <tr> <td data-bbox="611 544 1294 611">Opposition Spokesperson for Licensing Committee</td> <td data-bbox="1294 544 1465 611">3</td> </tr> <tr> <td data-bbox="611 611 1294 678">Member of Licensing Committee</td> <td data-bbox="1294 611 1465 678">4</td> </tr> <tr> <td data-bbox="611 678 1294 730">Member of Licensing Committee</td> <td data-bbox="1294 678 1465 730">5</td> </tr> </tbody> </table> <p data-bbox="603 763 1469 824">Note: the order of priority is applicable when more than one chairman is a member of the same Sub-Committee.</p> | Title | Order of Priority | Chairman of Licensing Committee | 1 | Vice-Chairman of Licensing Committee | 2 | Opposition Spokesperson for Licensing Committee | 3 | Member of Licensing Committee | 4 | Member of Licensing Committee | 5 |
| Title | Order of Priority | | | | | | | | | | | | | |
| Chairman of Licensing Committee | 1 | | | | | | | | | | | | | |
| Vice-Chairman of Licensing Committee | 2 | | | | | | | | | | | | | |
| Opposition Spokesperson for Licensing Committee | 3 | | | | | | | | | | | | | |
| Member of Licensing Committee | 4 | | | | | | | | | | | | | |
| Member of Licensing Committee | 5 | | | | | | | | | | | | | |
| Planning and Development Management Committee | 13 members of the Authority | <p data-bbox="603 853 868 884"><u>Terms of Reference</u></p> <ol data-bbox="603 918 1469 1592" style="list-style-type: none"> <li data-bbox="603 918 1469 1122">1. To exercise powers in relation to planning and development management over development proposals in the Borough in the context of Government and Council policies and guidance in order to maintain and improve the quality of life and the natural and built environment of the Borough. <li data-bbox="603 1155 1469 1592">2. To exercise powers in relation to the following functions as specified in schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended: <ol data-bbox="703 1323 1469 1592" style="list-style-type: none"> <li data-bbox="703 1323 1150 1355">(i) town and country planning; <li data-bbox="703 1388 1469 1491">(ii) the protection and registration of common land or town and village greens and to register the variation of rights of common; and <li data-bbox="703 1525 1469 1592">(iii) the exercise of powers relating to the regulation of the use of highways. <p data-bbox="603 1626 746 1657"><u>Delegation</u></p> <p data-bbox="603 1691 1469 1827">In exercising the power and duties assigned to them in their terms of reference, the Planning and Development Management Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p> | | | | | | | | | | | | |
| Standards Committee | 11 members of the Authority and 5 non-voting | <p data-bbox="603 1906 868 1937"><u>Terms of Reference</u></p> <ol data-bbox="603 1995 1362 2027" style="list-style-type: none"> <li data-bbox="603 1995 1362 2027">1. To promote and maintain high standards of conduct. | | | | | | | | | | | | |

| Committee | Membership | Functions |
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| | co-optees comprised of 2 parish representatives and 3 independent members | <ol style="list-style-type: none"> 2. To make recommendations to Council on the council's code of conduct and its register of interests. 3. To determine by way of its Hearing Panel whether a breach of the code has occurred; if so, whether to take any action and, if so, what action to take. 4. To grant general dispensations and to determine requests for dispensations either referred from the monitoring officer or received from a member or co-opted member. 5. To determine appeals from the Monitoring Officer's decision on dispensations. <p><u>Delegation</u></p> <p>In exercising the power and duties assigned to the Committee in its terms of reference, the Standards Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p> |
| <p>Health and Well-Being Board <small>(established in accordance with S194 of the Health and Social Care Act 2012).</small></p> | <p>As set out in Section 5 of the Health and Wellbeing Board's Terms of Reference.</p> <p>The Council Membership is nominated by the Leader of the Council)</p> | <p><u>Terms of Reference</u></p> <ol style="list-style-type: none"> 1. <u>Functions of Health and Well Being Board</u> <p>The Health and Social Care Act 2012 gives health and wellbeing boards specific functions. These are a statutory minimum and further functions can be given to the boards in line with local circumstances. The statutory functions are:</p> <ul style="list-style-type: none"> • To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs). • A duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services. • A power to encourage close working between commissioners of health-related services and the board itself. • A power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services. • Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act |

| Committee | Membership | Functions |
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| | | <p>2012. For example, this could include certain public health functions and/or functions relating to the joint commissioning of services and the operation of pooled budgets between the NHS and the council. Such delegated functions need not be confined to public health and social care. Where appropriate, they could also, for example, include housing, planning, work on deprivation and poverty, leisure and cultural services, all of which have an impact on health, wellbeing and health inequalities.</p> <p>2. <u>Regulations relating to Health & Well Being Boards: Statutory Instrument 2013 No. 218</u></p> <p>The regulations relating to health and wellbeing boards have been published as Statutory Instrument 2013 No. 218 entitled, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 http://www.legislation.gov.uk/ukSI/2013/218/ contents/made</p> <p>The regulations modify certain legislation as it applies to health and wellbeing boards and disapply certain legislation in relation to the boards. The provisions which are modified or disapplied are in the Local Government Act 1972 and the Local Government and Housing Act 1989.</p> <p>Under section 194 of the Health and Social Care Act 2012, a health and wellbeing board is a committee of the council which established it and for the purposes of any enactment is to be treated as if appointed under section 102 of the Local Government Act 1972. It is therefore a 'section 102 committee', as it is sometimes called within local government. However, the regulations modify and disapply certain provisions of section 102 and other sections of the Local Government Act 1972 and also provisions of the Local Government and Housing Act 1989 in relation to health and wellbeing boards.</p> <p>This means that it is best not to think of health and wellbeing boards according to the strict model of other section 102 committees, but to think of them as a basic section 102 committee with some differences. The sections below discuss the characteristics shared by health and wellbeing boards with other council committees and where they do or may diverge under the new regulations.</p> <p>The modifications and disapplications which apply to health and wellbeing boards within the regulations generally also apply to subcommittees and joint sub-committees of boards.</p> <p>3. <u>Membership of Health & Well Being Boards</u></p> <p>The Health and Social Care Act 2012 indicates that health and wellbeing boards are different to other section 102</p> |

| Committee | Membership | Functions |
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| | | <p>committees, in particular in relation to the appointment of members. Specifically, the Act:</p> <ul style="list-style-type: none"> • sets a core membership that health and wellbeing boards must include: <ul style="list-style-type: none"> • at least one councillor from the relevant council • the director of adult social services • the director of children’s services • the director of public health • a representative of the local Healthwatch organisation (which will come into being on a statutory footing on 1 April 2013) • a representative of each relevant clinical commissioning group (CCG) • any other members considered appropriate by the council • requires that the councillor membership is nominated by the executive leader or elected mayor (in councils operating executive arrangements) or by the council (where executive arrangements are not in operation) with powers for the mayor/ leader to be a member of the board in addition to or instead of nominating another councillor. • under the regulations (Regulation 7) modifies sections 15 to 16 and Schedule 1 of the Local Government and Housing Act 1989 to disapply the political proportionality requirements for section 102 committees in respect of health and wellbeing boards – this means that councils can decide the approach to councillor membership of health and wellbeing boards. • requires that the CCG and local Healthwatch organisation appoint persons to represent them on the board. • enables the council to include other members as it thinks appropriate but requires the authority to consult the health and wellbeing board if doing so any time after a board is established. • the NHS Commissioning Board must appoint a representative for the purpose of participating in the preparation of JSNAs and the development of JHWSs and to join the health and wellbeing board when it is considering a matter relating to the exercise, or proposed exercise, of the NHS Commissioning Board’s commissioning functions in relation to the area and it is requested to do so by the board. |

| Committee | Membership | Functions |
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| | | <p>4. <u>Trafford Health and Well Being Board additional locally agreed functions</u></p> <p>In addition to the statutory functions outlined in section 1 above the governance task group, convened in November 2015, agreed the Board would:</p> <ul style="list-style-type: none"> • Provide oversight to the delivery of the Trafford (Locality) Plan (although accountability for the delivery of the Plan will remain with the Trafford Joint Commissioning Board, reporting into the GM Joint Commissioning Board). • Maintain a positive relationship with the Joint Commissioning Board in order to help shape strategic commissioning decisions and those concerning structural reform in Health and Social Care sectors. • Agree annually, a number of key priorities (5-10) based on those in the Trafford (Locality) Plan, the CAMHs strategy and relevant data sets such as the JSNAA, the indices of Multiple Deprivation and Public Health profiles, as well as reflecting GM agendas emerging from the GM Joint Commissioning and GM Early Intervention and Prevention Boards. • Ensure delivery against these priorities either through Task and Finish (service reform) project groups or by delegating the priority to a relevant thematic partnership (e.g. Safer Trafford) • Put in place a Performance dashboard to monitor progress against the agreed priorities and receive exception reports relating to progress as necessary. • Receive written reports at regular agreed intervals from the Safer Trafford, Sport and Physical Activity Partnerships, from the two Safeguarding Boards and from the project groups. <p>5. <u>Trafford Health and Well Being Board Membership</u></p> <p>Membership of the Board shall comprise:</p> <ul style="list-style-type: none"> • Executive Member for Adult Social Services and Community Wellbeing • Executive Member for Children and Families • Shadow Executive Member for Adult Social Care and Community Wellbeing (or Deputy) • Corporate Director of Children, Families and Well Being (Director of Children’s Services) • Director of Public Health • NHS Trafford Clinical Commissioning Group (3 representatives: Chair, Chief Operating Officer and Clinical Director/Representative) • Chair of Health Watch • Third Sector representative • Independent Chair Children’s Local Safeguarding Board • Independent Chair Adult Safeguarding Board |

| Committee | Membership | Functions |
|-----------|------------|---|
| | | <ul style="list-style-type: none"> • Chair of the Safer Trafford Partnership - GMP • Chair of the Trafford Sports and Physical Activity Partnership • Executive Officers of health care providers: (Central Manchester University Hospital NHS Foundation Trust University Hospital South Manchester NHS Foundation Trust Pennine Care NHS Foundation Trust Greater Manchester West Mental Health NHS Foundation Trust) • Greater Manchester Fire and Rescue Service Representative • Greater Manchester Health and Social Care Partner Representative (to be confirmed) <p>6. <u>Meeting Arrangements</u></p> <p>Notice of Meetings Meetings of the Board will be convened by Trafford Council, who will also arrange the clerking and recording of meetings (a member of the Council's Democratic Services Team will act as Clerk).</p> <p>Chairmanship The chairmanship for the Health and Well Being Board will rotate on an annual basis between Trafford Council and NHS Trafford Clinical Commissioning Group.</p> <p>Quorum The quorum for all meetings of the Board will be a minimum of 5 members with at least two Local Authority and two Clinical Commissioning Group members present.</p> <p>Substitutes Nominating groups may appoint a substitute member for each position. These members will receive electronic versions of agendas and minutes for all meetings. Members are asked to nominate a single named substitute who replace them in the event they cannot attend a meeting. Notification of a named substitute member must be made in writing or by email to the Clerk. . Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.</p> <p>Decision Making It is expected that decisions will be reached by consensus; however, if a vote is required it will be determined by a simple majority of those members present and voting. If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.</p> |

| Committee | Membership | Functions |
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| | | <p>Meeting Frequency The Health and Well Being Board will meet quarterly in line with the new schedule of dates agreed within the Trafford Partnership review.</p> <p>Status of Reports Meetings of the Board shall be open to the press and public and the agenda, reports and minutes will be available for inspection at Trafford Council's offices and on Trafford Council's website at least five working days in advance of each meeting. This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and Schedule 12A to the Local Government Act 1972 as amended. The same principals will apply to information from NHS Trafford as a partner organisation on the board. Other participating organisations may make links from their website to the Board's papers on Trafford Council's website.</p> <p>7. <u>Members' Conduct</u></p> <p>Where appropriate rules and regulations governing the Code of Conduct of Board members will apply. The Code in use will be the Trafford Council Code of Conduct. Board members will be expected to declare appropriate interests where necessary.</p> <p>8. <u>Amendment of the Constitution</u></p> <p>The Health and Well Being Board may vary its constitution by a simple majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting.</p> <p>9. <u>Governance and Accountability</u></p> <ul style="list-style-type: none"> • The Health and Well Being Board will be accountable for its actions to its individual member organisations. • There will be sovereignty around decision making processes. Representatives will be accountable through their own organisations for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference. • Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies. |

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| | | <ul style="list-style-type: none"> It is expected that decisions will be reached by consensus. |
| <u>Joint Arrangements</u> | | |
| Joint Health Scrutiny Committee with Manchester City Council | 5 Members from each Authority | <p>Terms of Reference</p> <p>Purpose of the Committee</p> <p>In accordance with the letter sent to the JHOSC by the Secretary of State on 11 July 2013, the purpose of the Committee is:-</p> <ol style="list-style-type: none"> To assess and evaluate the progress made in relation to the implementation of the New Health Deal for Trafford. To take part in the assurance process, as stipulated by the Secretary of State." In exercising these functions, the JHOSC has the power to: <ol style="list-style-type: none"> Make comments to a relevant NHS body; Require an NHS body to provide information; Require an officer of a local NHS body to attend meetings and to answer questions in connection with the implementation of the proposals. <p>Membership/Chairing</p> <p>The JHOSC will consist of ten Members. Five members will be appointed from each participating Local Authority and this will be decided upon at the Annual Meeting of each participating Local Authority.</p> <p>Individual authorities will decide whether or not to apply political proportionality to their own Members in accordance with their own legal requirements and constitutional arrangements of each authority.</p> <p>The Committee's members will elect a Chair and Vice-Chair.</p> <p>Each member of the Committee will have one vote and the Chairman will not exercise a casting vote.</p> <p>Quorum for meetings</p> <p>The quorum for the Joint Health Scrutiny Committee will be a minimum of three members, with at least one member from each authority.</p> <p>Supporting the Joint Health Scrutiny Committee</p> <p>The administrative support for the JHOSC will be shared between</p> |

| Committee | Membership | Functions |
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| | | <p>both Local Authorities.</p> <p>Each participating authority will appoint a link officer to provide support to the members of the Committee as follows:</p> <ul style="list-style-type: none"> • liaise with the Chair and Committee Members; • ensure attendance of witnesses; • Organising and minuting meetings; • Produce any correspondence where appropriate. <p>Meetings shall be held at venues, dates and times agreed between the participating authorities. The host authority will bear the costs of arranging, supporting and hosting the meetings of the Committee.</p> <p>Constitutional arrangements</p> <p>In all matters other than those specified in this document, the standing orders and constitutional rules of the Members' appointing authority will apply.</p> |
| <p>Greater Manchester Joint Health Scrutiny Committee</p> | <p>1 Non-Executive Member from each of the 10 Greater Manchester Local Authorities</p> | <p>Terms of Reference</p> <p>These reviewed arrangements take into account the extended role for Health Scrutiny as detailed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Local Health Scrutiny Regulations").</p> <p>Membership</p> <p>The membership of the GM Joint Health Scrutiny Committee will be nominated by the ten Greater Manchester local authorities. Each local authority will nominate one non-Executive/Cabinet member. Where possible, members will be drawn from the individual local Scrutiny Panels/Committees that have responsibility for scrutinising Health and Social Care issues within their area.</p> <p>Officers of Individual District Health Scrutiny Panels/Committees are invited to attend to support and advise Members from their local authority on Health Scrutiny Issues and will have access to all agendas, briefing notes and minutes.</p> <p>Substitutes will be allowed but will need to be non-Executive/Cabinet members of the respective local authority.</p> <p>Role</p> |

| Committee | Membership | Functions |
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| | | <p>The GM Joint Health Scrutiny Committee has the delegated powers from the 10 Authorities of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan) to undertake all the necessary functions of health scrutiny in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Local Health Scrutiny Regulations”), relating to reviewing and scrutinising health services matters where these are at a Greater Manchester level, and to provide a body to which Health Services Providers have a duty to consult under the Local Health Scrutiny Regulations.</p> <p>The Committee will scrutinise:</p> <ol style="list-style-type: none"> 1. The strategies, policies, actions and consultations of: <ul style="list-style-type: none"> • NHS England Greater Manchester Local Area Team • The joint work of the Greater Manchester Clinical Commissioning Groups (the Association of GM CCGs) • Public Health England (Greater Manchester) • Local Authorities across Greater Manchester regarding their role as providers and commissioners of social care, and as public health agencies. • All other cross-boundary NHS services i.e. North West Ambulance Service, Christies, Specialist Children’s Services provided by the Royal Manchester Children’s Hospital 2. Services provided to patients living and working across Greater Manchester 3. Specific health issues that cut across geographical boundaries 4. Individual authorities will reserve the right to undertake scrutiny of any of those authorities listed above with regard to matters relating specifically to their local population <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure that the needs of local people are considered as an integral part of the delivery and development of health services; and to contribute to the reduction of health inequalities by ensuring that services are accessible to all local people. 2. To review proposals for consideration or items relating to proposed substantial developments/substantial variations to services provided across Greater Manchester by NHS organisations, including; <ul style="list-style-type: none"> • Changes in accessibility of services • Impact of proposal on the wider community • Patients affected 3. To engage pro-actively with the GM Health and Social |

| Committee | Membership | Functions |
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| | | <p>Care Reform Programme as it develops.</p> <ol style="list-style-type: none"> 4. To keep abreast of organisational changes and key policy implementation within the NHS. 5. To bring together the responsibilities of local authorities to promote health service provision, delivery and accessibility within the remit of the Health Scrutiny function. <p>Support</p> <p>Officers from the Greater Manchester Integrated Support Team (GMIST) will provide policy and administrative support to the Committee.</p> |
| <p>Stockport, Trafford and Rochdale (STaR) Joint Committee</p> | <p>1 Member from each Authority</p> | <p>Terms of Reference</p> <ol style="list-style-type: none"> 1. To manage the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STaR on its behalf. 2. To agree any changes to the cost and income sharing arrangements set out in the inter-authority agreement. 3. To agree the organisational structure of the STaR to carry out those operations. 4. To recommend to Trafford Council the person to be appointed as Director of STaR and the salary for the post. 5. To consider the policies and procedures for procurement activities carried out by the STaR recommended to it by its Board including the contract procedure rules under which it will operate for each of the Councils. 6. To recommend the business plans and budgets of the STaR for approval by the Councils. 7. To monitor the budget and performance of the STaR. 8. To approve major changes to standard tender documentation and procedures. 9. Such other matters as the Councils (for non-executive matters) and/or the Executive Leaders jointly agree. 10. To the extent that the activities of the STaR joint committee are not executive functions the council delegates to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the procurement functions delegated to it – in particular the power to make staffing appointments and the power to make standing orders as to contracts but not the power to |

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| | | set budgets. |

**3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS -
DELEGATION TO INDIVIDUAL EXECUTIVE MEMBERS**

SEE ITEM 12 A

4. SCHEME OF DELEGATION TO OFFICERS

SEE ITEM 12 A