

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

<b>Who is Responsible</b>	<b>Membership</b>	<b>Non-Executive Functions</b>	<b>Delegation of Functions</b>
Council	48 Members of the Council	<p>Unless otherwise specified, only the Council will exercise the following functions:</p> <ol style="list-style-type: none"> <li>1. Adopting and changing the Constitution.</li> <li>2. Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer as proposed by the Cabinet or Overview and Scrutiny Committee.</li> <li>3. Making decisions about any matter in the discharge of an executive function which is not within the budget or policy framework, unless the decision is urgent within the meaning set out in the Budget and Policy Framework Procedure Rules in Part 4 of the Council's Constitution.</li> <li>4. Appointing the Leader, Mayor and Deputy Mayor of the Council.</li> <li>5. Receiving an annual report from the Overview and Scrutiny Committee in relation to its work.</li> <li>6. Agreeing and/or amending the terms of reference for Committees, exercising non-executive functions, deciding on their composition and making appointments to them.</li> <li>7. Selecting and appointing external auditors or auditor panels under the provision of the Local Audit and Accountability Act 2014.</li> <li>8. Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.</li> <li>9. Adopting a Members Allowance scheme as set out in Part 6 of the Council's Constitution.</li> <li>10. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.</li> <li>11. Confirming the appointment of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.</li> <li>12. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.</li> <li>13. Exercising all Local Choice Functions set out in Part 3 of the Council's Constitution which the Council decides should be undertaken by itself or delegated to non-executive Committees rather than the Cabinet.</li> <li>14. Debating and deciding the response to petitions containing more than 1,500 signatures, for Council functions.</li> </ol>	<p>Functions are delegated to Officers to the extent listed in the Responsibility for Functions in Part 3 of the Council's Constitution.</p>

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|  |  | <ul style="list-style-type: none"><li>15. The function of making, varying or revoking an Early Morning Alcohol Restriction Order.</li><li>16. The function of introducing, varying or ceasing a Night Late Levy.</li><li>17. To make a resolution to not permit casinos.</li><li>18. To make resolutions for street trading.</li><li>19. All other matters which, by law, must be reserved to the Council.</li></ul> |  |
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Standards Committee and Sub-Committees	6 Members comprising 5 Council Members (to include one Executive Member) and 1 non-voting Co-opted Local Councils Association Representative (plus Independent Persons)	<p>Reporting direct to Council Its responsibilities are:</p> <ol style="list-style-type: none"> <li>1. Promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority.</li> <li>2. Advising and assisting Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure to comply with the Code of Conduct by a Town or Parish Councillor.</li> <li>3. To progress complaints on behalf of Town and Parish Councils. The Head of law and Administration is the Council's Monitoring Officer in accordance with the Local Government and Housing Act 1989 (Section 5) and has statutory functions under the Localism Act 2011 in relation to keeping of a Register of Members' Interests, and in relation to conduct matters which have been brought to the Council's Standards Committee. These functions apply to Members and voting co-opted Members of the Council and all Parish/Town Councils within its area.</li> <li>4. Advising the Council on the adoption or revision of the Members' Code of Conduct.</li> <li>5. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority complaint assessment criteria.</li> <li>6. Receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct.</li> <li>7. Arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct.</li> <li>8. Assisting Councillors and Co-Opted Members to observe the Members' Code of Conduct.</li> <li>9. Hearing and determining complaints about Members and Co- Opted Members referred to it by the Monitoring Officer.</li> <li>10. Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council.</li> <li>11. Maintaining oversight of the Council's arrangements for dealing with complaints regarding Member Conduct.</li> <li>12. Informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.</li> </ol>	<p>The Assistant Director (Legal and Governance) is the Council's Monitoring Officer in accordance with the Local Government and Housing Act 1989 (Section 5) and has statutory functions under the Localism Act 2011 in relation to keeping of a Register of Members' Interests, and in relation to conduct matters which have been brought to the Council's Standards Committee. These functions apply to Members and voting co-opted Members of the Council and all Parish/Town Councils within its area.</p>

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		<p>13. To establish a sub-committee/hearings panel for hearing and determining complaints about members and Co-Opted Members referred to it by the Monitoring Officer including the imposition of any actions where considered appropriate.</p> <p>14. Reviewing Council use of the Regulation of Investigatory Powers Act 2000.</p>	
Overview and Scrutiny Committee	13 Members of the Council who are not to include Members of the Cabinet	<p>The Council has appointed an Overview and Scrutiny Committee to discharge certain of its functions relating to call-in, policy and budget review and development and the scrutiny of decision making.</p> <p>The Overview and Scrutiny Committee will:</p> <ol style="list-style-type: none"> <li>1. Exercise call-in of Cabinet decisions</li> <li>2. Assist Council and Cabinet with the development of its strategic budget and policy framework</li> <li>3. Carry out or commission full and comprehensive reviews of any of the Council's policies, strategies or operations relating to the Council's functions</li> <li>4. Make reports and/or recommendations to the Cabinet in connection with the discharge of any its functions</li> <li>5. Consider any matter affecting the borough or its inhabitants</li> <li>6. Access through an information hub, key performance data and other service information, in order to fulfil its functions</li> <li>7. Make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions</li> <li>8. Set its own work programme and agenda</li> <li>9. Provide an annual report to Council on its work programme and outcomes achieved</li> <li>10. Have oversight of Ombudsman complaints, scrutinising the annual Ombudsman reports</li> <li>11. Oversee Councillor calls for action</li> </ol>	

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Audit Committee	<p>5 Members of the Council (who are independent of Cabinet, Overview and Scrutiny Panel)</p> <p>Plus at least 1 co-opted independent.</p>	<p>To provide an independent and high-level focus on the adequacy of the Council's governance, risk and control arrangements.</p> <p>To have oversight of both internal and external audit including the Council's financial reporting process and governance. Ensuring that there are adequate arrangements in place for both internal challenge and public accountability.</p> <p>To review and make recommendations to the Council on the selection/appointment of external auditors.</p> <p>The Committee is accountable to full council.</p> <p>In order to effectively discharge these responsibilities:</p> <ul style="list-style-type: none"> <li>(a) the Committee may require any officer to attend meetings of the Committee so it may receive explanations regarding any matter that it is considering.</li> <li>(b) the Committee may have contact with the Council's External Auditor and Head of Internal Audit.</li> <li>(c) the Committee will have access to, and the right to engage with, other Committees.</li> </ul> <p><b><u>Role and Functions</u></b></p> <p>The core functions of the audit committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendations of assurance providers and helping to ensure robust arrangements are maintained.</p> <p>The specific responsibilities include:</p> <p><b><u>Maintenance of governance, risk and control arrangements</u></b></p> <ol style="list-style-type: none"> <li>1. Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.</li> <li>2. Consider the effectiveness of the authority's risk management arrangements. Understand the risk profile of the Council and seek assurances that active arrangements are in place on risk-related issues.</li> <li>3. Monitor the effectiveness of the system of internal control, including arrangements for financial management, value for money, standards and ethics and fraud and corruption.</li> </ol>	

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		<p><u>Financial and governance reporting</u></p> <p>4. Be satisfied that the Council's accountability statements (including the annual governance statement), properly reflect the risk environment and any actions required to improve it and demonstrate how governance supports the achievement of the Council's objectives.</p> <p>5. Support the maintenance of effective arrangements for financial reporting, including the review and approval of the statutory statement of accounts and any reports that accompany them.</p> <p><u>Establishing appropriate and effective arrangements for audit and assurance</u></p> <p>6. Consider the arrangements in place to secure adequate assurance across the Council's full range of operations (and any collaborations with other entities).</p> <p>7. In relation to the authority's internal audit functions:</p> <p>(a) oversee its independence, objectivity, performance and conformance to professional standards</p> <p>(b) support effective arrangements for internal audit</p> <p>(c) promote the effective use of internal audit within the assurance framework.</p> <p>8. Consider the opinion, reports and recommendations of external audit (and inspection agencies) and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.</p> <p>9. Contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.</p> <p>10. Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.</p>	

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Development Management Committee	13 Members of the Council (may include one Cabinet Member, but not as the Chairman or Vice-Chairman)	To be responsible for all matters relating to Development Management, Enforcement and all Town Planning matters under the Town and Country Planning legislation, and all related matters.	Executive Director (Place) and Assistant Director (Planning)
Hertfordshire Growth Board Scrutiny Committee	12 Members including the LEP. Members must not be Executive members of their appointing authority.	<p>The Scrutiny Committee will provide pre-scrutiny of the business of the HGB. It will also act as a forum for discussion with a wider range of members and stakeholders across Hertfordshire. The Scrutiny Committee may review and comment on reports to the HGB, offer advice to HGB on the discharge of its functions and may review its work</p> <p>Meetings of the Scrutiny Committee will normally be scheduled shortly prior to meetings of the HGB, in order to facilitate its pre-scrutiny function</p> <p>The HGB members shall appoint a Chair and one Vice-Chair to the Scrutiny Committee. There shall be a two-year non-consecutive limit on the Chair's appointment (i.e., he/she may be reappointed, but only after a different member has been Chair).</p> <p>Meetings shall have a quorum of 7 members</p> <p>Voting where required shall be by simple majority, in accordance with legislative requirements. As with the HGB, the Chair shall be entitled to a casting vote, but there will be a convention that he/she will not rely on this.</p> <p>Meetings will be open to public attendance (whether physical or virtual meetings) and will accept questions and petitions from the public.</p>	

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Licensing Committee	10-15 Members of the Council	<ol style="list-style-type: none"> <li>1. To review and recommend to Council the approval of the council's statements of licensing policy and principles under the Licensing Act 2003</li> <li>2. To review and recommend to Council the approval of the council's statements of licensing policy and principles under the Gambling Act 2005</li> <li>3. To delegate other functions under the Gambling Act 2005 and the Licensing Act 2003 to the Alcohol and Regulated Entertainment Licensing Sub-Committee.</li> <li>4. To consider applications for local licences (excluding those matters under the Gambling Act 2005 and Licensing Act 2003 which are delegated to the Alcohol and Regulated Entertainment Licensing sub-committee), registrations and consents where either representation have been received or the relevant service considers a decision by members is more appropriate having regard to the circumstances of the application.</li> <li>5. To consider whether hackney carriage/private hire vehicle, driver or operator licences should be refused</li> <li>6. To agree the procedures for licensing hearings on behalf of the council</li> <li>7. To agree standard terms and conditions for licences</li> <li>8. To determine conditions to be placed on licences (excluding licences dealt with by the Alcohol and Regulated Entertainment Licensing Sub-Committee)</li> <li>9. To determine hackney carriage fares</li> <li>10. To deal with all other licensing matters on behalf of the Council except where statute demands they are dealt with by other means</li> <li>11. To set up topic or sub-groups as required by the committee to assist with its work</li> </ol>	Functions check this are delegated to the Executive Director (Resident Services and Climate Change) to the extent as detailed in Part 3.



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Alcohol and Regulated Entertainment Licensing Sub-Committee	3 members selected from the pool of 10-15 members of the Licensing Committee	<p>To deal with:</p> <ol style="list-style-type: none"> <li>1. Application for a personal licence under the Licensing Act 2003 if a Police representation is made and not withdrawn</li> <li>2. Application for a premises licence under the Licensing Act 2003 if a representation is made and not withdrawn</li> <li>3. Application for a club premises certificate under the Licensing Act 2003 if a representation is made and not withdrawn</li> <li>4. Application for a provisional statement under the Licensing Act 2003 if a representation is made and not withdrawn</li> <li>5. Application to vary premises licence/club certificate under the Licensing Act 2003 if a representation is made and not withdrawn</li> <li>6. Application to vary designated personal licence holder under the Licensing Act 2003 if a Police representation is made and not withdrawn</li> <li>7. Application for transfer of premises licence under the Licensing Act 2003 if a representation is made and not withdrawn</li> <li>8. Applications for interim authority notice under the Licensing Act 2003 if a representation is made and not withdrawn</li> <li>9. Application to review a premises licence under the Licensing Act 2003</li> <li>10. Application to review a club premises certificate under the Licensing Act 2003</li> <li>11. Decision to object when local authority is a consultee and not the lead authority under the Licensing Act 2003</li> <li>12. Consideration of a representation to a temporary event notice under the Licensing Act 2003.</li> <li>13. revocation of licence where convictions come to light after grant under the licensing Act 2003.</li> <li>14. revocation or suspension of licence under the Licensing Act 2003 where it becomes aware of convictions or immigration penalties),</li> <li>15. Application for a premises licence under the Gambling Act 2005 if a representation is made and not withdrawn</li> <li>16. Application for a variation to a premises licence</li> </ol>	Other Functions delegated to the Executive Director (Resident Services & Climate Change) to the extent as detailed in Part 3.

		<p>under the Gambling Act 2005 if a representation is made and not withdrawn</p> <p>17. Application to vary a premises licence under the Gambling Act 2005 if a representation is made and not withdrawn</p> <p>18. Application for a provisional statement under the Gambling Act 2005 if a representation is made and not withdrawn</p> <p>19. Application to review a premises licence under the Gambling Act 2005</p> <p>20. Application for club gaming /club machine permits under the Gambling Act 2005 if a representation is made and not withdrawn</p> <p>21. Cancellation of club gaming/ club machine permits under the Gambling Act 2005</p> <p>22. Decision to give a counter notice to a temporary use notice under the Gambling Act 2005</p> <p>23. To deal with hearings in accordance with the procedure laid down by the Council and regulations</p> <p>24. To deal with hearings in accordance with the relevant legislation and with established Council policy and licensing conditions</p>	
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Member Development Steering Group	4 Members of the Council	<ol style="list-style-type: none"> <li>1. To be responsible for the Members' Skills Audit</li> <li>2. To agree the annual Member Induction Programme</li> <li>3. To agree the annual Member Development Programme in response to Members' needs and corporate requirements</li> <li>4. To lead on and work with the Hertfordshire Member Development Network</li> <li>5. To receive and monitor the effectiveness of the development and induction programmes to ensure that Members' needs are met</li> <li>6. To encourage Members from all political groups to attend Member Development sessions and to monitor non-attendance and the reasons for this</li> <li>7. To consider all methods of learning and, where possible, make these available to Members</li> <li>8. To support Members' Community Leadership role</li> </ol>	
Officer Appointment Panel	Cabinet and Opposition Group Leaders plus 1 external advisor	Responsibility to undertake the recruitment and selection process of the Chief Executive (Head of Paid Service) and to make such recommendation on the appointment to Council as is considered appropriate	
Investigating and Disciplinary Committee	5 Members of the Council, including at least one Executive Member	<ol style="list-style-type: none"> <li>1. To determine the procedure to be followed by the Investigating and Disciplinary Committee</li> <li>2. To receive, assess and consider any complaint or allegation relating to a Statutory Officer</li> <li>3. To appoint and receive reports from an independent investigator as appropriate</li> <li>4. To receive reports and advice from the Independent Panel in the event dismissal of a Statutory Officer is being considered</li> <li>5. To determine and issue sanctions short of dismissal for a Statutory Officer</li> <li>6. Subject to receiving advice from the Independent Panel, to make any recommendations to Council for the dismissal of a Statutory Officer</li> </ol>	

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Appeal Committee	5 Members of the Council, including at least one Executive Member	<ol style="list-style-type: none"> <li>1. To determine the procedure to be followed by the Appeals Committee</li> <li>2. To receive, assess and consider any appeal by a Statutory Officer in respect of a sanction applied by the IDC</li> <li>3. To consider any appropriate and relevant reports and submissions to the matter</li> <li>4. To decide either to confirm the sanction applied by the IDC, impose no sanction or apply a lesser sanction</li> </ol>	
Constitution Review Group	7 members Chaired by the Leader of the Council	<ol style="list-style-type: none"> <li>1. To undertake a comprehensive review of the Council's Constitution with the objectives of: <ul style="list-style-type: none"> <li>• establishing whether the rules and procedures are fit for purpose;</li> <li>• establishing whether the rules and procedures are understandable;</li> <li>• establishing whether the rules and procedures require modernisation and streamlining;</li> <li>• establishing whether the rules and procedures reflect the character and culture of the Council and facilitates council business;</li> </ul> </li> <li>2. Where applicable, to consider if any proposals would benefit from wider engagement with other councillors before finalisation.</li> <li>3. Where applicable, to consider if any proposals would benefit from councillor training or external facilitation.</li> <li>4. Where applicable, to make in-year recommendations to Council and/or Cabinet for the adoption of any proposed changes to the Council's Constitution.</li> <li>5. To make recommendations to Council for the final adoption of a revised Council's Constitution.</li> </ol>	