

## **PART 3**

### **RESPONSIBILITY FOR FUNCTIONS**

- 1 COUNCIL COMMITTEES AND OTHER MEMBER BODIES OBJECTIVES, TERMS OF REFERENCE AND DELEGATION TO OFFICERS**

## **A COUNCIL**

### **1.0 CONSTITUTION**

- 1.1 Full Council comprises the 28 members of Council. Its quorum is one quarter of the total members (7) – unless more than a 1/3 of the total membership is disqualified, in which case the quorum is ¼ of those remaining qualified.

### **2.0 OBJECTIVES**

- 2.1 To run an efficient and effective Council to deliver best value for our residents.
- 2.2 To build the foundations for the growth of East Cambridgeshire's economy by supporting job and wealth creation whilst improving the quality of life and the environment.

### **3.0 TERMS OF REFERENCE**

All the matters requiring Council approval will be reported directly to Council (including consultation documents), therefore only the Council will exercise the following functions:

#### **3.1 Governance**

- (i) Adopting and changing the Constitution, including the Committee structure;
- (ii) Making appointments to the Council's Committees;
- (iii) Adopting, amending or revoking a Members' Allowances Scheme and determining the schedule of allowances;
- (iv) Revise and approve any Petitions Scheme or policy;
- (v) Changing the name of the area or conferring the title of Honorary Alderman;
- (vi) Making requests to the Local Government Boundary Commission for England or functions relating to passing a resolution to change schemes of Elections;
- (vii) Making an order following a Community Governance Review.

#### **3.2 Policy**

To approve or adopt key policies and procedures as defined below:

- Council's Corporate Plan including corporate objectives and corporate priorities;
- Development Plan Documents (Local Plan);
- Economic Development and Jobs Growth Strategies
- Local Development Scheme (LDS);
- Approval of the Council's Corporate Risk Register on an annual basis;
- Annual programme of Service Reviews;
- Making, amending, revoking, retracting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;
- Other key policy documents which the law requires are adopted by full Council that includes:

Community Infrastructure Levy,  
Environmental Enhancement Schemes,  
Statutory strategies related to Crime and Disorder, Children and Young People and  
Health Improvement.

### 3.3 **Budget (Subject to recommendation from Finance & Assets Committee)**

- (i) Council Tax, Revenue and Capital Budgets;
- (ii) Statement of the robustness of the Budget and the adequacy of Reserves;
- (iii) Annual Treasury Management Strategy and Annual Investment Strategy;
- (iv) Plans or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provisions (to the extent not covered by the Policy Framework).

### 3.4 **Other Matters**

- (i) Confirming the appointment of the Chief Executive/Head of Paid Service (Council may delegate the selection process for this matter to a panel reporting to it);
- (ii) Appointment of the Chief Finance Officer and Monitoring Officer (or other Chief Statutory Officers as defined<sup>[1]</sup>, as may supplement or term replacing the same) on recommendation of the Head of Paid Service or his/her nominee;
- (iii) Senior Officer Pay Policy;
- (iv) Appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (v) Approving the Statement of Principles under the Licensing Act 2003 and Gambling Act 2005 and any revision, and considering a policy to not permit any further casinos in its area;
- (vi) Approval of Compulsory Purchase action proposed by Committee;
- (vii) Make a neighbourhood plan or neighbourhood development order ('make' meaning adopt to all intents and purposes.

Any other decisions that falls within the terms of reference of a Policy Committee or Sub-Committee on the basis that:

- the Committee resolves to refer this decision to Full Council ("Referred-up") in accordance with Council Procedure Rule 25);
- the decision has been referred by three Members of Council ("Council call-in") in accordance with Council Procedure Rule 26

## 4.0 **Delegation to Officers**

4.1 The Chief Executive, or officers comprising Corporate Management Team are authorised to act in relation to any matter of immediate urgency, which must be dealt with before the next meeting of the Council provided:

- (a) the Leader of the Council (if any), otherwise Group Leaders, are consulted prior to delegated decisions being made;

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<sup>[1]</sup> Under the Local Government & Housing Act paragraph (a), (c) or (d) of section 2(6), per Local Government (Standing Order Regulations 1993 No 202 as amended; & 2001 No 3384 as amended

- (b) Leaders of Groups and the Chair of the Council are notified immediately of any action taken under this delegated power; and
- (c) action taken shall as soon as practicable be reported to Council.

4.2 There shall be delegated to the Chief Executive, and in his absence to the Directors the exercise of any power or function of the Council in routine matters related to the implementation of agreed strategies and programmes and falling within established policies and procedures and within existing budgets after appropriate consultation with the Leader of the Council (if any) or otherwise with all Group Leaders.

For the avoidance of doubt this delegation shall include the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved by law to the Full Council.

4.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below.

<b><u>Appointment of Members to Committees</u></b> To make minor in-year changes in committee memberships within the agreed proportionality at the request of Group Leaders	Democratic Services & Elections Manager
<b><u>Civil Emergencies</u></b> <b><u>Enforcement and Other Proceedings</u></b> <b><u>Civic Defence Act 1948</u></b> The function of District Controller	Chief Executive
<b><u>Local Government (Miscellaneous Provisions) Act 1976</u></b> Power to make decisions, spend money and take all actions necessary for the immediate alleviation of hardship or suffering in the event of peacetime emergencies in the District	Chief Executive
<b><u>Court Proceedings</u></b> <b><u>Local Government Act 1972 s.223</u></b> To represent the Council in the Magistrates and County Court, at inquiries etc.	Director Legal to delegate to appropriate local authority officers (including Legal Executives/Trainee Solicitors - & other officers as appropriate (Solicitors and Barristers have automatic authority)
<b><u>Council Meetings</u></b> To determine the annual calendar of meetings.	Democratic Services & Elections Manager
<b><u>Legal Proceedings</u></b> To commence legal proceedings (including prosecutions, injunctions and other proceedings) in relation to the Council's functions as set out in statute (subject to being satisfied as to evidence).	Director Legal or Chief Executive
<b><u>Sealing of Documents</u></b> Authorisation to affix the Council's seal to all deeds and agreements under seal made in respect of any functions of the Council, its committees, proper officer, etc	Director Legal or Chief Executive