

Chapter 2

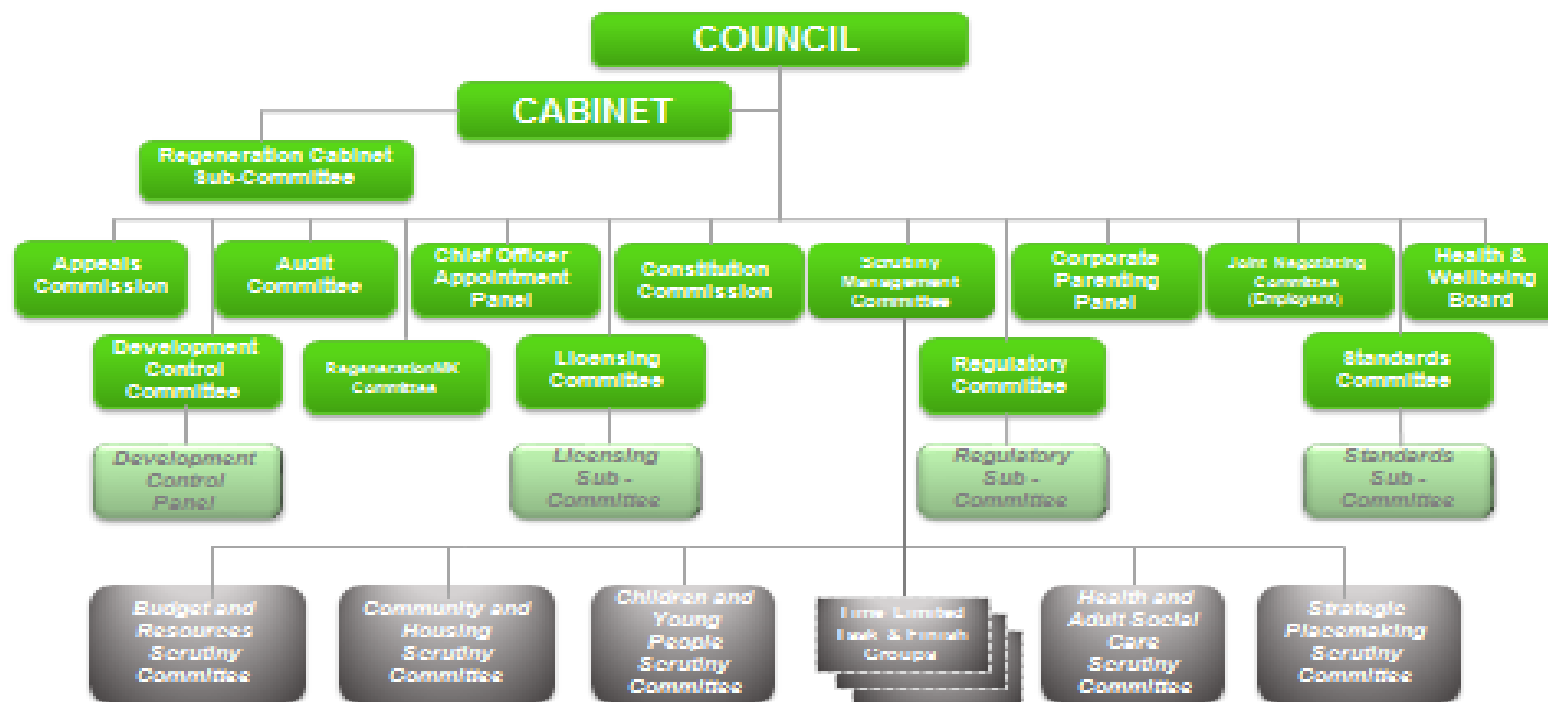
Responsibilities for Functions

Part	Title	Contents
1	Diagrammatic Explanation of Decision Making	This part shows a diagram of the Council decision making arrangements.
2	Introduction to Decision Making	This part sets out an introduction to decision making including the principles of good decision making, who makes decisions in the Council and what are Key Decisions
3	The Full Council	This part sets out: <ul style="list-style-type: none"> (a) Functions of the Full Council (b) Council Meetings (c) Policy Framework (d) The Budget (e) Local Choice Functions (f) Appointment to Outside Organisations (g) Role of the Mayor and Chairmanship of the Council
4	The Cabinet	This part sets out: <ul style="list-style-type: none"> (a) Role of the Cabinet (b) The Leader and Cabinet Members (c) General Responsibilities of the Cabinet, Committee and Sub-Committees (d) Responsibilities of all Cabinet Members (e) Specific Responsibilities of Cabinet members
5	Functions of Committees	This part sets out the Functions, Roles and responsibilities of the Committees of the Council, which are: <ul style="list-style-type: none"> (a) Overview and Scrutiny Committees <ul style="list-style-type: none"> (i) Scrutiny Management Committee (ii) Budget and Resources Scrutiny Committee (iii) Children and Young People Scrutiny Committee (iv) Communities and Housing Scrutiny Committee

		<ul style="list-style-type: none"> (v) Health and Adult Social Care Scrutiny Committee (vi) Strategic Placemaking Scrutiny Committee <p>(b) Other Committees</p> <ul style="list-style-type: none"> (i) Development Control Committee (ii) Licensing Committee (iii) Constitution Commission (iv) Audit Committee (v) Corporate Parenting Panel (vi) Health and Wellbeing Board (vii) Appeals Commission (viii) Chief Officer Appointments Panel (ix) Joint Negotiating Committee (Employers) (x) Regulatory Committee (xi) Standards Committee (xii) Statutory Officer Disciplinary Panel <p>(c) Joint Arrangements</p> <ul style="list-style-type: none"> (i) LGSS Joint Committee (ii) LGSS Revenue and Benefits Joint Committee
6	Officer Delegations	This part sets out the Scheme of Officer Delegation and contains a diagram of the officer structure at the Council. It sets out the areas of responsibility of the Senior Officers and Statutory Officers and the arrangements for the discharge of the Proper Officer functions.

Diagrammatic explanation of Member decision making bodies and introduction to decision making

Committee Structure 2018/19



Chapter 2 – Part 2

Introduction to decision making

1. The Council makes many decisions relating to matters within its area.

This Part of the Council's Constitution sets out how these decisions are made so that members of the public are clear about what decisions are made and which part of the Council or individual has responsibility for particular types of decisions.
2. The Council, the Cabinet, the Leader of the Council and any Committee or Sub-Committee of the Council may delegate a function or decision to another councillor decision making body or to an officer in accordance with this Constitution. This can be on a permanent or one-off basis.
3. The Cabinet has delegated decision-making powers to individual Cabinet members.

Principles of Decision-Making

4. The following principles will apply to all decision makers. Decision makers will:
 - 4.1 take into account all relevant considerations and ignore those which are irrelevant
 - 4.2 undertake a realistic evaluation of alternatives and options
 - 4.3 carry out appropriate consultation
 - 4.4 take decisions which are proportionate to the desired outcome
 - 4.5 consider relevant professional advice
 - 4.6 respect human rights
 - 4.7 approach decision making on a transparent and open basis and decisions will be taken in a public forum wherever possible.

Types of decision and the decision-takers

5. When the Full Council makes a decision, it will comply with the Council Procedure Rules.
6. When the Cabinet makes a decision, it will comply with the Cabinet Procedure Rules.
7. When the Overview and Scrutiny Committees make decisions, they will comply with the Terms of Reference for Overview and Scrutiny Committees.
8. When Committees and Sub-Committees make decisions, they will comply with the Council Procedure Rules.

Introduction to Decision Making

9. On occasions, the Council, a councillor or an officer will act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of an individual. When this happens, they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Key Decisions

10. Certain types of decisions made by the Cabinet, individual Cabinet members, Committees and Sub-Committees of the Cabinet are “Key Decisions”. Except in cases of urgency, these types of decision receive special advance publicity so that members of the public and councillors are able to consider the implications of the decision and so that members of the public have an opportunity to make representation to the decision maker before the decision is made. Key Decisions appear on the Cabinet’s Forward Plan.
11. A Key Decision is defined as:
“an executive decision which
 - 11.1 is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates, and/or
 - 11.2 is likely to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the Council.”
12. For clarification, the Council has defined this element of the definition of ‘Key Decision’ as one where the Council will incur expenditure or savings of £500,000, which is not identifiable either in the approved Capital Programme or Revenue Budget.).

Chapter 2 – Part 3 The Council

The Full Council

Functions of the Full Council

1. The following functions are the responsibility of the Council and will be discharged by the Full Council (all Councillors meeting together) unless specifically delegated to another Committee, Sub-Committee, body or officer elsewhere in this Constitution. The Council:
 - 1.1 is accountable to its citizens for the proper discharge of all of its functions and the delivery of all its services
 - 1.2 will keep under review the running of the Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the Council's citizens and the delivery of any services in the most effective and efficient way
 - 1.3 will adopt the Council's Constitution, including all rules of procedure (Standing Orders) and approve any amendments to it (except where specifically delegated to the Constitution Commission or the Monitoring Officer)
 - 1.4 will:
 - (a) elect the Mayor
 - (b) appoint the Deputy Mayor
 - (c) elect the Leader of the Council
 - (d) appoint to such other offices and/or positions as may be required under this Constitution or by law.
 - 1.5 will adopt the Policy Framework and any of the policies within it
 - 1.6 will agree the Council's Budget
 - 1.7 will determine any decision which would otherwise be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
 - 1.8 will determine whether functions which are classified as "Local Choice" functions should be reserved to the Council or exercised by the Cabinet
 - 1.9 will adopt the Council's Codes of Conduct for councillors and officers and the Protocol on Councillor/Officer Relations

- 1.10 will agree:
- (a) the establishment and composition of Committees, other than those which may be established within the Cabinet; and
 - (b) The political balance of such bodies as required from time to time.
- 1.11 will agree and amend the terms of reference of its Committees
- 1.12 will consider any matter which has been referred or submitted to it by the Cabinet for information, views or debate (but recognising that an Executive matter remains the sole responsibility of the Cabinet and the Council cannot make a decision in relation to it)
- 1.13 will determine any matter which is referred to it for determination by a Committee other than a Cabinet body
- 1.14 will adopt (or otherwise) Motions submitted in accordance with the Council Procedure Rules
- 1.15 will approve the Councillors' Allowance Scheme for elected Councillors following advice from the Independent Remuneration Panel
- 1.16 will appoint/dismiss the Head of Paid Service, dismiss the Monitoring Officer and the Chief Finance Officer, designate an officer to act as Monitoring Officer and an officer to act as the Chief Finance Officer
- 1.17 will appoint the Returning Officer and Electoral Registration Officer
- 1.18 will appoint officers for particular purposes 'proper officers'
- 1.19 will appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal), where not delegated to a committee of the Council.
- 1.20 will approve the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of council functions
- 1.21 may take decisions relating to the name of the area and may confer the title of Honorary Alderman or Freedom of the Borough
- 1.22 may make decisions relating to the making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal bills
- 1.23 will take decisions in respect of functions which are not the responsibility of the Cabinet, and which have not been delegated by the Council to Committees, officers or elsewhere
- 1.24 will agree any payments or provide other benefits in cases of maladministration etc.

2. Nominations to the Council's committees and changes to such nominations, shall be notified by the Council's Group Leaders in writing or by email to the Service Director (Legal and Democratic Services) and shall thereafter be confirmed by the Council.
3. There are different types of Council meeting:
 - 3.1 The Annual Meeting of the Council, which will be held in May
 - 3.2 Ordinary meetings
 - 3.3 Extraordinary meetings, which will be called as and when required in accordance with the Council Procedure Rules.
4. All Council meetings will be conducted in accordance with the Council Procedure Rules.

Policy Framework

5. By law, the Council must have a policy framework. This is a list of plans and strategies which are relevant to the Council's functions and are required by law to be decided by the full Council, usually on the recommendation of the Cabinet.
6. The policy framework includes: **(To be Revised)**
 - 6.1. Future Libraries MK Plan (Annual Library Plan);
 - 6.2 SaferMK Plan (Crime and Disorder Reduction Strategy);
 - 6.3 Plans and Strategies which together comprise the Development Plan and Development Plan Documents;
 - 6.4 Youth Justice Plan;
 - 6.5 Licensing Authority Policy Statement;
 - 6.6 The Corporate Plan;
 - 6.7 Local Transport Plan;
 - 6.8 Comprehensive Equality Scheme;
 - 6.9 Economic Development Strategy;
 - 6.10 Gambling Policy;
 - 6.11 Housing Strategy;
 - 6.12 Local Investment Plan;
 - 6.13 Low Carbon Strategy; and
 - 6.14 Regeneration Business Plan and Strategy

Budget

7. The Council has a duty to make arrangements for proper administration of financial affairs etc and each year will set the Council's budget. The budget has a number of elements as follows:
 - 7.1 The allocation of financial resources to different services and projects
 - 7.2 Proposed contingency funds
 - 7.3 Setting the Council Tax
 - 7.4 The Council's borrowing requirement
 - 7.5 Its capital expenditure
 - 7.6 The setting of virement limits.

Local Choice Functions

8. Certain functions of local authorities are classified as "Local Choice" functions under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2. This means that the Council can decide which of these decisions should be taken by the Full Council and which should be taken by the Cabinet.
9. The following table sets out who makes decisions on Local Choice Functions:

Function	Decision Making Body	Delegation of Functions
Any function under a Local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Cabinet	The Council does not currently have any functions under a Local Act.
The determination of an appeal against any decision made by or on behalf of the Authority	3 Members drawn from the Appeals Commission.	The three Members drawn from the Appeals Commission will have delegated authority to determine the appeal.
The appointment of Review Boards made under Regulations under Section 34(4) Determination of Claims and Reviews) of the Social Security Act 1998	3 Members drawn from the Appeals Commission.	The three Members drawn from the Appeals Commission will have delegated authority to determine the appeal.

Function	Decision Making Body	Delegation of Functions
The making of arrangements pursuant to Section 67(1) and Schedule 18(2) of the 1998 Act (Appeals Against Exclusion of a Pupil)	Council	The Assistant Director (Education, Effectiveness and Participation) shall act as Clerk to Appeals Panels, and shall arrange for the appointment and training of Panel members.
The making of arrangements pursuant to Section 94(1) and (4) and Schedule 24(2) of the 1998 Act (Admission Appeals)	Council	The Assistant Director Democratic Services shall act as Clerk to Appeals Panels, and shall arrange for the appointment and training of Panel members.
The making of arrangements pursuant to Section 95(2) and Schedule 25(2) of the 1998 Act (Children to Whom Section 87 Applies: Appeals by Governing Bodies)	Council	The Assistant Director Democratic Services shall act as Clerk to Appeals Panels, and shall arrange for the appointment and training of Panel members.
The making of arrangements under Section 20 (Questions on Police Matters at Council Meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	Cabinet	The Member concerned is designated to respond to questions on behalf of the Police Authority.
The making of appointments under Paragraphs 2 to 4 (Appointment of Members by Relevant Councils) of Schedule 2 (Police Authorities Established under Section 3) to the Police Act 1996	Cabinet	-

Function	Decision Making Body	Delegation of Functions
Any function relating to contaminated land	Regulatory Committee	The Committee may delegate functions to one or more appropriate officers.
The discharge of any function relating to the control of pollution or the management of air quality	Regulatory Committee	The Committee may delegate functions to one or more appropriate officers.
The service of an abatement notice in respect of a statutory nuisance	Regulatory Committee	The Committee may delegate functions to one or more appropriate officers.
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Regulatory Committee	
The inspection of the Authority's area to detect any statutory nuisance	Regulatory Committee	The Committee may delegate functions to one or more appropriate officers.
The investigation of any complaint as to the existence of a statutory nuisance	Regulatory Committee	The Committee may delegate functions to one or more appropriate officers.
The exercise of functions under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges), with the exception of fee setting	Regulatory Committee	The Assistant Director Environmental Services to undertake investigations into any complaint relating to high hedges The Development Control Manager to issue remedial Notices and take enforcement action.
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land	Cabinet or Regulatory Committee (as appropriate)	The Cabinet, or the Regulatory Committee, as the case may be, may delegate some or all of the function to one or more appropriate officers.

Function	Decision Making Body	Delegation of Functions
The obtaining of particulars of persons' interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet or Regulatory Committee (as appropriate)	The Cabinet, or the Regulatory Committee, as the case may be, may delegate some or all of the function to one or one or more appropriate officers.
The making of agreements for the execution of highways works	Cabinet	The Cabinet may delegate some or all of the function to one or more Cabinet Members or one or more appropriate officers.
<p>The appointment of any individual:</p> <p>(a) to any office other than an office in which he/she is employed by the Authority;</p> <p>(b) to anybody other than:</p> <p>(i) the Authority;</p> <p>(ii) a Joint Committee of two more Authorities; or</p> <p>(c) to any Committee or Sub-Committee of such a body,</p> <p>and the revocation of any such appointment</p>	Council or Cabinet in accordance with a scheme to be agreed by the Council	<p>The Council may delegate the appointment of Members to the Cabinet, in accordance with a scheme for appointments to be agreed.</p> <p>The Council, or the Cabinet may, in turn, delegate to one or more appropriate officers, authority to appoint officers to represent the Council on one or more of the bodies stated</p>
Local Government Act 2003 - Section 84: Council Tax Base	Cabinet	Adoption of the Council Tax Base (Minute CL94(d) - 2003/04)

10. Local Choice Functions can be delegated further to other Member bodies and/or officers.

Appointment to Outside Organisations

11. The Council, Cabinet, or Individual Portfolio Holders (if delegated to them by The Leader of the Council) make appointments to a number of local and regional organisations.

Role of the Mayor and Chairmanship of the Council - Civic Role

12. The Council's Mayor, supported by the Deputy Mayor will perform the Council's Civic role. 13. This entails raising and maintaining the profile of the Council's area and its citizens. The aims and values of the Council will be promoted in an apolitical manner.
13. The Mayor will decide which civic and ceremonial functions to promote following consultations, where appropriate, with officers of the Council. These functions may include representing the Council at events organised by other local authorities or organisations.
14. The Mayor is elected at the Annual Council meeting in May. The Deputy Mayor is appointed at the same meeting.
15. The Mayor is the conscience of the Council.
16. The Mayor is responsible for:
 - 16.1 upholding and promoting the purposes of this Constitution and interpreting it, where necessary, with advice
 - 16.2 presiding over meetings of the Full Council to ensure that business is carried out efficiently and effectively
 - 16.3 ensuring the rights of Councillors and the interests of the Council's citizens are protected in the running of the Full Council meeting (Guidance on the Role of a Chairman which is relevant for all chairmen of Council meetings)
 - 16.4 ensuring that, at Full Council meetings, matters of concern to local people can be debated through the appropriate Councillors
 - 16.5 ensuring that Councillors not on the Cabinet, or who do not hold the Chairmanship of a main committee, are able to hold those office holders to account
 - 16.6 promoting public involvement in the Council's activities and acting as a link between members of the public and organisations and the Council
 - 16.7 carrying out other roles on behalf of the Council.
17. The Deputy Mayor will:
 - 17.1 support the Mayor in his/her civic role and will also carry out civic duties on behalf of the civic office
 - 17.2 deputise for the Mayor in his/her absence.

Who may become Mayor or Deputy Mayor

- 18 The Deputy Mayor will be appointed in accordance with the selection criterion for the appointment of the Deputy Mayor based on the number of seats held by a particular party group over a period of time agreed by the Council, at its meeting on 12 November 2002 (Minute CL66(d) refers).

Chapter 2 – Part 4 The Cabinet

The Cabinet

Role

1. The Cabinet carries out those duties and responsibilities which are not the responsibility of any other part of the Council.
2. Some of the Cabinet's responsibilities may be "Local Choice" functions, which Council has chosen to delegate to the Cabinet.

Composition

3. The Cabinet consists of the Leader of the Council, and up to 9 other Councillors. The Leader of the Council is elected by Full Council, but the Leader is responsible for appointing the other Members of the Cabinet, and for notifying the Council of such appointments.
4. No substitution arrangements will apply to the Cabinet, and neither the Mayor nor Deputy Mayor may be appointed to the Cabinet.

The Leader

5. The Leader will hold office for a period of four years from the date he/she is elected to that office by the Council or until:
 - 5.1 he/she resigns from the office of Leader
 - 5.2 he/she becomes ineligible to be a Member of the Council, either for a specific period, or indefinitely
 - 5.3 he/she ceases to be a Councillor
 - 5.4 he/she is removed from office by a no confidence resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.
6. Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the next meeting of the Council.
7. The Leader shall appoint a Deputy who shall be a member of the Cabinet and who shall hold office until such time as the term of office of the Leader who appointed him/her comes to an end, or until he/she is removed from office by the Leader, or he/she ceases to be a Cabinet member.
8. Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of the Full Council as soon as possible, to elect a new Leader.

Other Cabinet Members

9. Other Members of the Cabinet will hold office until any of the events listed in 5.1-5.3 above apply to them or to the Leader or until the Leader brings their term of office to an end.

Proceedings of the Cabinet

10. Proceedings of the Cabinet shall be conducted in accordance with the Cabinet Procedure Rules.

Responsibility for Functions

11. The Leader will ensure that a record is kept of the executive functions which are the responsibility of individual Cabinet Members, any Cabinet Committee or Sub-Committee, officers or joint arrangements.

Cabinet Members

12. The following are the Council's Cabinet Portfolios (which may be varied from time to time by the Leader):

12.1 Leader

12.2 Children and Families

12.3 Customer Services

12.4 Economic Growth and Community Partnership

12.5 Health and Wellbeing

12.6 Housing and Regeneration

12.7 Public Realm

12.8 Resources and Innovation

General Responsibilities of the Cabinet, Committees and Sub-Committees

13. These bodies are responsible for:
 - 13.1 ensuring the effective and efficient discharge of the functions delegated to them
 - 13.2 ensuring that any Council services within their remit are appropriate for and responsive to the needs and views of the Council's citizens, and are delivered effectively and efficiently
 - 13.3 ensuring that good external relationships and effective local liaison are promoted in relation to Council services within their remit
 - 13.4 monitoring the functions of the Council within their remit and contributing to any Council aims, objectives and policies

- 13.5 determining policies and objectives for any Council services, within their remit, reviewing the extent to which they are met, and agreeing any necessary action
 - 13.6 determining the Council's views on matters specific to their areas of responsibility and related external matters
 - 13.7 ensuring the effective and efficient management of any services and resources within their remit and, where appropriate, the effective and efficient discharge of the responsibilities of any subordinate bodies or person.
14. Where the Cabinet is exercising a Cabinet function, in whole or in part, as set out below, the Cabinet is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon it subject to any restrictions or constraints imposed by the law or this Constitution.
15. Insofar as such functions do not fall within the responsibilities of individual Cabinet Members, the Cabinet is responsible for:
- 15.1 the development of policy/strategy for the Council, the monitoring of the effectiveness of policy/strategy and the review of policy/strategy (leading to revision and further development)
 - 15.2 subject to consultation with the appropriate Scrutiny body or bodies, advising on Budget setting, including all other relevant financial matters, plans and proposals
 - 15.3 ensuring that proper arrangements exist for the effective and efficient management of the Council's executive affairs and the delivery of policy/strategy
 - 15.4 monitoring and auditing the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, and requiring or approving any remedial action to be taken where it considers it necessary and appropriate
 - 15.5 developing, monitoring and reviewing any Council Corporate personnel and human resources policies
 - 15.6 approving, monitoring and reviewing the provision of services to the Council which are delivered by internal and/or external suppliers
 - 15.7 overseeing, approving and co-ordinating policies on national and external communications, public and media relations and public affairs generally
 - 15.8 overseeing relationships with, participation in and contribution to external organisations and partnerships, Local Government Association, or their successors or like bodies
 - 15.9 ensuring officers exercising delegated powers on behalf of the Cabinet discharge their responsibilities efficiently and effectively

- 15.10 monitoring and reviewing issues relating to relating to the implementation of strategy and policy
 - 15.11 preparing and approving any Regional and Sub-Regional Plans and Strategies
 - 15.12 supporting any relevant regional arrangements relating to regional policy, transportation, planning and environmental issues
 - 15.13 promoting employment and investment in the Council's area, including the preparation and approval of any Economic Development and Tourism Strategies
 - 15.14 dealing with any executive Local Development Framework functions which are delegated to the Council by the Secretary of State.
16. The Cabinet may discharge these functions itself, through a Cabinet Committee or Sub-Committee or by delegation to an officer. In addition, the Cabinet may appoint such advisory panels, including any Member of the Council, as it considers appropriate to provide advice to it.

Responsibilities of all Cabinet Members

- 17. The following are the general responsibilities which apply to all Cabinet members, and the specific responsibilities which apply to individual Cabinet members. These responsibilities include various functions which are delegated to each Cabinet Member to discharge.
- 18. These responsibilities and delegations are the Council's Executive Arrangements which include the Framework for Decision-Making by Individual Cabinet Members, set out below the lists of responsibilities of each Cabinet Member.
- 19. There are occasions when matters affect more than one portfolio of responsibility. On such occasions, the Cabinet Member with the primary responsibility shall take the lead and exercise their delegated powers, but in consultation with all Cabinet Members with an interest.
- 20. Each Cabinet Member is the spokesperson for the policy area or 'portfolio' they are responsible for. They also:
 - 20.1 lead on developing Council policy and make recommendations to the Cabinet
 - 20.2 provide guidance to the Cabinet on delivering services within their portfolio area
 - 20.3 give guidance to the Cabinet on budget priorities
 - 20.4 monitor performance and make sure policy is delivered
 - 20.5 lead on improving Council services

- 20.6 ensure that activities meet the Council's overall vision, core values and guiding principles
- 20.7 represent the Council at a national and local level
- 20.8 contribute to debate and decision-making
- 20.9 work with all Councillors and officers to make sure that the overview and scrutiny process works correctly including appearing before relevant Overview and Scrutiny meetings and responding to Overview and Scrutiny committee reports
- 20.10 make decisions within the responsibility of the Cabinet Member's portfolio
- 20.11 ensure appropriate consultation and liaison with partners and the community on matters within the scope of their portfolio.

The specific responsibilities of individual Cabinet Members (Leader and Portfolio Holders)

- 21. This section sets out the responsibilities of the individual Cabinet Members which comprise the following:
 - (a) Leader
 - (b) Children and Families
 - (c) Customer Services
 - (d) Economic Growth and Community Partnership
 - (e) Health and Wellbeing
 - (f) Housing and Regeneration
 - (g) Public Realm
 - (h) Resources and Innovation

Responsibilities of the Leader

- 22. To chair the Cabinet.
- 23. To select the Cabinet Members and determine their Portfolios of responsibility.
- 24. To appoint Committees and sub-committees of the Cabinet and to determine their powers.
- 25. To represent and act as ambassador for the Council (recognising the role of the Mayor).
- 26. To have overall responsibility for:
 - 26.1 policy development and design

- 26.2 Ministerial and Members of Parliament/European Parliament liaison Act as Head of Cabinet.
27. To represent the Council's views on matters of corporate or strategic policy and any other matters which are within the Leader's terms of reference.
28. To submit to the Cabinet:
- 28.1 all policy and/or operational matters which have corporate implications or which cross the remits of the individual Cabinet Members
- 28.2 any matter which crosses the portfolio of more than one Cabinet Member, and which cannot be resolved, to the Cabinet for decision.
29. To present to the Council "State of the Borough" reports and to be responsible for related debates.
30. To provide appropriate and timely Cabinet responses to Scrutiny Committee recommendations and to monitor the implementation of those responses.
31. Portfolio Holder responsibilities of the Leader:
- 31.1 Council Plan
- 31.2 Communications
- 31.3 South East Midlands Local Enterprise Partnership (SEMLEP)
- 31.4 Devolution
- 31.5 Policy
- 31.6 External Relations
- 31.7 Smart Cities
- 31.8 MK Futures 2050
- 31.9 Culture
- 31.10 Energy Policy
32. **Responsibilities of Children and Families Portfolio Holder**
33. The Portfolio Holder is responsible for all matters relating to Children and Families and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.
34. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:
- 34.1 Safeguarding Children

34.2 Children's Social Care

34.3 Corporate Parenting

34.4 Fostering and Adoption

34.5 Schools and Partnerships

34.6 Youth Services

34.7 Children's Centres

34.8 Service Innovation (Children and Young People Services)

35. **Responsibilities of Customer Services Portfolio Holder**

36. The Portfolio Holder is responsible for all matters relating to Customer Services and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.

37. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:

37.1 Planning Policy

37.2 Development Control Services

37.3 Licensing and Regulatory Services

37.4 Bereavement Services

37.5 Environmental Health

37.6 Customer Service Improvement

38. Responsibilities of Economic Growth and Community Partnership Portfolio Holder

39. The Portfolio Holder is responsible for all matters relating to Economic Growth and Community Partnership and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.

40. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:

40.1 Economic Development

40.2 Business Growth

40.3 Libraries

40.4 Leisure and Community Assets

40.5 Skills

40.6 Parish Partnerships

40.7 VCSE Sector

40.8 Events

41. **Responsibilities of Health and Wellbeing Portfolio Holder**

42. The Portfolio Holder is responsible for all matters relating to Health and Wellbeing and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.

43. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:

43.1 Adult Social Care

43.2 Preventative Services

43.3 Commissioning

43.4 Safeguarding Adults

43.5 Supporting People

43.6 Health Improvement

43.7 Public Health

43.8 Mental Health

43.9 Local Health Integration

43.10 Community Safety

43.11 Equalities

43.12 Community Cohesion

43.13 Hate Crime

44. Responsibilities of Housing and Regeneration Portfolio Holder

45. The Portfolio Holder is responsible for all matters relating to Housing and Regeneration and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.
46. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:
- 46.1 Housing
 - 46.2 Homelessness
 - 46.3 Housing Revenue Account
 - 46.4 Regeneration

47. Responsibilities of Public Realm Portfolio Holder

48. The Portfolio Holder is responsible for all matters relating to Public Realm and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.
49. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:
- 49.1 Waste and Recycling
 - 49.2 Highway Maintenance
 - 49.3 Streetscene (lighting, cleansing and signage)
 - 49.4 Landscaping
 - 49.5 Transport

50. Responsibilities of Resources and Innovation Portfolio Holder

51. The Portfolio Holder is responsible for all matters relating to Resources and Innovation and is responsible for liaising with other Members of the Executive, particularly where those matters affect other aspects of Council business or the Borough.

52. In particular, and subject to the Council's Executive Arrangements, which empower officers to make certain decisions, and which require the collective Cabinet to make other decisions, the Portfolio Holder has individual responsibility to make all executive decisions in respect of the following matters:

- 52.1 Finance and Budget
- 52.2 Council Tax and Benefits
- 52.3 Performance
- 52.4 Corporate Service Innovation
- 52.5 Commercialism
- 52.6 Capital and Infrastructure
- 52.7 Procurement
- 52.8 Property and Facilities
- 52.9 Human Resources
- 52.10 Milton Keynes Development Partnership
- 52.11 Local Government Shared Services (LGSS)

Scope of, and Limitations to, Portfolio Holder Decision-Making

53. Individual Portfolio Holders are empowered to make all executive decisions in respect of their own portfolio area of responsibility except:

- 53.1 Decisions already taken by the Cabinet or by an officer acting under delegated powers
- 53.2 Decisions involving a departure from the Council's Budget and Policy Framework, any other Policy Framework Document, or that is contrary to any Procedure Rule)
- 53.3 Decisions which the Leader requests are not taken by an individual portfolio holder, but are referred to Cabinet because of their significance or sensitivity.

54. A Portfolio Holder may take a Key Decision subject to the limitations above and subject to the usual requirements in relation to Key Decisions (including advance publication).

55. A Portfolio Holder may refer a decision to the full Cabinet.

Procedure for Taking Portfolio Holder Decisions

56. Decisions must be made following consultation with one or more of the following officers/Councillors as appropriate:

- 56.1 Chief Executive

56.2 Appropriate Corporate Director / Service Director

56.3 Monitoring Officer

56.4 Chief Finance Officer

56.5 Where there are cross-cutting implications – other appropriate Portfolio Holder(s)

57. The Portfolio Holder must take into account professional, legal and financial advice and implications.
58. If any of the above officers give advice that a decision would fall outside the powers of the Portfolio Holder, the Portfolio Holder shall refer the matter to the Cabinet, or the appropriate Portfolio Holder.
59. Where it is not clear in which Portfolio an issue sits, the Leader will decide.
60. Decisions by individual Portfolio Holders must be recorded on a Decision Notice in an agreed format. The signed copy of the Decision Notice will be held by the Democratic Services team. The decision will be published electronically.
61. Any decisions by individual Portfolio Holders which constitute Key Decisions must follow the statutory requirements in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Chapter 2 – Part 5 Functions of Committees

Functions of Committees

1. This section sets out the functions, roles and responsibilities of the Committees of the Council. In summary, these are:

1.1 Overview and Scrutiny Committees

- (a) Scrutiny Management Committee
- (b) Budget and Resources Scrutiny Committee
- (c) Children and Young People Scrutiny Committee
- (d) Communities and Housing Scrutiny Committee
- (e) Health and Adult Social Care Scrutiny Committee
- (f) Strategic Placemaking Scrutiny Committee

1.2 Other Committees

- (a) Development Control Committee
- (b) Licensing Committee
- (c) Constitution Commission
- (d) Audit Committee
- (e) Corporate Parenting Panel
- (f) Health and Wellbeing Board
- (g) Appeals Commission
- (h) Chief Officer Appointments Panel
- (ix) Joint Negotiating Committee (Employers)
- (i) Regulatory Committee
- (j) Standards Committee
- (j) Statutory Officer Disciplinary Panel

Overview and Scrutiny Committees

1. The Council has established six scrutiny committees:

1.1 Scrutiny Management

- 1.2 Budget and Resources
 - 1.3 Children and Young People
 - 1.4 Community and Housing
 - 1.5 Health and Adult Social Care
 - 1.6 Strategic Placemaking
2. The Council fully supports the role of its overview and scrutiny committees in holding the Cabinet and others to account in discharging its functions. The Council believes that the important parts of the role are:
- to assist the Council and Cabinet in reviewing its major plans, policies and strategies;
 - to assist with policy formulation
 - to undertake specific reviews of the Council’s organisation and service provision so that improvements can be made to service delivery.
3. The Council’s scrutiny function includes responsibility for reviewing the health service provision within its area, health promotion and the health and well-being of local communities. The Health and Adult Social Care Scrutiny Committee will undertake the scrutiny role in relation to health service provision in the Council’s area. The Committee discharges the duties imposed on the Council under the relevant Health legislation.

Role of the Overview and Scrutiny Committees

4. The Overview and Scrutiny Committees:

As Milton Keynes Council has a Cabinet (executive) system it is required by law to have a Scrutiny function to support and scrutinise its executive decision making arrangements.

Scrutiny committees and scrutiny task and finish groups are not “decision making” bodies, but are bodies which monitor and influence the decision makers. The committees and task and finish groups are made up of non-Cabinet members, and are designed to support the work of the Council in the following ways:

- assisting the executive in research, policy review and development and thus helping drive improvements in public services;
- reviewing and scrutinising decisions to be taken, or ones which have been taken by the Cabinet and officers, also known as acting as a “critical friend”, challenging policy and decision makers;
- considering the Council’s performance;
- reviewing the work of external organisations operating in the Borough to ensure that the interests of local people are enhanced by collaborative working; and
- enabling the voice and concerns of the public to be heard and listened to.

Each scrutiny committee or task and finish group has its own terms of reference. The scrutiny committees / task and finish groups consider issues by receiving information in a number of ways including by receiving presentations

and taking evidence from councillors, Council officers and external witnesses or partners to develop an understanding of proposals or practices. As scrutiny committees and scrutiny task and finish groups have no decision making powers they can present their recommendations to the Cabinet, full Council, Council officers, or external partners. The committees will often request a formal response and progress report on the implementation of recommendations that they have provided to various parties.

General Responsibilities of all Overview and Scrutiny Committees

5. Subject to the directions of the Scrutiny Management Committee relating to work programmes and the allocation of resources:
 - 5.1 To review or scrutinise any decision made, or other action taken, in connection with the discharge of any of the Executive Functions within the remit of the Committee.
 - 5.2 To make reports or recommendations to the Council or to the Cabinet with respect to the discharge of any of the Executive Functions within the remit of the Committee.
 - 5.3 To review or scrutinise any decision made, or other action taken, in connection with the discharge of any of the Non-executive Functions within the remit of the Committee.
 - 5.4 To make reports or recommendations to the Council or any Committee of the Council with respect to the discharge of any of the Non-executive Functions within the remit of the Committee.
 - 5.5 To make reports or recommendations to the Council, to the Cabinet or to a regulatory committee on matters within the remit of the Committee which affect the Council's area or the inhabitants of the Council's area.
 - 5.6 To consider any representations made in connection with the work of the Committee by a Member of the Council on behalf of her/his constituents.
 - 5.7 To appoint advisers from outside the Council to advise the Committees.

The Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Specific Responsibilities of Overview and Scrutiny Committees

6. The following sections set out the specific responsibilities of each Scrutiny Committee:

Scrutiny Management Committee

Chair: Councillor Brackenbury

Vice-Chairs: Councillors D Hopkins and Miles

Membership: Councillors Bint, R Bradburn, Brown, Crooks, Ferrans, A Geary, Jenkins, Marklew, Morla, Patey-Smith, Walker, Wallis, C Wilson and K Wilson

Quorum: 6

Terms of Reference:

1. To undertake the Council's Statutory Scrutiny role in respect of 'The Councillor Call for Action'.
2. To agree and manage the work programme for the scrutiny committees appointed by the Council, ensuring that they are comprehensive, avoid duplication and reflect the priorities in the Council Plan or any other significant issues that are affecting Milton Keynes.
3. To appoint and agree the scope of the work for task and finish review groups.
4. To refer for scrutiny by the relevant scrutiny committee any topics which the Management Committee consider urgent during the year.
5. To monitor the overall performance of the Council's services and the delivery of the Council Plan, and its projects, in order that recommendations may be made to appropriate Council bodies, as necessary.
6. To review and monitor the decisions of the scrutiny committees and task and finish groups, including the implementation of recommendations made to Cabinet, Cabinet members and other bodies.
7. To receive regular updates from Chairs of Task and Finish Groups on how the work of the Task and Finish Group is progressing.
8. To allocate to the relevant scrutiny committee call-ins of Cabinet, individual Cabinet members or officer key decisions, where the relevant committee is not self-evident to the Service Director (Legal and Democratic Services).
9. To review decisions of Cabinet, individual Cabinet members or officer key decisions called in, where either it is not possible to identify the relevant committee, or where it is not considered appropriate for the relevant committee to consider the call-in.
10. To report to the Council on the work of the overview and scrutiny function on an annual basis.
11. Where it is not practicable to wait to the next meeting of the Scrutiny Management Committee the Service Director (Legal and Democratic Services), may in consultation with the Chair and Vice-Chairs of the Scrutiny Management Committee agree any items in accordance with Terms of Reference 3, 4 and 8 above.

Budget and Resources Scrutiny Committee

Chair: Councillor R Bradburn

Vice-Chairs: Councillors P Geary and C Wilson

Membership: Councillors Akter, Cannon, Ganatra, Gilbert, Rankine and K Wilson

Quorum: 4

Terms of Reference:

1. To implement the work programme agreed by the Scrutiny Management Committee by:
 - (a) providing dedicated, cross-party consideration of the Budget and the Council's finances with a view to establishing and maintaining resources which are fit for purpose and address the needs and aspirations of the people of Milton Keynes and the Council Plan priorities;
 - (b) making recommendations on:
 - (i) Priority of Services
 - (ii) Service efficiencies
 - (iii) Value for money
 - (iv) Financial strategies
 - (c) considering and commenting on Procurement, Workforce, ICT and Property issues in the light of the Council's Financial Strategy;
 - (d) monitoring the in-year progress of the Revenue and Capital Budgets;
 - (e) scrutinising and commenting upon annual out-turn reports for the Revenue and Capital Budgets, and identify learning points;
 - (f) being consulted during the preparation of the annual Revenue and Capital Strategies and Budgets;
 - (g) scrutinising the draft Revenue and Capital Budgets;
 - (h) making recommendations to the Cabinet on any of the above matters at any time, and to submit comments to the Council in relation to the Cabinet's proposed Revenue and Capital Budgets at the appropriate time;
 - (i) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (j) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (k) inviting expert witnesses in respect of particular items to be considered by the Committee.

2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Community and Housing Scrutiny Committee

Chair: Councillor Ferrans

Vice-Chairs: Councillors Ganatra and Wallis

Membership: Councillors Geaney, Khan, Marklew, McDonald, Morris and Reilly

Quorum: 4

Terms of Reference:

1. To implement the work programme agreed by the Scrutiny Management Committee by:
 - (a) undertaking the Council's statutory scrutiny role in respect of scrutinising and reviewing Crime and Community Safety;
 - (b) scrutinising the planning and provision of housing services in Milton Keynes and the Council's role as landlord, to ensure that these services provide good quality, affordable accommodation for the Council's tenants and to create a sense of place for all citizens of Milton Keynes
 - (c) reviewing the availability and provision of housing in Milton Keynes;
 - (d) reviewing and assess measures to address homelessness and rough sleeping in Milton Keynes;
 - (e) seeking to ensure that the anticipated needs and aspirations of future Milton Keynes' residents are met in the planning and delivery of new housing developments;
 - (f) scrutinising the planning and provision of leisure and cultural services provided by the Council and its partners;
 - (g) scrutinising the involvement of the Council in regional and national organisations operating within the remit of the Committee to ensure that the involvement provides value and benefit to Milton Keynes;
 - (h) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (i) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (j) inviting expert witnesses in respect of particular items to be considered by the Committee.

2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Children and Young People Scrutiny Committee

Chair: Councillor Crooks

Vice-Chairs: Councillors D Hopkins and Wales

Membership: Councillors Akter, Baines, M Bradburn, Brown, Buckley, Carr, Crooks, Green, V Hopkins, Miles and one Labour vacancy

Quorum: 4

Terms of Reference:

1. To implement the work programme agreed by the Scrutiny Management Committee by:
 - (a) scrutinising the provision of services, the achievement of targets and the provision of resources by the Council and its partners for the children and young people of Milton Keynes and their families;
 - (b) supporting and challenging the Council and its partners in developing evidence-based policies and strategies which assist in creating positive outcomes for the children and young people of Milton Keynes so that they can be healthy, safe, enjoy their childhood, achieve economic well-being and make a positive contribution to the Borough;
 - (c) scrutinising, on behalf of the Council, the Safeguarding Children Board, the Corporate Parenting Panel and, in partnership with the Health and Adult Social Care Committee, the work of the Health and Well Being Board including any appropriate sub-committees or working parties that it may establish;
 - (d) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (e) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breadth of knowledge and understanding of the work of the Committee; and
 - (f) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management.

Health and Adult Social Care Scrutiny Committee

Chair: Councillor Jenkins

Vice-Chairs: Councillors M Bradburn and Williams

Membership: Councillors Clancy, Minns, Rankine, Reilly, Wales and Walker

Quorum: 4

Terms of Reference:

1. To implement the work programme agreed by the Scrutiny Management Committee by:
 - (a) undertaking the Council's statutory scrutiny role in respect of scrutinising and reviewing any matter relating to the planning, provision and operation of the health service in Borough;
 - (b) reviewing public health provision within the Borough;
 - (c) assisting in the provision of improved health and adult social care services to the residents of Milton Keynes by supporting the development of evidence based policies and strategies by the Council, health service providers and their partners;
 - (d) scrutinising the provision of services, the achievement of targets and the provision of resources to this end;
 - (e) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (f) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (g) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Strategic Placemaking Scrutiny Committee

Chair: Councillor Bint

Vice-Chairs: Councillors Marklew and McPake

Membership: Councillors Ferrans, Gilbert, Khan, Minns, Morla and Rankine

Quorum: 4

Terms of Reference:

1. To implement the work programme agreed by the Scrutiny Management Committee by being responsible for scrutinising:

- (a) as the Council's statutory scrutiny committee for Flood and Water Risk Management;
 - (b) Public Realm services, including highways, transport and waste collection and disposal;
 - (c) Development Control and strategic planning matters;
 - (d) critical partnerships involving the Council;
 - (e) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (f) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (g) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Other Committees

1. The Council has established a number of other committees as follows:
- (a) Development Control Committee
 - (b) Licensing Committee
 - (c) Constitution Commission
 - (d) Audit Committee
 - (e) Corporate Parenting Panel
 - (f) Health and Wellbeing Board
 - (g) Appeals Commission
 - (h) Chief Officer Appointments Panel
 - (ix) Joint Negotiating Committee (Employers)
 - (i) Regulatory Committee
 - (j) Standards Committee
 - (j) Statutory Officer Disciplinary Panel

2. The following sections set out the specific responsibilities of each Committee:

Development Control Committee

Chair: Councillor McLean

Vice-Chairs: Councillors Exon and Legg

Membership: Councillors Akter, Alexander, Baines, Bint, A Geary, Morla, Williams and C Wilson

Quorum: 4 Terms of Reference:

To be added

Licensing Committee

Chair: Councillor Morris

Vice-Chairs: Councillors Alexander and Miles

Membership: Councillors Brown, Buckley, Carr, Exon, Geaney, Green, Legg, McDonald, Minns, Patey-Smith, Wallis and one Labour vacancy

Quorum: 5

Terms of Reference:

To be added

Constitution Commission

Chair: Councillor Morris

Membership: Councillors R Bradburn and Marland

Quorum: 2

Terms of Reference:

To consider a number of points of principle and apparent inconsistencies within the Constitution of the Council and report to Full Council in due course (Minute CL31 refers - 10 June 2008).

Audit Committee

Chair: Councillor Cannon

Vice-Chairs: Councillors P Geary and K Wilson

Membership: Councillors Bint, R Bradburn, Geaney, Khan, Rankine and C Wilson

Quorum: 4

Terms of Reference:

1. To approve the Internal Audit Strategy and Charter monitor its progress.
2. To approve, but not direct, internal Audit's Annual Plan of work and monitor unscheduled work that could potentially divert audit resources away from the Plan, and monitor performance against the Plan, ensuring that there is no inappropriate scope or resource

limitation.

3. To consider the Annual Report and opinion of the Assistant Director Audit and Risk Management and a summary of internal audit activity and the level of assurance it can give over the Council's corporate governance arrangements.
4. To consider summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
5. To consider reports dealing with the management and performance of the Internal Audit function.
6. To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales.
7. To consider the External Auditor's Annual Inspection Letter, relevant reports and the reports of those charged with governance.
8. To consider specific reports as agreed with the external auditor to ensure agreed action is taken within reasonable timescales.
9. To comment on the scope and depth of the external audit work and to ensure it gives value for money.
10. To liaise with the Audit Commission over the appointment of the Council's external auditor.
11. To consider the reports of inspection agencies relevant to the Council.
12. To suggest work for Internal and External Audit.
13. To undertake an annual review of the effectiveness of the system of Internal Audit.
14. To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations, codes of conduct etc.
15. To review any issue referred to it by the Chief Executive, Corporate Director or any Committee of the Council.
16. To monitor the effective development and operation of risk management and corporate governance throughout the Council.
17. To monitor Council policies on "raising concerns at work" and anti-fraud and anti-corruption policies including the Council's complaints process.
18. To oversee the production of the Council's Annual Governance Statement and approve it for audit purposes.
19. To consider the Annual Governance Statement, following audit, and recommend its adoption.

20. To consider the arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice.
21. To consider the Council's compliance with its own and published standards and controls.
22. To review the annual Statement of Accounts and approve it for audit purposes.
23. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
24. To consider the external auditor's report to those charged with the governance issues arising from the audit of the accounts.
25. To consider the effectiveness of the Council's risk management arrangements.
26. To seek assurances that action is being taken on risk related issues.
27. To be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.

Corporate Parenting Panel

Chair: Councillor Miles

Vice-Chairs: Councillors M Bradburn and V Hopkins

Membership: Councillors Akter, Brown, Brunning, Cannon and Clancy

Quorum: 4

Terms of Reference:

The purpose of the Corporate Parenting Panel is to act as parent to all the children and young people who are in the care of Milton Keynes Council and to ensure that the Council's pledge to children in care is delivered. The Panel will raise awareness of the needs of children in care across the Council and its partners.

1. Act as parent by having an understanding of the needs of children and young people in care and influencing service development to meet these needs.
2. Champion the participation of children in care so that they influence service development across the Council and its partners.
3. Support children in care by meeting with them, in particular by meeting with the MK children in care council, which is called 'Today's Children, Tomorrow's Future' (TCTF).

4. Monitor the delivery of the Council's and its partners' pledge to children and young people in care.
5. Provide an advisory and an advocacy function to the Lead Member, the Cabinet and the Children's Trust on behalf of Children in care.
6. Support the Children in Care strategy through monitoring and evaluating the Pledge.
7. Reporting on an annual basis to the Children and Young People Select Committee, full Council and the Children's Trust.
8. Champion the educational achievement of children in care.
9. Encourage the development of local resources to meet the needs of children in care.
10. Undertake Section 33 visits to the Council's residential children's homes.

The Corporate Parenting Panel will meet five times a year and will call on officers and partners to provide information and reports on progress, in accord with its annual work plan.

Health and Wellbeing Board

Milton Keynes Council

Membership:

Milton Keynes Council

Councillors Marland (Leader) (Chair), McCall (Liberal Democrat Group Leader), O'Neill (Cabinet member for Adult Services) and Walker (Conservative Group Leader)

Michael Bracey (Statutory Director of Children's Services/Statutory Director of Adult Social Services)

Duncan Sharkey (Corporate Director - Place)

Muriel Scott (Director of Public Health)

Milton Keynes Clinical Commissioning Group

Matthew Webb (Chief Officer Milton Keynes Clinical Commissioning Group)

Dr Nicola Smith (Chair of Milton Keynes Clinical Commissioning Group)

Healthwatch

Hilda Kirkwood (Chair of Healthwatch)

Voluntary, Community and Social Enterprise representative

Jane Palmer (Chief Executive [Age UK MK])

Milton Keynes Community Health Services (Central and North West London NHS Foundation Trust)

Graeme Caul (Divisional Director [MK and Specialist Services])

Milton Keynes University Hospital NHS Foundation Trust

Joe Harrison (Chief Executive)

Milton Keynes Safeguarding Children and Adult Boards

Jane Held (Independent Chair)

Thames Valley Police

Yvette Hitch (Superintendent - LPA Commander)

Terms of Reference:

Health and Wellbeing Boards are a key component of the Health and Social Care Act 2012 and are statutory bodies. Constituted as a committee of Milton Keynes Council, the Health and Wellbeing Board is a Partnership Board. Acting as a key forum for leaders in health and social care they are designed to ensure an integrated and co-ordinated approach across NHS, social care and public health services in Milton Keynes. It has been established to:

- Ensure strong democratic legitimacy and involvement.
- Enhance working relationships between health and social care.
- Develop integrated commissioning of services.
- Target activity in order to reduce health inequalities.

The Board aims to involve local people, including children, young people and their families, service providers and communities in forming strategic commissioning decisions and drive local commissioning to fulfil the ambition of better outcomes for people improved local health and social care provision.

The remit of the Board has been extended to include being the locality forum for issues relating to the Bedfordshire, Luton and Milton Keynes Sustainability and Transformation Plan. We have removed the starting well, living well and aging well groups and established a single Health and Wellbeing Strategy Group, focused on the development and delivery of the Health and Wellbeing Strategy.

We have also replaced the former Joint Commissioning Board with a new Integration Board with a wider membership and a more direct line of reporting to the Health and Wellbeing Board and established a six monthly Forum to provide the opportunity for other partners and the public to hear about our work, find out how we are doing and give us their feedback.

As a result of these changes, the key functions of our Health and Wellbeing Board are:

- (a) To assess the strengths and needs of the local population through the Joint Strategic Needs Assessment and the Public Health Report recommending both to Milton Keynes Council's Cabinet and the Milton Keynes Clinical Commissioning Group.
- (b) To agree a Joint Health and Wellbeing Strategy that drives the priorities for the commissioning plans and public health action for health services, social care, education and other services the Board considers appropriate.

- (c) To promote integrated provision and the joint working and to ensure an integrated approach to commissioning is established, including the promotion of joint commissioning, pooled or aligned budget arrangements where appropriate.
- (d) To oversee and formally comment on the Milton Keynes Clinical Commissioning Group's commissioning plans and joint commissioning plans to ensure they take account of the Joint Health and Wellbeing Strategy, referring back to the Clinical Commissioning Group or NHS England where they do not.
- (e) Consider and comment on Healthwatch plans and Annual Report.
- (f) To act as the local strategic forum for the Sustainability and Transformation Plan, influencing the planning and design of health and social care services to ensure that the opportunities and challenges in Milton Keynes are understood and addressed.

The Board will ensure that equality and diversity needs and safeguarding issues are addressed and incorporated in planning and service delivery.

The Board will ensure it has in place robust performance and quality monitoring measures with regard to the implementation and outcomes for the Joint Health and Wellbeing Strategy.

The Board will ensure it is informed by innovation and sustainable best practice across health and social care which is then incorporated into commissioning plans.

The core membership of the Board will be made up of:

- The Leader of the Council (Chair the Health and Wellbeing Board)
- Two CCG representatives (one of whom will be Vice Chair of the Board)
- Milton Keynes Safeguarding Board Independent Chair
- Director of Adult Social Services and Children's Services
- Director of Public Health
- Corporate Director – Place
- Healthwatch representative
- Acute health services representative
- Community and mental health services representative
- A representative of the local voluntary and community sector
- Area Commander for Thames Valley Police

The membership of elected councillors will be the Leader of the Council, the Portfolio Holder for Adult Services, the Leader of the main opposition group and a representative from the minority opposition party. No elected councillor may serve on the Health and Wellbeing Board and hold a position of Chair of a Milton Keynes Council scrutiny committee.

The Director of MK Together will attend the Board. From time to time other representatives, for example the Youth Cabinet, may be invited to join the

Board in an advisory or expert capacity by the Chair.

The Board will meet a minimum of five times a year. Meetings will be held in public except where exempt or confidential information is likely to be disclosed, and the meeting or part of the meeting is therefore held in private. Every effort will be made to facilitate public attendance.

Meetings are conducted in accordance with procedural rules applicable to council committees, except where modified by these terms of reference.

Core voting members (other than councillors) are required to nominate deputies. Councillors, intending to nominate a substitute to attend on their behalf should notify Democratic Services in writing (which can be by email) before the start time for the meeting.

The quorum for the Board will consist of six members, of whom no more than half will be Councillors. Only core members will have the right to vote.

The Board will actively seek to communicate and engage with local people and organisations to enable them to fully engage with important local health and social care discussions and decisions. To support this aim, a Forum will be held every six months to share information about the work of the Board and gather feedback. The Forum will be facilitated by the Chair of the Board and supported by members of the Board as appropriate.

Appeals Commission

Membership: Councillors Alexander, M Bradburn, R Bradburn, Clancy, Geaney, Green, Hosking, Miles, Morris, Patey-Smith and K Wilson

Terms of Reference:

To be added

Chief Officer Appointments Panel

Membership: Conservative - Group Leader Nomination (1/2), Labour - Cabinet Member / Group Leader Nomination (1/2) and Liberal Democrat - Group Leader Nomination (1/1)

Quorum: ?

Terms of Reference:

To be added

Joint Negotiating Committee (Employers' Side)

Chair: Councillor Middleton

Vice-Chairs: Councillors Carr and Morris

Membership: Councillors Buckley, Gowans, Green and Miles

Quorum: 4

Terms of Reference:

To be added

Regulatory Committee

Chair: Councillor Morris

Vice-Chairs: Councillors Alexander and Miles

Membership: Councillors Brown, Buckley, Carr, Exon, Geaney, Green, Legg, McDonald, Minns, Patey-Smith, Wallis and one Labour vacancy

Quorum: 5

Terms of Reference:

To be added

Standards Committee

Chair: Councillor P Geary

Vice-Chairs: Councillors McPake and Miles

Membership: Councillors Brackenbury, McDonald, Patey-Smith, Small, Wallis and one Labour vacancy

Quorum: 4

Terms of Reference:

1. To promote and maintain high standards of conduct by Members and co-opted Members of Milton Keynes Council.
2. To assist parish councils within Milton Keynes to promote and maintain high standards of conduct by their Members and co-opted Members.
3. To grant dispensations in respect of requests made under s33 Localism Act 2011.
4. To establish and maintain arrangements under which allegations against all such Members can be investigated and decided upon in accordance with the requirements of Chapter 7 (Standards) of the Localism Act 2011 within the following framework:
 - (a) That the Monitoring Officer be delegated the authority to determine, after consultation with the Independent Person, whether or not a complaint merits a formal investigation, in line with any policy set by the Standards Committee.

Explanatory Note (Procedure Agreed by the Standards Committee):

The Monitoring Officer will consult with the Independent Person on the matter and may:

- (i) reject the complaint, with reasons;
- (ii) explore informal resolution of the matter;
- (iii) investigate the matter (or appoint an investigator to investigate the matter); or
- (iv) refer the matter to an Assessment Sub-Committee where the complaint is:
 1. very serious;
 2. a conflict of interest has arisen;
 3. the matter is particularly complex;

4. the matter is potentially going to attract a high level of public interest;
 5. the matter is politically sensitive; or
 6. Any other substantial reason.
- (b) That Assessment Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to determine whether or not a complaint merits referral to the monitoring officer to undertake a formal investigation or other action.
- (c) That Hearing Sub-Committees be established and, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member:
- (i) be delegated power to undertake a hearing to determine whether or not a Member has failed to comply with the Code of Conduct; and
 - (ii) be delegated such of the Council's powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct.
- (d) That Appeals Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to adjudicate on appeals against the findings of Hearing Sub-Committee on the grounds that:
- the procedure has been wrongly applied;
 - new evidence has come to light since the hearing which, if disclosed to the panel, may result in a different outcome; or
 - the Committee has misdirected itself in law.
- (e) That the Monitoring Officer be appointed as the Proper Officer to receive and administer complaints of failure to comply with the Code of Conduct.

Statutory Officer Disciplinary Panel

Membership: ?

Quorum: ?

Terms of Reference:

To be added

Joint Arrangements

1. The Council is part of joint arrangements with Cambridgeshire County Council, Northamptonshire County Council and Northampton Borough Council for the provision of a number of shared services. The LGSS shared services are managed by:

- (a) The LGSS Joint Committee; and
 - (b) The LGSS Revenue and Benefits Joint Committee
2. The following sections set out the specific responsibilities of each Committee:

LGSS Joint Committee

Membership: Councillors Brackenbury, Brackenbury and Middleton

Terms of Reference:

To be added

LGSS Revenue and Benefits Joint Committee

Membership: Councillor Middleton

Terms of Reference:

To be added

3. **Buckinghamshire and Milton Keynes Fire Authority**

Milton Keynes Council Representatives: Councillors Exon, A Geary, D Hopkins, Marland, McDonald and K Wilson

Fire Authority Terms of Reference

1. To appoint the Authority's Standing Committees and Lead Members.
2. To determine the following issues after considering recommendations from the Executive Committee, or in the case of 2(a) and 2(e) below, after considering recommendations from the Overview and Audit Committee:
 - (a) variations to Standing Orders and Financial Regulations;
 - (b) the medium-term financial plans including:
 - (i) the Revenue Budget;
 - (ii) the Capital Programme;
 - (iii) the level of borrowing under the Local Government Act 2003 in accordance with the Prudential Code produced by the Chartered Institute of Public Finance and Accountancy; and
 - (c) a Precept and all decisions legally required to set a balanced budget each financial year;
 - (d) the Prudential Indicators in accordance with the Prudential Code;
 - (e) the Treasury Strategy;
 - (f) the Scheme of Members' Allowances;
 - (g) the Integrated Risk Management Plan and Action Plan;
 - (h) the Annual Report.
3. To determine the Code of Conduct for Members on recommendation from the
4. To determine all other matters reserved by law or otherwise, whether delegated to a committee or not.

5. To determine the terms of appointment or dismissal of the Chief Fire Officer and Chief Executive, and deputy to the Chief Fire Officer and Chief Executive, or equivalent.
6. To approve the Authority's statutory pay policy statement.

Executive Committee Terms of Reference

1. To make all decisions on behalf of the Authority, except in so far as reserved to the full Authority by law or by these Terms of Reference.
2. To assess performance of the Authority against agreed organisational targets.
3. To determine matters relating to pay and remuneration where required by collective agreements or legislation.
4. To select on behalf of the Authority the Chief Fire Officer and Chief Executive, and deputy to the Chief Fire Officer and Chief Executive, or equivalent, taking advice from suitable advisers and to make recommendations to the Authority as to the terms of appointment or dismissal.
5. To consider and make decisions on behalf of the Authority in respect of the appointment of a statutory finance officer; a statutory monitoring officer; and any post to be contracted to "Gold Book" terms and conditions in whole or in part taking advice from the Chief Fire Officer and suitable advisers.
6. To act as the Employers' Side of a negotiating and consultation forum for all matters relating to the employment contracts of the Chief Fire Officer and Chief Executive, deputy to the Chief Fire Officer and Chief Executive, or equivalent; and where relevant, employees contracted to "Gold Book" terms and conditions in whole or in part.
7. To hear appeals if required to do so in accordance with the Authority's Policies.
8. To determine any human resources issues arising from the Authority's budget process and improvement programme.
9. To determine policies, codes or guidance:
 - (a) after considering recommendations from the Overview and Audit Committee in respect of:
 - (i) regulating working relationships between members and co-opted members of the Authority and the employees of the Authority; and
 - (ii) governing the conduct of employees of the Authority
 - (b) relating to grievance, disciplinary, conduct, capability, dismissals and appeals relating to employees contracted to "Gold Book" terms and conditions in whole or in part.

10. To form a Human Resources Sub-Committee as it deems appropriate.

Overview and Audit Committee Terms of Reference

Overview

1. To review current and emerging organisational issues and make recommendations to the Executive Committee as appropriate.
2. To comment upon proposed new policies and make recommendations to the Executive Committee as appropriate.
3. To review issues referred by the Authority and its other bodies and make recommendations to those bodies as appropriate.
4. To make recommendations to the Executive Committee on:
 - (a) the Electronic Services Delivery Plan;
 - (b) the Brigade Personnel Strategy;
 - (c) Levels of Incident Response;
 - (d) the Corporate Risk Management Policy;
 - (e) the Authority's Information Policy; and
 - (f) other such policies and procedures as are required from time to time.
5. To consider and make recommendations to the Authority on the Annual Treasury Management Strategy.

Audit

1. To determine the internal and external audit plans and the Internal Audit Strategy
2. To determine the Internal Audit Annual Plan and Annual Report (including a summary of internal audit activity and the level of assurance it can give over the Authority's governance arrangements).
3. To consider and make recommendations action plans arising from internal and external audit reports, including arrangements to ensure that processes which deliver value for money are maintained and developed.
4. To consider and make recommendations to the Executive Committee on reports dealing with the management and performance of the providers of internal audit services.
5. To consider and make recommendations on the external auditor's Annual Audit Letter and Action Plan, relevant reports and the report to those charged with governance.
6. To consider specific reports as agreed with the Treasurer, Internal Audit, Monitoring Officer, Chief Fire Officer, or external audit and to make decisions as appropriate.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.
8. To oversee investigations arising out of fraud and corruption allegations.

9. To determine Insurance matters not delegated to officers, or another committee.
10. To consider and determine as appropriate such other matters as are required in legislation or guidance to be within the proper remit of this Committee.

Governance

1. To:
 - (a) make recommendations to the Authority in respect of:
 - (i) variations to Financial Regulations; and
 - (ii) variations to Contract Standing Orders.
 - (b) receive a report from the Chief Finance Officer/Treasurer when there has been any variation to the Financial Instructions in the preceding twelve month period.
2. To determine the following issues:
 - (a) the Authority's Anti-Money Laundering Policy;
 - (b) the Authority's Whistleblowing Policy; and
 - (c) the Authority's Anti-Fraud and Corruption Policy.
3. To determine the Statement of Accounts and the Authority's Annual Governance Statement. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.
4. To consider the Authority's arrangements for corporate governance and make recommendations to ensure compliance with best practice.
5. To monitor the Authority's compliance with its own and other published standards and controls.
6. To maintain and promote high standards of conduct by the Members and co-opted members of the Authority.
7. To assist Members and co-opted members of the Authority to observe the Authority's Code of Conduct.
8. To advise the Authority on the adoption or revision of a code of conduct.
9. To monitor the operation of the Authority's Code of Conduct
10. To deal with cases referred by the Monitoring Officer.
11. To advise on training, or arranging to train Members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct.
12. To monitor the operation of any registers of interest, of disclosures of interests and disclosures of gifts and hospitality in respect of officers or Members.

Risk

1. To monitor the effective development and operation of risk management and corporate governance within the Authority.
2. To consider reports dealing with the management of risk across the organisation, identifying the key risks facing the Authority and seeking assurance of appropriate management action.

Employees

1. To be a sounding board to help the Authority promote and maintain high standards of conduct by employees of the Authority.
2. To advise the Executive Committee on the adoption or revision of any policies, codes or guidance:
 - (a) regulating working relationships between members and co-opted members of the Authority and the employees of the Authority;
 - (b) governing the conduct of employees of the Authority; or
 - (c) relating to complaints; and
 - (d) other such policies and procedures as are required from time to time.
3. To monitor the operation of any such policies, codes or guidance mentioned at 2 above.
4. To comment on the training arrangements in connection with any of the above.

General

1. To make such other recommendations to the Executive Committee on the issues within the remit of the Overview and Audit Committee as required.
2. To review any issue referred to it by the Chief Fire Officer, Treasurer, or Monitoring Officer, or any Authority body within the remit of these terms of reference.
3. To consider such other matters as are required in legislation or guidance to be within the proper remit of this Committee.
4. To commission reports from the Chief Fire Officer, the Internal Audit Service, the Monitoring Officer, or such other officer as is appropriate, when the Committee agrees that such reports are necessary.
5. To support the Monitoring Officer and the Treasurer in their statutory roles and in the issue of any guidance by them.
6. To receiving reports from the Monitoring Officer in his/her statutory role or otherwise relating to ethical standards and deciding action as appropriate.
7. To respond to consultation on probity and the ethical standards of public authorities.

Chapter 2 – Part 6 Responsibility for Functions – Officer Delegations

To Follow. See Annex F to this Report