

## Chapter 2

### RESPONSIBILITIES FOR FUNCTIONS

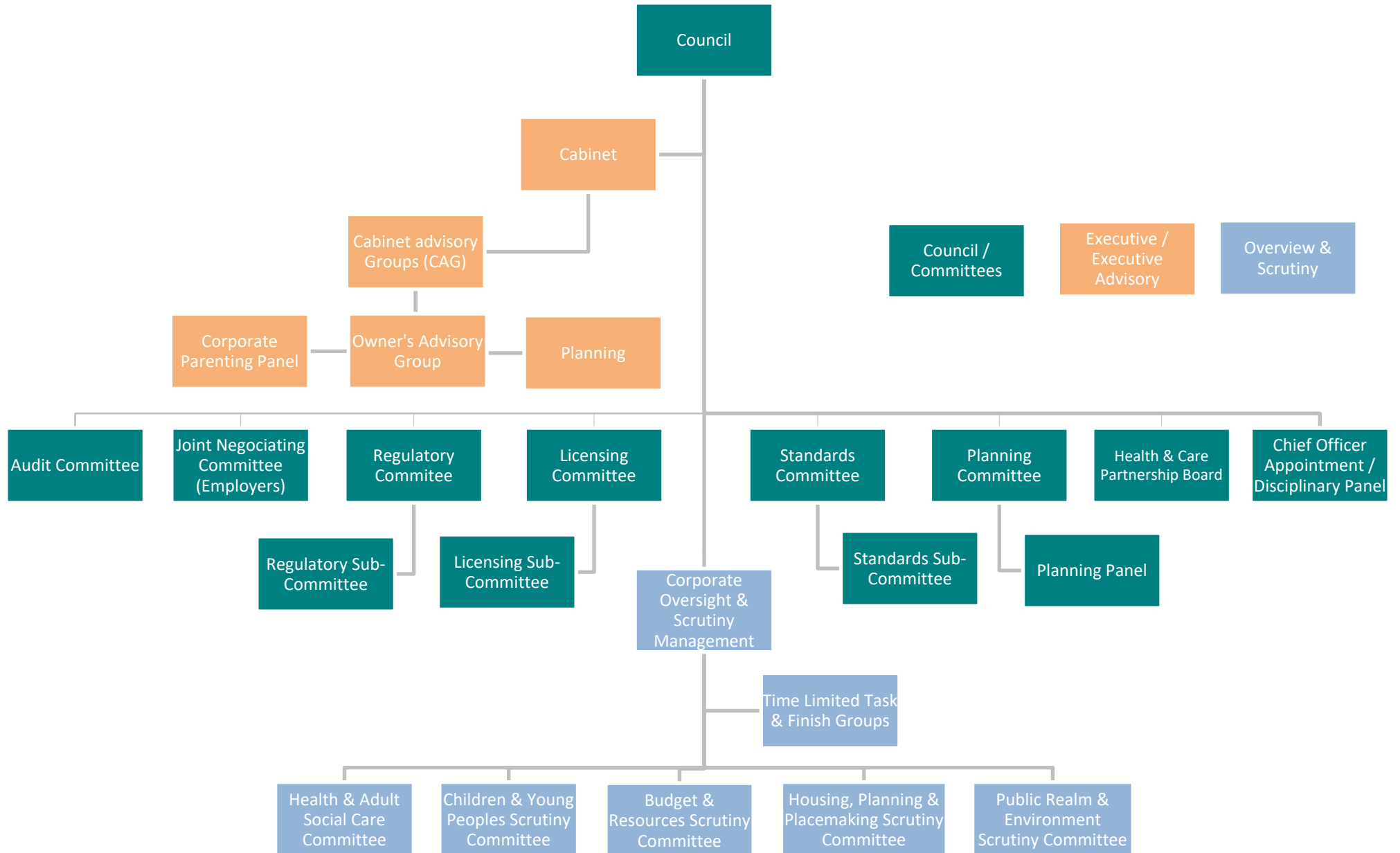
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Part	Title	Contents
1	Diagrammatic Explanation of Decision Making	This part shows a diagram of the Council decision making arrangements.
2	Introduction to Decision Making	This part sets out an introduction to decision making including the principles 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"> <li>a) Functions of the Full Council</li> <li>b) Council Meetings</li> <li>c) Policy Framework</li> <li>d) The Budget</li> <li>e) Local Choice Functions</li> <li>f) Appointment to Outside Organisations</li> <li>g) Role of the Mayor and Chairmanship of the Council</li> </ul>
4	The Cabinet	This part sets out: <ul style="list-style-type: none"> <li>a) Role of the Cabinet</li> <li>b) The Leader and Cabinet Members</li> <li>c) General Responsibilities of the Cabinet, Committee and Sub-Committees</li> <li>d) Responsibilities of all Cabinet Members</li> <li>e) Specific Responsibilities of Cabinet members</li> </ul>

<b>Part</b>	<b>Title</b>	<b>Contents</b>
5	Functions of Committees	<p>This part sets out the Functions, Roles and responsibilities of the Committees of the Council, which are:</p> <p>a) Committees</p> <ul style="list-style-type: none"> <li>i) Audit Committee</li> <li>ii) Chief Officer Appointments Panel</li> <li>iii) Corporate Parenting Panel</li> <li>iv) Health and Care Partnership Board</li> <li>v) Joint Negotiating Committee (Employers)</li> <li>vi) Licensing Committee</li> <li>vii) Planning Committee</li> <li>viii) Regulatory Committee</li> <li>ix) Standards Committee</li> <li>x) Statutory Officer Disciplinary Panel</li> </ul> <p>b) Overview and Scrutiny Committees</p> <ul style="list-style-type: none"> <li>i) Corporate Oversight and Scrutiny Management Committee</li> <li>ii) Budget and Resources Scrutiny Committee</li> <li>iii) Children and Young People Scrutiny Committee</li> <li>iv) Housing, Planning and Placemaking Scrutiny Committee</li> <li>v) Health and Adult Social Care Scrutiny Committee</li> <li>vi) Public Realm and Environment Scrutiny Committee</li> </ul>
		<p>c) Joint Arrangements</p> <ul style="list-style-type: none"> <li>i) Buckinghamshire and Milton Keynes Fire Authority</li> <li>ii) Thames Valley Police and Crime Panel</li> </ul>
6	Officer Delegations	<p>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.</p>

## Chapter 2 – Part 1

### Diagrammatic explanation of Councillor Decision Making Bodies and Introduction to Decision Making



## **Chapter 2 – Part 2**

### **Introduction to Decision Making**

1. The Council makes many decisions relating to matters within its area.
2. 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.
3. 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.
4. The Cabinet has delegated decision-making powers to individual Cabinet members.

### **Principles of Decision-Making**

5. The following principles will apply to all decision makers. Decision makers will:
  - a) take into account all relevant considerations and ignore those which are irrelevant
  - b) undertake a realistic evaluation of alternatives and options
  - c) carry out appropriate consultation
  - d) take decisions which are proportionate to the desired outcome
  - e) consider relevant professional advice
  - f) respect human rights
  - g) 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**

6. When the Full Council makes a decision, it will comply with the Council Procedure Rules
7. When the Cabinet makes a decision, it will comply with the Cabinet Procedure Rules
8. When the Overview and Scrutiny Committees make decisions, they will comply with the Terms of Reference for Overview and Scrutiny Committees which can be viewed in Chapter 2 Part 5.
9. When Committees and Sub-Committees make decisions, they will comply with the Council Procedure Rules.

## 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:
  - a) 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
  - b) is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.'
12. For clarification, the Council has defined this element of 'Key Decision' as one where the Council will incur expenditure or savings of greater than £500,000, which is not identifiable either in the approved Capital Programme or Revenue Budget.

## Chapter 2 – Part 3 The Council

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### The Full Council

#### 1. Functions of the Full Council

- 1.1 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:
- 1.2 is accountable to its citizens for the proper discharge of all of its functions and the delivery of all its services
- 1.3 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
- 1.4 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)
- 1.5 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.
- 1.6 will adopt the Policy Framework and any of the policies within it
- 1.7 will agree the Council's Budget
- 1.8 will determine any decision which would otherwise be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
- 1.9 will determine whether functions which are classified as "Local Choice" functions should be reserved to the Council or exercised by the Cabinet
- 1.10 will adopt the Council's Codes of Conduct for councillors and officers and the Protocol on Councillor/Officer Relations

- 1.11 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.
- 1.12 will agree and amend the terms of reference of its Committees
- 1.13 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)
- 1.14 will determine any matter which is referred to it for determination by a Committee other than a Cabinet body
- 1.15 will adopt (or otherwise) Motions submitted in accordance with the Council Procedure Rules
- 1.16 will approve the Councillors' Allowance Scheme for elected Councillors following advice from the Independent Remuneration Panel
- 1.17 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
- 1.18 will appoint the Returning Officer and Electoral Registration Officer
- 1.19 will appoint officers for particular purposes 'proper officers'
- 1.20 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.
- 1.21 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
- 1.22 may take decisions relating to the name of the area and may confer the title of Honorary Alderman or Freedom of the Borough
- 1.23 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
- 1.24 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
- 1.25 will agree any payments or provide other benefits in cases of maladministration etc.

1.26 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 Director Law and Governance) and shall thereafter be confirmed by the Council.

1.27 There are different types of Council meeting:

- a) The Annual Meeting of the Council, which will be held in May
- b) Ordinary meetings
- c) Extraordinary meetings, which will be called as and when required in accordance with the Council Procedure Rules.

1.28 All Council meetings will be conducted in accordance with the Council Procedure Rules.

## **2. Policy Framework**

2.1 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.

2.2 The policy framework includes:

- a) Future Libraries MK Plan (Annual Library Plan)
- b) Safer MK Plan (Crime and Disorder Reduction Strategy)
- c) Plans and Strategies which together comprise the Development Plan and Development Plan Documents
- d) Youth Justice Plan
- e) Licensing Authority Policy Statement - Gambling Statement of Principles
- f) The Council Plan
- g) The Local Transport Plan
- h) Plans which comprise the Children and Young people's Plan



### 3. Budget

3.1 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:

- a) The allocation of financial resources to different services and projects
- b) Proposed contingency funds
- c) Setting the Council Tax
- d) The Council's borrowing requirement
- e) Its capital expenditure
- f) The setting of virement limits.

3.2 The Framework for Cabinet Decisions

- a) The Council will be responsible for the adoption of its budget and policy framework as set out above. Once a budget or a policy framework is in place, it will be the responsibility of the Leader to implement it.
- b) The Budget and Policy Framework is set out later in the Constitution.

### 4. Local Choice Functions

4.1 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.

4.2 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.	Leader	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	Council - 3 Members drawn from the Appeals Commission.	The three Members drawn from the Appeals Commission will have delegated authority to determine the appeal.

<b>Function</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
To make arrangements for appeals against exclusion of pupils from maintained schools <sup>1</sup>	Council	The Director Law and Governance shall act as Clerk to Appeals Panels, and shall arrange for the appointment and training of Panel members.
To make arrangements for appeals regarding school admissions <sup>2</sup>	Council	The Director Law and Governance shall act as Clerk to Appeals Panels, and shall arrange for the appointment and training of Panel members.
To make arrangements for appeals by governing bodies <sup>3</sup>	Council	The Director Law and Governance shall act as Clerk to Appeals Panels and shall arrange for the appointment and training of Panel members.
Any function relating to contaminated land	Council	Delegated via the Officers Scheme of Delegation
The discharge of any function relating to the control of pollution or the management of air quality	Council	Delegated via the Officers Scheme of Delegation
The service of an abatement notice in respect of a statutory nuisance	Council	Delegated via the Officers Scheme of Delegation
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Council	Delegated via the Officers Scheme of Delegation
The inspection of the Authority's area to detect any statutory nuisance	Council	Delegated via the Officers Scheme of Delegation
The investigation of any complaint as to the existence of a statutory nuisance	Council	Delegated via the Officers Scheme of Delegation

<sup>1</sup> The making of arrangements pursuant to Section 67(1) and Schedule 18(2) of the 1998 Act (Appeals Against Exclusion of a Pupil)

<sup>2</sup> The making of arrangements pursuant to Section 94(1) and (4) and Schedule 24(2) of the 1998 Act (Admission Appeals)

<sup>3</sup> 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)

<b>Function</b>	<b>Decision Making Body</b>	<b>Delegation of Functions</b>
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land	Leader or Council (as appropriate)	The Leader, or the Council, as the case may be, may delegate some or all of the function to one or more appropriate officers.
The obtaining of particulars of persons' interest in land <sup>4</sup>	Leader or Council (as appropriate)	The Leader, or the Council, as the case may be, may delegate some or all of the function to one or more appropriate officers
The making of agreements for the execution of highways works	Leader	The Leader may delegate some or all of the function to one or more Cabinet Members or one or more appropriate officers.
The appointment of any individual: a) to any office other than an office in which he/she is employed by the Authority; b) to anybody other than: i) the Authority; ii) a Joint Committee of two more Authorities; or c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Council or Leader in accordance with a scheme to be agreed by the Council	The Council may delegate the appointment of Members to the Cabinet, in accordance with a scheme for appointments to be agreed.
To make agreements with other local authorities for the placing of staff at the disposal of those other authorities	Leader	

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

## **5. Appointment to Outside Organisations**

5.1 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.

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<sup>4</sup> Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

## **6. Role of the Mayor and Chairmanship of the Council - Civic Role**

- 6.1 The Mayor, supported by the Deputy Mayor will perform the Council's Civic role. 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.
- 6.2 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.
- 6.3 The Mayor is elected at the Annual Council meeting in May. The Deputy Mayor is appointed at the same meeting.
- 6.4 The Mayor is the conscience of the Council and is responsible for:
  - a) upholding and promoting the purposes of this Constitution and interpreting it, where necessary, with advice
  - b) presiding over meetings of the Full Council to ensure that business is carried out efficiently and effectively
  - c) 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)
  - d) ensuring that, at Full Council meetings, matters of concern to local people can be debated through the appropriate Councillors
  - e) 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
  - f) promoting public involvement in the Council's activities and acting as a link between members of the public and organisations and the Council
  - g) carrying out other roles on behalf of the Council.

## **6. The Deputy Mayor**

- 6.1 The Deputy Mayor will:
  - a) support the Mayor in his/her civic role and will also carry out civic duties on behalf of the civic office
  - b) deputise for the Mayor in his/her absence.
- 6.2 The Deputy Mayor will be appointed in accordance with the selection procedure 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

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### 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:
  - a) he/she resigns from the office of Leader
  - b) he/she becomes ineligible to be a Member of the Council, either for a specific period, or indefinitely
  - c) he/she ceases to be a Councillor
  - d) 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. The exercise of function by the Deputy Leader, when Leader is unavailable, will be subject to any limitations, qualifications or other instructions as may be issued by the Leader in writing to the Director Law and Governance' either generally or in relation to the exercise of particular functions. 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.

A copy of the Leader of the Council's Executive Scheme of Delegation can be viewed under the Associated Documents section of the Constitution.

#### **Procedure for Taking Portfolio Holder Decisions**

12. Decisions must be made following consultation with one or more of the following officers/councillors as appropriate:
  - a) Chief Executive
  - b) Deputy Chief Executive
  - c) Appropriate Director
  - d) Monitoring Officer
  - e) Chief Finance Officer
  - f) Where there are cross-cutting implications – other appropriate Portfolio Holder(s)
13. The Portfolio Holder must take into account professional, legal and financial advice and implications.
14. 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.

15. Where it is not clear in which Portfolio an issue sits, the Leader will decide.
16. 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.
17. 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

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### Functions of Committees

1. This section sets out the functions, roles and responsibilities of the Committees of the Council, together with the joint arrangements in which the Council is involved. In summary, these are:

#### 1.1 Committees

- a) Audit Committee
- b) Chief Officer Appointments Panel
- c) Health and Care Partnership Board
- d) Joint Negotiating Committee (Employers)
- e) Licensing Committee
- f) Planning Committee
- g) Regulatory Committee
- h) Standards Committee
- i) Statutory Officer Disciplinary Panel

#### 1.2 Overview and Scrutiny Committees

- a) Corporate Oversight and Scrutiny Management Committee
- b) Budget and Resources Scrutiny Committee
- c) Children and Young People Scrutiny Committee
- d) Housing, Planning and Placemaking Scrutiny Committee
- e) Public Realm and Environment Scrutiny Committee
- f) Health and Adult Social Care Scrutiny Committee

#### 1.3 Joint Arrangements

- a) Buckinghamshire and Milton Keynes Fire Authority
- b) Thames Valley Police and Crime Panel

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



## **(a) Audit Committee**

Membership: 9 councillors (and 3 independent non-voting members).

Quorum: 4

Terms of Reference:

### **1. Statement of Purpose**

1.1 The Audit Committee is a key component of Milton Keynes City Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

1.2 The purpose of the Audit Committee is to provide independent assurance to Cabinet and Full Council of the adequacy of the risk management framework and the internal control environment. The Committee:

1.2.1 provides independent review of governance, risk management and control frameworks and oversees the financial reporting and annual governance processes

1.2.2 oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. It also oversees financial reporting of the Council's Statement of Accounts ensuring that any issues arising from the process of drawing up, auditing and certifying the Council's annual accounts are dealt with properly

### **2. Constitution and Authority**

2.1 The Committee will be a fully constituted committee of the Council and act independently of the Authority's Executive and scrutiny functions and its membership shall not include Cabinet members

2.2 To help maintain its independence, the Committee has the right to meet privately with the External Auditor and the Head of Internal Audit as considered necessary.

2.3 The business of the Committee will be conducted apolitically.

2.4 The membership of the Audit Committee shall comprise a minimum of 5 Members of the Council and a maximum of three co-opted non-voting members.

2.5 The Committee will meet at least 3 times a year and a quorum of four elected members (including the Chair or Vice Chair) is required for decisions of the Committee to be ratified.

## 2.6 The Committee shall:

- 2.6.1 review matters relating to internal audit, external audit, risk management, governance, assurance statements, anti-fraud and anti-corruption arrangements as well as any other function to meet the Council's Audit Committee requirements.
- 2.6.2 enhance and promote the profile, status and authority of the internal audit function and to demonstrate its independence
- 2.6.3 contribute towards making the authority, its committees and departments more responsive to the audit function.
- 2.6.4 review compliance with the relevant standards, codes of practice and corporate governance policies.
- 2.6.5 act within the Council's Constitution.

## 3. Core Functions

### 3.1 Governance, Risk and Control

- 3.1.1 To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- 3.1.2 To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- 3.1.3 To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 3.1.4 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 3.1.5 To monitor the effective development and operation of risk management in the Council.
- 3.1.6 To monitor progress in addressing risk-related issues reported to the Committee.
- 3.1.7 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 3.1.8 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

- 3.1.9 To monitor the counter-fraud strategy, actions and resources.
- 3.1.10 To review the governance and assurance arrangements for significant partnerships or collaborations.
- 3.2 Internal Audit
  - 3.2.1 To approve the internal audit charter.
  - 3.2.2 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
  - 3.2.3 To approve significant interim changes to the risk-based internal audit plan and resource requirements.
  - 3.2.4 To make appropriate enquiries of both management and the Chief Internal Auditor to determine if there are any inappropriate scope or resource limitations.
  - 3.2.5 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Chief Internal Auditor. To approve and periodically review safeguards to limit such impairments.
  - 3.2.6 To consider reports from the Chief Internal Auditor on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
    - a) updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
    - b) regular reports on the results of the Internal Audit Quality Assurance and Improvement Programme.
    - c) reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and the Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
  - 3.2.7 To consider the Chief Internal Auditor's annual report:
    - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and the Local Government Application Note and the results of the Internal Audit Quality Assurance and Improvement Programme that support the statement – these will indicate the reliability of the

conclusions of internal audit.

- b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

- 3.2.8 To consider summaries of specific internal audit reports as requested.
- 3.2.9 To receive reports outlining the action taken where the Chief Internal Auditor has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- 3.2.10 To contribute to the Internal Audit Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- 3.2.11 To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
- 3.2.12 To provide free and unfettered access to the audit committee chair for the Chief Internal Auditor, including the opportunity for a private meeting with the committee. External audit
- 3.2.13 To support the independence of external audit through consideration of the External Auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Limited or the Authority's Auditor Panel (if one is appointed) as appropriate.
- 3.2.14 To consider the External Auditor's Annual Letter, relevant reports and the report to those charged with governance.
- 3.2.15 To consider specific reports as agreed with the external auditor.
- 3.2.16 To comment on the scope and depth of external audit work and to ensure it gives value for money.
- 3.2.17 To commission work from internal and external audit.
- 3.2.18 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### 3.3 Financial Reporting

- 3.3.1 To review the annual statement of accounts. 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.
- 3.3.2 To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.  
Accountability arrangements
- 3.3.3 To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- 3.3.4 To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 3.3.5 To publish an Annual Report on the work of the Committee.

#### **(b) Chief Officer Appointments Panel**

For the Head of Paid Service and Deputy Chief Executive (5 members on Group Leader Nominations). The Panel must include at least one member of the Cabinet.

Membership: 5 councillors

Quorum: 3

For Directors (3 members on Group Leader Nominations). The Panel must include at least one member of the Cabinet.

Membership: 3 councillors

Quorum: 2

Terms of Reference:

1. To draw up a statement specifying:
  - a) the duties of the officer concerned; and
  - b) any qualifications or qualities to be sought in the person to be appointed
2. To make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

3. To make arrangements for a copy of the statement mentioned above to be sent to any person on request.
4. To recommend to full Council that Council makes an offer of appointment of the Head of Paid Service.
5. To make an offer of employment as the Deputy Chief Executive, or a Director where no well-founded objection from any Member of the Cabinet has been received.

Note: The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

**(c) Health and Care Partnership Board**

Membership: 18

Quorum: 6 (see ToR 10 below)

Frequency of meetings: Four times annually (usually, June, September, December and March)

1. Health and wellbeing boards are a component of the Health and Social Care Act 2012 and are statutory bodies. The Health and Care Partnership fulfils the requirement to have a board. It is constituted as a committee of Milton Keynes City Council as a Partnership Board.
2. The main functions of the partnership are:
  - a) To ensure local multi-agency health and care strategies are evidence based, preventative, coherent and that our local health and care system is working together effectively.
  - b) To enter into formal agreement with the BLMK Integrated Care Board (ICB) with regard to any functions delegated to Milton Keynes and to oversee and drive progress.
3. In order to do this the partnership will:
  - a) Provide system wide strategic leadership and oversight for improving the health and wellbeing of the people of Milton Keynes.
  - b) Consider any public health issues raised by the Director of Public Health not being addressed elsewhere that require the attention of the partners.
  - c) Consider any safeguarding issues raised by the Safeguarding Partnership, a multiagency group which exists to co-ordinate the work of partners in relation to safeguarding, challenging and supporting partners to deliver on their statutory safeguarding responsibilities.

- d) Keep the BLMK Integrated Care Partnership (ICP) strategic priorities (start well, live well, age well, growth and reducing inequalities) under review, ensuring local action is addressing these.
  - e) Keep the strengths and needs of the local population under review, identifying any areas where more action is required, and where appropriate feeding this into the BLMK Integrated Care Partnership (ICP).
4. The core membership of the board will be made up of:
- a) The Leader of the Council (Chair)
  - b) BLMK ICB Chair (Vice Chair)
  - c) BLMK ICB Chief Executive or representative
  - d) MKCC Chief Executive
  - e) MKCC Director of Adult Services
  - f) MKCC Director of Children’s Services
  - g) MKCC Director of Public Health
  - h) MKUHFT Chief Executive or representative
  - i) Central and North West London NHS Trust (CNWL) Chief Executive or representative
  - j) GP representative
  - k) TVP Area Commander
  - l) Bucks Fire and Rescue representative
  - m) South Central Ambulance Service NHS Foundation Trust representative
  - n) Healthwatch representative
  - o) VCS representative (with links to the local Voluntary Sector Alliance)
  - p) MKCC Councillor from each group to include the Portfolio Holder for Adult Services, the Leader of the main opposition group and a representative from the minority opposition party
5. No elected councillor may serve on the partnership and hold a position of Chair of a Milton Keynes City Council scrutiny committee.
6. The independent safeguarding scrutineer will be in attendance. Other representatives may be invited to join the partnership in an advisory or expert capacity by the Chair.

7. 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 held in private. The public will usually be able to watch the meetings live on-line via YouTube. As usual, questions from the public should be submitted in advance of the meeting.
8. Meetings are conducted in accordance with procedural rules applicable to council committees, except where modified by these terms of reference.
9. Core members are expected to attend in person where possible. Core members (other than councillors) are required to nominate deputies. Councillors, intending to nominate a substitute to attend on their behalf should notify Milton Keynes City Council Democratic Services in writing (which can be by email) before the start time for the meeting.
10. 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. In line with the national regulations on formal local government committee meetings, members not physically present in the room will not be able to have their vote recorded.

**(d) Joint Negotiating Committee (Employers' Side)**

Membership: 9 councillors

Quorum: 4

Terms of Reference:

1. To consider and approve changes to Staff Terms and Conditions which are locally determined, subject to any financial implications being referred to the Cabinet to determine funding arrangements.
2. To respond to any consultations on nationally determined pay and conditions issues on behalf of the Authority.
3. To establish a Grievance Sub-committee or Grievance Appeal Sub-committee, to:
  - a) deal with all Grievance matters relating to 'relevant officers' as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer; and
  - b) operate in accordance with the model procedures laid down in the JNC Chief Executives Handbook.

Note: a member may not sit on a Grievance Sub-Committee and Grievance Appeal Sub-Committee which consider the same grievance.



**(e) Licensing Committee**

Membership: 11 councillors

Quorum: 4

Terms of Reference:

1. Licensing functions relating to Licensing as specified in List B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (The Functions Regulations).
2. Licensing functions arising from the Licensing Act 2003.
3. Licensing functions arising from the Gambling Act 2005.
4. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.
5. Power to institute criminal proceedings for offences under Section 342 of the Gambling Act 2005.
6. Power to exchange information.
7. Functions relating to the determination of fees for premises licences.
8. To establish a sub-committee to consider matters delegated to the Sub-Committee for determination by the Council's Statement of Licensing Policy and Statement of Gambling Principles.
9. The Officer Scheme of Delegation for Licencing Matters can be viewed under the Associated Documents section of the Constitution and at the following link, once adopted by the Licensing Committee.

**(f) Planning Committee**

Membership: 11 councillors

Quorum: 4

Terms of Reference:

1. Planning and Conservation - functions relating to Town and Country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (The Functions Regulations)
2. Power to create footpath or bridleway by agreement.
3. Power to create footpaths and bridleways.
4. Duty to keep register of information with respect to maps, statements and declarations.
5. Power to stop up footpaths and bridleways.

6. Power to determine application for public path extinguishment order.
7. Power to make a rail crossing extinguishment order.
8. Power to make a special extinguishment order.
9. Power to divert footpaths and bridleways.
10. Power to make a public path diversion order.
11. Power to make a rail crossing diversion order.
12. Power to make a special diversion order.
13. Power to require applicant for order to enter into agreement.
14. Power to make an SSSI diversion order.
15. Duty to keep register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
16. Power to decline to determine certain applications.
17. Duty to assert and protect the rights of the public to use and enjoyment of highways.
18. Duty to serve notice of proposed action in relation to obstruction.
19. Power to apply for variation of order under Section 130B of the Highways Act 1980.
20. Power to authorise temporary disturbance of surface of footpath or bridleway.
21. Power temporarily to divert footpath or bridleway.
22. Functions relating to the making good of damage and the removal of obstructions.
23. Powers relating to the removal of things so deposited on highways as to be a nuisance.
24. Power to extinguish certain public rights of way.
25. Duty to keep definitive map and statement under review.
26. Power to include modifications in other orders.
27. Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
28. Duty to reclassify roads used as public paths.
29. Power to prepare map and statement by way of consolidation of definitive map and statement.

30. Power to designate footpath as cycle track.
31. Power to extinguish public right of way over land acquired for clearance.
32. Power to authorise stopping-up or diversion of footpath or bridleway.
33. Power to extinguish public rights of way over land for planning purposes.
34. Power to enter into agreements with respect to means of access.
35. Power to provide access in absence of agreement.
36. Power to make limestone pavement order.
37. Powers relating to the protection of important hedgerows.
38. Powers relating to the preservation of trees.
39. To receive, consider and make recommendations to the Council, Cabinet or other appropriate body on consultation papers relating to any aspects of development control.
40. To establish a panel to determine, with some exceptions, Minor Planning Applications (proposed residential developments of less than 10 dwellings or other new commercial, industrial, retail, office or warehouse proposals of less than 1000 square metres of new floor space) and Other Planning Applications (most changes of use, all householder development, Listed Building and Conservation Area Consent applications and a variety of other types of generally small-scale development proposals).
41. The Officer Scheme of Delegation for Development Management Matters can be viewed under the Associated Documents section of the Constitution.

**(g) Regulatory Committee**

Membership: 11 councillors

Quorum: 4

Terms of Reference:

1. Regulatory Functions specified in list B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (The Functions Regulations) and the Health Act 2006.
2. Health and Safety - functions relating to Health and Safety under any of the “relevant statutory provisions” within the meaning of Part 1 (Health, Safety and Welfare in Connection with Work, and Controlled Dangerous Substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer.

3. Power to register premises or stalls for the sale of goods by way of competitive bidding.
4. Functions relating to sea fisheries.
5. Power to make closing order with respect to take-away food shops.
6. Power to enforce offences relating to the display of no-smoking signs.
7. Power to enforce offences relating to smoking in smoke free places.
8. Power to enforce offence of failing to prevent smoking in smoke-free places.
9. Power to transfer enforcement functions to another enforcement authority.
10. The determination of individual Dog Control Orders.
11. Any function relating to contaminated land.
12. The discharge of any function relating to the control of pollution or the management of air quality.
13. The service of an abatement notice in respect of a statutory nuisance.
14. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.
15. The inspection of the Authority's area to detect any statutory nuisance.
16. The investigation of any complaint as to the existence of a statutory nuisance.
17. The exercise of functions under Part 8 of the Anti-Social Behaviour Act 2003 (High Hedges), with the exception of fee setting.
18. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land.
19. The obtaining of particulars of persons' interest in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
20. To establish a sub-committee to consider to consider and determine:
  - a) complaints against drivers and operators of private hire vehicles and Hackney Carriages; and
  - b) Street Trading matters under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
21. The Officer Scheme of Regulatory Matters can be viewed under the Associated Documents section of the Constitution and at the following link, once adopted by the Regulatory Committee.

**(h) Standards Committee**

Membership: 9 councillors

Quorum: 4

Terms of Reference:

1. To promote and maintain high standards of conduct by Members and co-opted Members of Milton Keynes City 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.

**(i) Statutory Officer Disciplinary Panel**

Membership: 5 members on Group Leader Nominations. The Panel must include at least one Member of the Cabinet and two independent persons.

Note: An independent person is as defined as a person appointed under Section 28(7) of the Localism Act 2011.

Quorum: 2

Terms of Reference:

a) Suspension

To suspend the Head of Paid Service, Monitoring Officer and Chief Finance Officer whilst an investigation takes place into alleged misconduct.

b) Dismissal

To recommend to full Council the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

## Overview and Scrutiny Committees

1. 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; and
  - to undertake specific reviews of the Council's organisation and service provision so that improvements can be made to service delivery.
2. 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

3. As Milton Keynes City 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

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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

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

## **(a) Corporate Oversight and Scrutiny Management Committee**

Membership: Between 9 and 15 councillors

Quorum: 4

Terms of Reference:

1. To undertake the Council's Statutory Scrutiny role in respect of 'The Councillor Call for Action'.
2. To monitor the overall performance of the Council's services and the Council Plan, its delivery and its projects, in order that recommendations may be made to appropriate Council bodies, as necessary.
3. Undertake the Council's statutory scrutiny role in respect of scrutinising and reviewing Crime and Community Safety, including anti-social behaviour and emergency planning.
4. To scrutinise the governance and overall performance of any Council owned companies including Milton Keynes Development Partnership (MKDP).
5. To receive regular updates (either written or verbal) from Chairs of Scrutiny Committees and of Task and Finish Groups, about work programmes and outcomes.
6. To appoint and agree the scope of the work for task and finish review groups.
7. To Scrutinise the involvement of the Council in regional and national partnerships and organisations, and the delivery of significant infrastructure projects to ensure that the involvement provides value and benefit to Milton Keynes.
8. To refer for scrutiny by the relevant scrutiny committee any topics which the Corporate Oversight and Management Committee consider urgent during the year or, in exceptional circumstances, to undertake the scrutiny itself.
9. 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.
10. 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 Director Law and Governance.
11. 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.
12. To report to the Council on the work of the overview and scrutiny function on an annual basis.



13. Where it is not practicable to wait to the next meeting of the Corporate Oversight and Scrutiny Management Committee the Director Law and Governance, may in consultation with the Chair and Vice-Chairs of the Scrutiny Management Committee agree any items in accordance with Terms of Reference 5, 7 and 9 above.

**(b) Budget and Resources Scrutiny Committee**

Membership: between 9 and 15 councillors

Quorum: 4

Terms of Reference:

1. To provide 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.
2. To make recommendations on:
  - i) Priority of Services
  - ii) Service efficiencies
  - iii) Value for money
  - iv) Financial strategies
  - v) Risk management of financial proposals.
3. To consider and comment on Procurement, Workforce, ICT and Property issues in the light of the Council's Financial Strategy.
4. To monitor the in-year progress of the Revenue and Capital Budgets for the General Fund and the Housing Revenue Account.
5. To scrutinise and comment upon annual out-turn reports for the Revenue and Capital Budgets and identify learning points.
6. To be consulted during the preparation of the annual Revenue and Capital Strategies and Budgets.
7. To Scrutinise the draft Revenue and Capital Budgets.
8. To make 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.
9. To appoint a planning group to oversee the implementation of the Committee's work programme.

10. To appoint, subject to the agreement of the Corporate Oversight and 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.
11. To invite expert witnesses in respect of particular items to be considered by the Committee.
12. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Corporate Oversight and Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

**(c) Children and Young People Scrutiny Committee**

Membership: between 9 and 15 councillors

Voting Co-optees:

- 3 x co-opted parent governor representatives; and
- 2 x Diocesan representatives.

Quorum: 4 (not including co-opted members).

Terms of Reference:

1. To scrutinise 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;
2. To support and challenge 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;
3. To scrutinise, on behalf of the Council, the Corporate Parenting Panel and, in partnership with the Health and Adult Social Care Committee, the work of the MK Together Safeguarding Partnership and the Health and Care Partnership including any appropriate sub-committees or working parties that it may establish;
4. To appoint a planning group to oversee the implementation of the Committee's work programme;
5. To appoint, subject to the agreement of the Corporate Oversight and 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

6. Invite expert witnesses in respect of particular items to be considered by the Committee.
7. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Corporate Oversight and Scrutiny Management Committee.

**(d) Housing, Planning and Placemaking Scrutiny Committee**

Membership: Between 9 and 15 councillors

Quorum: 4

Terms of Reference:

1. To consider and scrutinise the planning, provision and performance of landlord housing services of the Council and Registered Providers (including repairs and maintenance, tenancy arrangements / policies and other management functions) in Milton Keynes.
2. Oversee the role of private landlords in the provision of rental accommodation that is fit for purpose and that said landlords operate in a fair and equitable manner.
3. Seek to ensure through scrutiny that the anticipated needs and aspirations of future Milton Keynes' residents are met in the planning and delivery of new housing developments.
4. Scrutinise (non-financial governance / management) matters relating to the Council's Housing Revenue Account, and in particular, choices about revenue and the priority of capital projects.
5. Scrutinise the planning and implementation of the Council's Regeneration and Estate Renewal Programme, in Milton Keynes, including:
  - a) the anticipated needs and aspirations of Milton Keynes' residents living on estates earmarked for regeneration;
  - b) other health and wellbeing issues such as access to education, training and employment, and youth services;
  - c) the quality, masterplan design and housing tenure mix; and
  - d) the work of individual Project Boards for each regeneration and estate renewal area.
6. Scrutinising regeneration engagement activity including:
  - a) work done by Estate Renewal Forums, parish and town councils and resident-led steering groups, or similar, to ensure that they effectively represent both residents whose homes will be affected by regeneration proposals as well as residents who may be impacted by any other aspects of the regeneration; and

- b) engagement activity delivered by the Council's Community Engagement Team.
7. Delivery of the Council's housing programme, outside of specifically identified regeneration areas / estates.
  8. Development management and strategic planning matters including, the review and development of supplementary planning documents, design briefs and neighbourhood plans.
  9. Scrutiny of the preparation and development of the Council's Local Plan and review of the Council's Strategy for 2050.
  10. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Corporate Oversight and Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

**(e) Health and Adult Social Care Scrutiny Committee**

Membership: 9 to 15 councillors and a co-opted representative of Milton Keynes Health Watch in a non-voting capacity

Quorum: 4

Terms of Reference:

1. To undertake 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 Milton Keynes.
2. Assist 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.
3. Scrutinise the adult care services delivered to the residents of Milton Keynes by the Council, its partners and other service providers.
4. Scrutinising the provision of health services in Milton Keynes, such as Milton Keynes University Hospital, The Campbell Centre, GP surgeries and local pharmacies, the achievement of targets and the provision of resources to this end.
5. To scrutinise the allocation of Council and Registered Provider housing and the commissioning, provision and supply of supported housing and services relating to them.
6. Review and assess measures to address homelessness and rough sleeping in Milton Keynes, including the provision of temporary accommodation for those owed a homelessness duty.

7. Scrutinise the priority and adequacy of health non-housing elements in the regeneration areas.
8. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Corporate Oversight and Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.
9. To establish a Quality Accounts Panel to review and comment on the Quality Accounts of community health providing services for residents of Milton Keynes.

**(f) Public Realm and Environment Scrutiny Committee**

Membership: Between 9 and 15 councillors

Quorum: 4

Terms of Reference:

1. To serve as the Council's statutory scrutiny committee for Flood and Water Risk Management.
2. To scrutinise and review performance in relation to public realm services, including highways, transport and waste collection and disposal.
3. To receive updates and monitor performance of key public realm contracts such as highways maintenance, waste and recycling, street cleaning and landscaping.
4. Scrutiny of the provision of leisure and cultural services provided by the Council and its partners, including parks and green spaces managed by others.
5. To monitor and scrutinise the Council's sustainability and climate change performance (including ecology and biodiversity) including the progress against agreed actions plans and the development of new policies or plans.
6. Scrutiny of the delivery and operation of public transport in Milton Keynes including the operation of transport hubs by external partners in Milton Keynes).
7. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Corporate Oversight and Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

**Joint Arrangements**

**(a) Buckinghamshire and Milton Keynes Fire Authority**

Milton Keynes City Council Representatives: 5 councillors

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 Overview and Audit Committee.
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.

**(b) Thames Valley Police and Crime Panel**

Membership: 1 councillor from each of the 14 local authorities in the Thames Valley, as well as an additional co-opted member from Milton Keynes City Council, three co-opted members from Buckinghamshire Council, and two independent co-opted members

Terms of Reference:

1. To examine and review how the Police and Crime Commissioner for Thames Valley, carries out his/her responsibilities of ensuring that Thames Valley Police runs effectively.
2. To support the Police and Crime Commissioner in his/her work.
3. To conduct confirmation hearings for certain key positions, including Deputy Police and Crime Commissioner, Chief Constable and others.
4. To handle non-criminal complaints against the Police and Crime Commissioner.
5. To review the Police and Crime Commissioner's proposed precept for each financial year (the amount which the Commissioner hopes to raise each year through Council Tax to fund policing).
6. To scrutinise and comment on the Police and Crime Commissioner's Police and Crime Plan and Annual Report.

## **Chapter 2 – Part 6 – Officer Delegations**

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These are contained in the Officer Scheme of Delegation and Proper Officer list which do not form part of the Constitution but can be found in the Associated Documents section of the Constitution.

The Head of Democratic Services, in consultation with the Monitoring Officer is authorised to make any amendments to the Officer Scheme of Delegation and Proper Officer List. Any amendments will be reported to the Full Council on a quarterly basis.