

Terms of Reference and Delegated Powers

of the Governance Committee

Revised February 2015

Explanatory Introduction

This Committee deals with the non-executive functions set out below:-

The main functions and terms of reference of the Governance Committee (9 members):-

- A. Elections
- B. Name and status of areas and individuals
- C. Power to make, amend, revoke or re-enact byelaws
- D. Power to promote or oppose local or personal bills
- E. Functions in relation to staff and superannuation
- F. Council's Constitution Standing Orders, financial administration and miscellaneous functions in relation to contracts and procurement including approval of Financial Regulations and Rules for Contracts.
- G. Appointments to outside bodies
- H. To hear appeals in respect of Council decisions where there are no statutory or other appeal procedures in place
- I. To promote and maintain high standards of ethical conduct and to provide advice and guidance to Members on compliance with the Code of Conduct

Executive powers of the Governance Committee

The Committee shall unless otherwise indicated have power to determine all matters within its terms of reference except for any matter which the Council or the Constitution determines shall be decided only by the Council.

Function	Provision of Act or Statutory Instrument
A. Functions relating to elections	
1. Duty to appoint an electoral registration officer	Section 8(2) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Functions in relation to parishes and parish councils.	Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983
7. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983

Function	Provision of Act or Statutory Instrument
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000
B. Functions relating to name and status of areas and individuals	
18. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
19. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
20. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
21. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972
C. Power to make, amend, revoke or re-enact byelaws	
D. Power to promote or oppose local or personal Bills	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978
E. Functions relating to staff and pensions etc	
22. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal), with the exception of matters relating to pay and grading structure*	Section 239 of the Local Government Act 1972.
23. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 239 of the Local Government Act 1972.
24. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc	Local Government and Housing Act 1989
25. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Local Government and Housing Act 1989
26. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972
F. Council's Constitution Standing Orders, financial administration and miscellaneous	
27 Power to make standing orders.	Section 112 of the Local Government Act 1972.
28. Power to make standing orders as to contracts.	Section 270(3) of the Local Government Act 1972
29. Duty to make arrangements for proper administration of financial affairs etc.	Section 4(1) of the Local Government and Housing Act 1989
30. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	Section 151 of the Local Government and Housing Act 1989. Section 135 of the Local Government Act 1972. Section 106 of, and paragraph 42 of Schedule 12

Function	Provision of Act or Statutory Instrument
	to, the Local Government Act 1972 Section 151 of the Local Government Act 1972. The Accounts and Audit Regulations 1996 (S.I. 1996/590).
31. Duty to approve the authority's Annual Governance Statement	The Accounts and Audit (England) Regulations 2011
31. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
32. Power to make an Order identifying a place as a designated public place for the purpose of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001
G. Appointments to outside bodies	
H. To determine appeals against Council decisions where there are no statutory or other appeal procedures in place	
I. Standards of Conduct	
33. To promote and maintain high standards of ethical conduct and to provide advice and guidance to Members on compliance with the Code of Conduct	Localism Act 2011
34. Appointment of the Monitoring Officer as the Proper Officer to receive complaints of failure to comply with the Code of Conduct	
35. To agree the procedures for dealing with complaints that a councillor may have breached the Code of Conduct and the registration of Interests.	
36. To hear complaints of alleged Breaches of the Code and make such decisions/recommendations as appropriate	
37. To grant a dispensation to a member, in circumstances where without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are not predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate. Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.	Governance Committee, after consultation with the Independent Person
38. To grant a dispensation to a member, in circumstances where the authority considers that the dispensation is in the interests of persons living in the authority's area; or where the authority considers that it is otherwise appropriate to grant a dispensation. Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.	Governance Committee, after consultation with the Independent Person

*Matters relating to pay and grading structures sit within the terms of reference of the Remuneration Committee

Delegation to Officers and to the Hearings Panel	
Proper Officer to receive complaints of failure to comply with the Code of Conduct	Monitoring Officer
To determine whether a complaint merits formal investigation and to arrange such investigation	Monitoring Officer after consultation with the Independent Person
Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Governance Committee.	Monitoring Officer in consultation with the Independent Person
Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Governance Committee for local hearing;	Monitoring Officer
Powers to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include reporting its findings to Council for information.	Hearings Panels
To report quarterly to Governance Committee on the discharge of this function	Monitoring Officer
To grant a dispensation to a member, in circumstances where so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business, or where without a dispensation, no member of the Cabinet would be able to participate in the matter. Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.	Monitoring Officer, with an appeal to the Governance Committee
To make such arrangements as necessary to record Members' Interests	Monitoring Officer