

## **Powers and Duties of Committees and Panels 2017-2018**





## **Powers and Duties Of Committees And Panels**

### **Corporate and External Issues Scrutiny Committee**

- (1) To monitor and review and make recommendations to the Council and/or to the Cabinet or Leader or Executive Cabinet Member Regeneration and Resources with regard to all relevant policy and operational matters falling within the purview of their portfolios relating to Strategy, External Relations, Corporate Resources, Human Resources, Cohesion, Housing, Skills, Development and Regeneration, Economy and Procurement.
- (2) To monitor and review and where appropriate make recommendations to the Council and/or the Cabinet with regard to the work of Bolton's Local Strategic Partnership – "the Bolton Vision partnership", its associated support and thematic partnership arrangements, the work of outside organisations which affect the Borough and any other Partnership matters.
- (3) To ensure that the Council is well positioned to meet its responsibilities in relation to external scrutiny as laid down in the Local Government and Public Involvement in Health Act 2007.
- (4) To consider matters referred to the Committee by members of the Committee in accordance with Standing Order 36.
- (5) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the Leader's and the Executive Cabinet Member Regeneration and Resources portfolios (namely Strategy, External Relations, Corporate Resources, Human Resources, Cohesion , Skills , Development and Regeneration, Procurement and Economy) and those outside organisations which affect the Borough and to recommend the Council accordingly on the outcome of such reviews.
- (6) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.
- (7) To receive reports on the Council's performance and specifically performance reports relating to the functions of the Departments relating to any part of the portfolios.
- (8) The Committee shall have the power to summon the Leader of the Council and the Executive Cabinet Member Regeneration and Resources (and relevant support members) and the relevant Chief Officer(s) to attend its meetings to consider, provide information and give evidence on matters before the Committee.
- (9) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.
- (10) The quorum for a meeting shall be five.

Subject to the acts and proceedings of the Committee being approved by the Council.

## **Children's Services and Culture Scrutiny Committee**

- (1) To monitor and review and make recommendations to the Council and/or to the Cabinet , Deputy Leader or Executive Cabinet Member Regeneration and Resources with regard to all policy and operational matters falling within the purview of the portfolios relating to Children's Services including Looked After Children, Schools and, Early Years and Sports, Youth, Libraries and Culture.
- (2) To consider matters referred to the Committee by members of the Committee in accordance with Standing Order 36.
- (3) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the portfolios (namely Children's Services including Looked After Children, Schools, Early Years and Sports, Youth, Libraries and Culture) and to recommend the Council accordingly on the outcome of such reviews.
- (4) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.
- (5) To receive performance reports and Inspectors reports thereon, relating to the functions of the Children's Services and Chief Executive's Department.
- (6) The Committee shall have the power to summon the the Deputy Leader of the Council or the Executive Cabinet Member Regeneration and Resources (and relevant support members) and the relevant Chief Officer(s) to attend its meetings to consider, provide information and give evidence on matters before the Committee.
- (7) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.
- (8) The Quorum for a meeting of the Committee shall be five.

Subject to the acts and proceedings of the Committee being approved by the Council.

## **Environmental Services Scrutiny Committee**

- (1) To monitor and review and make recommendations to the Council and/or to the Cabinet or the Executive Cabinet Member with regard to all relevant policy and operational matters falling within the purview of his/her portfolio relating to Environmental Services, Waste and Recycling, Highways and Transport , Area Working /Neighbourhood Management and Neighbourhood and Community Services, Community Safety, Social Inclusion, Housing and Voluntary Sector.
- (2) To consider matters referred to the Committee by members of the Committee in accordance with Standing Order 36.
- (3) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the portfolio relating to Environmental Services, Waste and Recycling, Highways and Transport and Area Working/Neighbourhood Management and Neighbourhood and Community

Services, Community Safety, Housing, Voluntary Sector and Social Inclusion and to recommend the Council accordingly on the outcome of such reviews.

- (4) To make recommendations to the Council as to such additional/occasional reviews which the Committee wishes to consider outside the annual programme.
- (5) To receive performance reports and Inspectors reports thereon, relating to the functions of the Departments relating to any part of the portfolio.
- (6) The Committee shall have the power to summon the Executive Cabinet Member Environment Services (and relevant support members) and the relevant Chief Officer(s) to attend its meetings to consider, provide information and give evidence on matters before the Committee.
- (7) To act as the Council's Crime and Disorder Scrutiny Committee in accordance with section 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- (8) To receive six monthly reports on performance issues relating to Bolton at Home.
- (9) To receive six monthly reports on the delivery of the transfer agreement between Bolton at Home and the Council.
- (10) To set up Scrutiny Panels to undertake in-depth reviews of current policies and practices with a view to identifying areas for future policy development.
- (11) The Quorum for a meeting of the Committee shall be five.

Subject to the acts and proceedings of the Committee being approved by the Council.

### **Health Overview and Adult Social Care Scrutiny Committee**

- (1) To monitor and review and make recommendations to the Council and/or to the Cabinet or Deputy Leader with regard to all policy and operational matters falling within the purview of the portfolios relating to Health and Wellbeing, Adults Social Care and Public Health.
- (2) To recommend to the Council a programme of reviews to be undertaken by the Committee with regard to matters falling within the purview of the Deputy Leader's portfolio namely Health and Wellbeing, Adults Social Care and Public Health and to recommend the Council accordingly on the outcome of such reviews.
- (3) To receive performance reports and Inspector reports thereon, relating to the functions of the Children's and Adult Services Department in so far as it relates to Adult Services.
- (4) To scrutinise matters relating to the health services operating in Bolton for, and health of, the Borough's population and contribute to the development of policy to improve health and reduce health inequalities.
- (5) To undertake all the statutory functions of the scrutiny committee in accordance with the relevant legislation and associated regulations and guidance.

- (6) To act as the statutory consultee for local NHS bodies on any proposals they may have under consideration for any substantial development of the health service in or impacting on the Borough area, or on any proposals to make any substantial variation in the provision of such service.
- (7) To agree a work programme in consultation with partners in the health economy.
- (8) To review and scrutinise the impact of key partnerships on the health of the Borough's population.
- (9) To agree the information required on a regular basis from health partners.
- (10) To make reports and recommendations to the NHS, patients' representatives, the Council, the Cabinet and other scrutiny committees, and to other relevant bodies and individuals.
- (11) To receive an update at each meeting on the progress and performance of the Bolton Care and Support Steering Committee.
- (11) To consider matters referred to it by members of the Committee in accordance with Standing Order 36.
- (12) To consider items referred to the Committee by statutory patient representative groups.
- (13) To establish Review Panels to look in-depth at specific issues with a significant impact on the health of Bolton's residents.
- (14) To establish or partake in cross-boundary joint working committees where necessary.
- (15) To evaluate and review the effectiveness of its recommendations.
- (16) To refer contested NHS proposals and proposals where the Committee considers that insufficient consultation with the public has been carried out to the Secretary of State for Health in accordance with the relevant legislation/regulations.
- (17) The Committee shall have the power to summon the relevant Executive Cabinet Member, relevant local authority chief officers and relevant officers of local NHS bodies and the Chair and appropriate officers of the Health and Wellbeing Board to attend its meetings to consider and give evidence on matters before the Committee. The Committee may also invite the Chair or non-executive directors of local NHS bodies to participate in the scrutiny process, they, however, are not required to attend.
- (18) The Committee shall have the power to seek the views of experts and advisers and to co-opt lay members.
- (19) In all of the above, to seek and take account of the views of the local population.
- (20) That, pursuant to the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the Local Health Scrutiny Regulations), the

Greater Manchester Health Scrutiny Committee undertake the scrutiny of strategic, Greater Manchester wide, and cross boundary health services as follows (whilst reserving the right to undertake scrutiny of any of those authorities listed below with regard to matters relating specifically to their local population)

:-

To examine and report from time to time on the strategies, policies, actions and consultation of:

- NHS England Greater Manchester Local Area Team;
  - The joint work of the Greater Manchester Clinical Commissioning Groups (the Association of GM CCGs);
  - Public Health England (Greater Manchester);
  - Local Authorities across Greater Manchester regarding their role as providers and commissioners of social care, and as public health agencies;
  - All other cross-boundary NHS services i.e. North West Ambulance Service, Christies, Specialist Children's Services provided by the Royal Manchester Children's Hospital;
  - Services provided to patients living and working across Greater Manchester; and
  - Specific health issues that cut across geographical boundaries
- (21) That, pursuant to directions issued by the Secretary of State for Health (17 July 2003) the Committee delegates its powers and duties as a statutory consultee on substantial variations or developments of health services to Joint Committees established for this purpose where the impact is wider than the boundaries of the Borough and not in alignment with the Greater Manchester boundaries and hence the remit of the Greater Manchester Health Scrutiny Committee.
- (22) To consider and respond to issues referred to the Committee by Healthwatch.
- (21) The Quorum for a meeting of the Committee shall be five.

## **Health and Wellbeing Board**

The Health and Wellbeing Board will have responsibility for the following and that decisions relating to such will be made by consensus with any formal decision being made by the Chair in consultation with the Board as determined by the Council.

- (1) To improve the health and wellbeing of the local population via strong and effective partnerships and by improving the commissioning and delivery of health and social care.
- (2) In consultation with CCG to prepare and publish the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy; in consultation with appropriate third parties.

- (3) To influence the Strategy with respect to commissioning and delivery decisions across health, public health and social care.
- (4) To encourage integrated working between health and social care services including advice, assistance and other support to encourage arrangements under Section 75 of the National Health Service Act 2006.
- (5) To be involved in the preparation and revision of the CCG's commissioning plans and to comment on the draft plan.
- (6) To promote integration and partnership across areas, including through the promotion of joined up commissioning and pooled budget arrangements where all parties are in agreement.
- (7) The quorum for the meeting shall be 5 and must include two local authority representatives and one CCG representative.

## **Audit Committee**

- (1) To consider the effectiveness of the Authority's risk management arrangements, the control environment and associated anti fraud and corruption arrangements.
- (2) To seek assurance that action is being taken on risk related issues.
- (3) To be satisfied that the Authority's assurance statements properly reflect the Authority's risk environment and the actions needed to improve it.
- (4) To approve Internal Audit's strategy, plan and monitor performance.
- (5) To review summary internal audit reports and receive the annual report from the Head of Internal Audit and Service Development.
- (6) To consider key reports of external audit and inspection agencies.
- (7) To ensure an effective relationship between internal and external audit and other relevant bodies.
- (8) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (9) To liaise with the Audit Commission over the appointment of the Council's external auditor.
- (10) To maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.
- (11) To consider the Council's arrangements for corporate governance so far as they relate to financial matters and agreeing necessary actions to ensure compliance with best practice.



- (12) To monitor the Council's compliance with its own and other published standards and controls.
- (13) To approve the Council's statement of accounts, income and expenditure and balance sheet under the Accounts and Audit Regulations 2011.
- (14) To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to issues raised by external audit.
- (15) To consider the Audit Commission's Report on the Statement of Accounts.
- (16) To receive on behalf of the Council reports from Audit on the Council's financial affairs and final accounts.
- (17) To submit an Annual Report to the Council
- (18) The Quorum for the meeting shall be three.

### **Licensing and Environmental Regulation Committee**

- (1) The functions of the Council in relation to the licensing (including registration and enforcement) of hackney carriage and private hire vehicles and their operators and drivers; street traders; public houses, nightclubs, members clubs & off-licensed premises which sell alcohol, together with venues which provide regulated entertainment whether or not they sell alcohol; late night refreshment houses; sex establishments; second hand dealers; pet shops; scrap metal dealers; motor salvage operators, charities and street and house to house collections; gambling premises, gaming machines and lotteries.
- (2) Determination of applications for revision of the taxis fare scale.
- (3) Arrangements in respect of the provision or amendment of taxi stands.
- (4) Regulatory functions in respect of environmental health and trading standards.
- (5) The acceptance or refusal of applications for the registration of land as town or village greens.
- (6) To determine representations made against a Council decision to refuse, revoke or vary a licence under the Scrap Metal Dealers Act 2013.
- (7) The Quorum for a meeting of the Licensing and Environmental Regulation Committee shall be five.

### **Licensing Sub-Committee – Traffic Offences**

To undertake the functions of the Committee with respect the conduct of private hire and hackney carriage license holders in respect of traffic related matters

The quorum for the Licensing Sub-Committee shall be three

## **Licensing Sub-Committee – Sensitive Cases**

To undertake the function of the Committee with respect to the conduct of license holders in respect of reports of a sensitive nature, including but not limited to matters of a sexual nature, indecency or domestic violence.

The quorum for the Licensing Sub-Committee shall be three

## **Licensing and Environmental Regulation Committee (Acting as Licensing Act 2003 Committee)**

- (1) To monitor and maintain the Council's Licensing Policy under the Licensing Act 2003 and review every five years and to submit such Policy to the Council for approval.
- (2) To monitor and maintain the Council's Gambling Policy under the Gambling Act 2005 and review every five years and to submit such Policy to the Council for approval.
- (3) To determine applications under the Licensing Act 2003 and the Gambling Act 2005 via its Sub-Committee structure as determined by the Borough Solicitor in accordance with the Council's Scheme of Delegation. (The quorum for the Licensing Sub-Committee(s) shall be three.)
- (4) The Quorum for a meeting of the Committee shall be five.

## **Planning Committee**

- (1) The functions of the Authority as local planning authority, except where such functions have been otherwise delegated to an officer and/or Executive Cabinet Member in accordance with the Council's Scheme of Delegation or approved powers and duties.
- (2) Functions in connection with development control, including enforcement of planning control.
- (3) Functions in connection with building regulations.
- (4) The naming of streets and street numbering.
- (5) Ruinous or dangerous buildings and their demolition (other than properties affected by clearance as being unfit for human habitation).
- (6) The determination of matters relating to footpaths, bridleways and rights of way orders.
- (7) The Quorum for a meeting of the Committee shall be five.

## **BOLTON CARE AND SUPPORT STEERING COMMITTEE**

- (1) Assess the financial performance of the LATC and make decisions concerning the issue of any dividends.

- (2) Exercise any reserved powers contained in the LATC's Articles. These reserved powers could include, for example, a maximum spend limit on directors and the ability to raise additional finance.
- (3) Make decisions concerning proposed changes to the LATC's business plan, such as the way it delivers statutory services on behalf of the Council or new areas of business.
- (4) To ensure that all the relevant legal requirements have been met for such proposals.
- (5) Responsibility for approving the appointment of any directors and will have the power to remove directors from their post.
- (6) The LATC's director(s) will be expected to update the Steering Committee as to progress with the business and any future proposals being considered. The Steering Committee can scrutinise the decisions of the directors in their management of the LATC.
- (7). The Steering Committee will be accountable to Cabinet, Health Overview and Adults Social Care Scrutiny Committee.

## **Standards Committee**

- (1) To make such recommendations to the Council as the Committee considers appropriate with respect to: -
  - (i) The promotion and maintenance of proper standards in the conduct of Council and Town Councils business, and in the conduct of Members and Officers of the Council (subject to consultation with the Executive Cabinet Member Regeneration and Resources);
  - (ii) The adoption, maintenance and review of a Code of Conduct for Members of the Council and Town Councils, together with such other code, procedure, protocol or guidance as the Committee considers to be appropriate;
  - (iii) The provision of training, guidance and assistance for Members in relation to the Council's and Town Councils' Code of Conduct for Members and any other such code, procedure or protocol;
- (2) To determine and hear any complaint referred to the Monitoring Officer under the provisions of the Localism Act 2011 in accordance with regulations made thereunder.
- (3) To adopt such procedures for the hearing and determination of any complaints as the Committee considers appropriate;
- (4) The quorum for a meeting of the Committee shall be two members.

## **Area Forums**

- (1) To encourage and promote discussion on and involvement in the way in which

Council and other services are planned and delivered within the area.

- (2) To positively engage local people, organisations and businesses in the work of the area forum and to ensure that their views are represented to the Council and other partners.
- (3) The provision, management and review (in accordance with approved Council policy, standing orders and financial regulations) of those services activities and resources allocated to the Forum by the Council.
- (4) To refer to the Council (or Cabinet, Executive Cabinet Member, Scrutiny Committee or other committee or group, as appropriate) any matter concerning the Council which has been raised at a meeting of the Forum and is not within the responsibilities allocated to the Forum.
- (5) To be consulted in relation to the exercise of any function of the provision of any service (by or on behalf of the Council, or in partnership between the Council and any other organisation) which specifically relates to or affects the Forum area and (where appropriate and practicable) the impact on the Forum area of any corporate policy or other matter.
- (6) The Quorum for a meeting of a Forum shall be two where a Forum consists of three members.

### **Education Assistance Panel**

- (1) Determination of individual applications for discretionary awards for further education students (not delegated to the Director of Children's and Adult Services) and welfare support for pupils, together with applications for assistance towards transport costs.
- (2) Determination of applications for financial assistance under Section 517 and 518 of the Education Act 1996 in connection with pupils wishing to attend at boarding schools.
- (3) Determination of such individual applications for free bus passes as are not delegated to the Director of Children's and Adult Services.
- (4) Determination of such individual applications for the provision of transport or the payment of travelling expenses as are not delegated to the Director of Children's and Adult Services.

### **Governor Appointments Panel**

To make appointments to vacancies on School Governing Bodies and the Management Committees of Pupil Referral Units.

### **The Appeals Panel**

### **Meeting as the Housing Right to Buy Appeals Panel**

- (1) Determination of appeals by tenants aggrieved by a decision of the Chief Housing Officer, where eligibility for the Right to Buy is not clear, not to sell a property under the Right to Buy provisions.

### **Meeting as the Personnel Disciplinary Appeals Panel**

- (2) Determination of appeals by employees in respect of disciplinary matters.

### **Meeting as the Personnel Grievance/Grading Panel**

- (3) Determination of appeals by employees in respect of personnel grievances and grading issues.

### **Chief Officer Appointments Panel**

The determination of any matter concerning the appointment, terms and conditions of employment (including remuneration) of the Chief Executive and of all (or any category of) Chief Officer.

### **Constitutional Panel (Urgency Committee)**

- (1) To determine any matter which is outside the remit of the Cabinet, an Executive Cabinet Member, or any other Committee or Panel, which requires determination in advance of the next Council meeting.
- (2) To approve the Council's statement of accounts, income and expenditure and balance sheet under the Accounts and Audit Regulations 2011, if so required.
- (3) To determine any matter concerning the provision of facilities, services or accommodation for members of the Council.
- (4) To make recommendations to the Council in respect of the making, amending, revoking or re-enacting of byelaws, or the promotion or opposition of any legislation.
- (5) To make recommendations to the Council in relation to conferring the title of Honorary Alderman or Honorary Freeman.
- (6) To make recommendations to the Council in relation to the making of any amendment of, or addition to, the Council's constitution.