

## **RESPONSIBILITY FOR COUNCIL FUNCTION GOVERNANCE COMMITTEE**

### **The role of the Governance Committee**

The Governance Committee will deal with Constitutional matters, the Conduct of Members, Political Management Arrangements, Corporate Governance, Members' Allowances, Elections and all non-Executive functions not specifically delegated to another Committee or Sub-Committee of the Council.

**The powers and duties of the Council relating to the functions set out below are delegated to the Governance Committee**

**Membership:** 11 Members

#### **Functions of the Governance Committee**

#### **Delegation of Functions (concurrently with the Governance Committee)**

##### **(1) Functions relating to elections**

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|---|---|
| (a) Power to assign employees in relation to the requisitions of the registration officer     | This function is delegated to the Electoral Services Manager      |
| (b) Duty to provide assistance at European Parliamentary Elections                            | This function is delegated to the Local Returning Officer         |
| (c) Duty to divide the constituency into polling districts*                                   |   |
| (d) Power to divide electoral divisions into polling districts at local government elections* |   |
| (e) Powers in respect of holding elections  | This function is delegated to the Returning Officer               |
| (f) Power to pay expenses properly incurred by electoral registration officers                | This function is delegated to the Head of Legal, Democracy and HR |

## Functions of the Governance Committee

## Delegation of Functions (concurrently with the Governance Committee)

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|--|---|
| (g) Power to fill vacancies in the event of insufficient nominations*  |   |
| (h) Duty to declare vacancy in office in certain cases*  |   |
| (i) Duty to give public notice of a casual vacancy   | This function is delegated to the Returning Officer               |
| (j) Power to determine fees and conditions for supply of copies of, or extracts from, elections documents  | This function is delegated to the Returning Officer               |
| (k) Making a request for single-Member electoral areas (relating to Section 14A(1) of the Local Government Act 1992)*  |   |
| (l) Duty to consult on change of scheme for elections (relating to Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007)    |   |
| (m) Power to pass a resolution to change a scheme for elections (under Section 32(1), 37(1) or 39(1) of the Local Government and Public Involvement in Health Act 2007)* |   |
| (n) Duties relating to publicity (relating to Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007)                                  | This function is delegated to the Head of Legal, Democracy and HR |
| (o) Duties relating to notice to Electoral Commission (relating to Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007)                 | This function is delegated to the Head of Legal, Democracy and HR |

## Functions of the Governance Committee

- (p) Functions relating to change of name of electoral area (relating to Section 59 of the Local Government and Public Involvement in Health Act 2007)\*

\* These matters may be considered by the Governance Committee but shall be referred to the Council for determination

### **(2) Functions relating to a change in governance arrangements**

- (a) Take decision whether to change governance arrangements (Local Government Act 2000)\*
- (b) Duty to comply with direction given by the Secretary of State (The Local Government Act 2000)
- (c) Take decision whether a change of the kind set out in Section 9MA and 9MB of the Act should be subject to approval in a referendum under 9M of the Local Government Act 2000 \*
- (d) Duty to hold referendum (The Local Government Act 2000)
- (e) Duty to publish notice if proposals not approved in referendum (The Local Government Act 2000)
- (f) Duty to deal with a referendum by Petition\*
- (g) Duty to implement new governance arrangements (The Local Government Act 2000)

\*These matters may be considered by the Governance Committee but shall be referred to the Council for determination.

## Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal and Democratic Services

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## Functions of the Governance Committee

## Delegation of Functions (concurrently with the Governance Committee)

### (3) Functions relating to community governance reviews

(a) Duties relating to community governance reviews (relating to Section 79 of the Local Government and Public Involvement in Health Act 2007)\*

(b) Functions relating to community governance petitions (relating to Sections 80, 83, 84 and 85 of the Local Government and Public Involvement in Health Act 2007)

(c) Functions relating to terms of reference of review (relating to Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007)\*

(d) Power to undertake a community governance review (relating to Section 82 of the Local Government and Public Involvement in Health Act 2007)\*

(e) Functions relating to making of recommendations (relating to Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007)\*

(f) Duties when undertaking a review (relating to Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007)\*

(g) Duty to publicise the outcome of a review (relating to Section 96 of the Local Government and Public Involvement in Health Act 2007)

This function is delegated to the Head of Legal and Democratic Services

This function is delegated to the Head of Legal, Democracy and HR

## Functions of the Governance Committee

- (h) Duty to send two copies of the order to the Secretary of State and Electoral Commission (relating to Section 98(1) of the Local Government and Public Involvement in Health Act 2007)
- (i) Making an order giving effect to recommendations made in a community governance review (under Section 86 of the Local Government and Public Involvement in Health Act 2007)\*
- (j) Power to make agreements about incidental matters (relating to Section 99 of the Local Government and Public Involvement in Health Act 2007)\*

\*These matters may be considered by the Governance Committee but shall be referred to the Council for determination

### **(4) Standards Functions**

- (a) Duty to promote and maintain high standards of conduct by:
  - (i) Members and Co-opted Members of the Council and
  - (ii) Employees
- (b) \*Duty to adopt a Code of Conduct dealing with the Conduct expected of Members and Co-opted Members of the Council when acting in that capacity and including provision in respect of the registration and disclosure of (i) pecuniary interests and (ii) interests other than pecuniary interests.
- (c) Power to revise the existing Code of Conduct or adopt a replacement Code of Conduct.
- (d) \* Duty to appoint one or more Independent Persons for the following purposes:

## Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal, Democracy and HR

## Functions of the Governance Committee

- (i) To give the Council views on any allegations it has decided to investigate, before a decision is reached;
  - (ii) At the discretion of the Council, to give the Council views on any other allegations; and
  - (iii) At the discretion of a Member or Co-opted Member to give the Member views on any allegations relating to the behaviour of the Member
- (e) \*Power to make Standing Orders to provide for the exclusion of a Member or Co-opted Member of the Council from a meeting while any discussion or vote takes place in which that person may not participate.
- (f) Power to grant a Member or Co-opted Member a dispensation from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.
- (g) To provide advice, guidance and to ensure that all Members and employees have access to training in all aspects of their respective Code of Conduct that this training is actively promoted and that Members are aware of the Standards expected of Members under the Code of Conduct.
- (h) To establish and maintain a Register of Interests.

## Delegation of Functions (concurrently with the Governance Committee)

### The following functions are delegated to the Monitoring Officer

- (i) Receipt of written applications for Dispensations under Section 33 of the Localism Act 2011.
- (ii) To grant applications for Dispensations pursuant to the provisions in Section 33 of the Localism Act 2011.
- (iii) the discretion to refer applications for Dispensations to the Governance Committee if considered appropriate following consultation with the Independent Person.

### The following functions are delegated to the Monitoring Officer

- (i) Duty to establish and maintain a register of interests of Members and Co-opted Members of the Council

## Functions of the Governance Committee

- (i) Power to exclude the details of sensitive interests from the register of interests
- (j) To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

NB (a) items above marked \* although can be considered by this Committee they can only be discharged by the Full Council

### **(5) To Monitor and Review the Corporate Governance of the Council including giving consideration of the Authority's Annual Governance Statement.\***

**\* The Audit Committee will retain responsibility for approval of the Annual Governance Statement as part of the approval of the Council's Annual Accounts.**

## Delegation of Functions (concurrently with the Governance Committee)

- (ii) Power to remove entries from the register of interests once the person concerned no longer had the interest or is no longer a Member or Co-opted Member of the Council
- (iii) Duty to make a register of interests available to public inspection and publish this on the Council's website
- (iv) Duty to register disclosable pecuniary interests which are notified by a Member or Co-opted Member to the Monitoring Officer pursuant to Section 31 of the Localism Act 2011 after arising and being declared at a meeting.

### The following function is delegated to the Monitoring Officer

Power to exclude the details of sensitive interests from the register of interests

### The following function is delegated to the Head of Legal, Democracy and HR

To consider any application for officer exemptions from political restriction (under Section 3A of The Local Government and Housing Act 1989) or give directions to include a post in the list and adjustment to the list of politically restricted posts to reflect changes in salary level and to reflect changes in responsibilities.

## Functions of the Governance Committee

**(6) The following matters may be considered by the Governance Committee but shall be referred to the Council for determination:**

- (a) The promotion of or opposition to local or personal Bills
  
- (b) The Members' Allowances Scheme
  
- (c) Proposals for the monitoring, review and adoption of, and changes to the Constitution (except where it relates to the Scheme of Delegation for Cabinet functions in which case it will be delegated to the Leader).
  
- (d) The making, amendment, revocation or re-enactment of byelaws
  
- (e) The appointment of employees for particular purposes (appointment of "proper officers")
  
- (f) The designation of an officer as the head of the authority's paid service, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
  
- (g) The designation of an officer as the Monitoring Officer, and the provision of staff, etc. (Section 4 of the Local Government and Housing Act, 1989)
  
- (h) The designation of an officer as the Chief Finance Officer, and the provision of staff, etc. (Section 114 of the Local Government Act 1988; and Section 151 of the Local Government Act 1972)

## Delegation of Functions (concurrently with the Governance Committee)

This function is delegated to the Head of Legal, Democracy and HR  
To make changes as a result of legislative changes and clerical and typographical corrections to the Constitution

This function is delegated to the appropriate Head of Service and the Head of Legal, Democracy and HR  
The enforcement of byelaws



## **Functions of the Governance Committee**

- (i) Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members) under Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000

### **(7) Other Functions**

- (a) Other than in the case of functions which are the responsibility of the Cabinet, decisions relating to the contracting out of a function or service (in accordance with the De Regulation and Contracting Out Act 1994) and to whom to award the contract together with the function of revoking such a contract.
- (b) To consider matters referred to the Committee in relation to petitions submitted under the Crawley Borough Council Petition Scheme.

## **Delegation of Functions (concurrently with the Governance Committee)**