

## SECTION 2

### Regulatory Committees

Council Functions which the Council has delegated to a Committee of the Council under Section 101 of the Local Government Act 1972

#### PLANNING COMMITTEE

1. The functions of the Council as Local Planning Authority and any planning control functions which, by virtue of agency arrangements between the County Council and the Borough Council, the Borough Council is authorised to discharge.
2. Determining applications for planning permission; for consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; for listed building consent; determining whether planning permission is required (including permitted development and prior notification); certificates of appropriate alternative development; matters relating to the Building Regulations 1991, the Building Act 1984, and the Building (Local Authority Charges) Regulations 1998; all matters relating to Tree Preservation or any amendment thereto.
3. Taking appropriate action in respect of dangerous dilapidated or ruinous buildings or structures seriously detrimental to the amenities of the neighbourhood; and land in such condition as to be injurious/detrimental to amenities.
4. To formulate and consider Strategic Housing policies/matters and the oversight of the provision of affordable housing (including affordable housing delivered through s.106 agreements).
5. To consider Development Management policies.
6. To formulate and oversee the relevant parts of the Development Plan (Local Plans and neighbourhood development plans).
7. To advise the Finance & Democracy Committee regarding the establishment of strategic economic development policies that align with the vision set out in the development plan and to oversee the delivery of regeneration projects set out in the council's Corporate Plan and Economic Development Strategy.
- ~~1.~~ Considering reports, reviewing, and formulating where necessary policies relating to Economic Development and associated matters.
- ~~2.~~ Considering reports, reviewing, and formulating where necessary policies relating to Regeneration.
- ~~3.~~8. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit.
- ~~4.~~9. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference.

#### PUBLIC PROTECTION COMMITTEE

1. Hearing and determining any appeal made by a council employee, as permitted by the appropriate procedure, in respect of (i) disciplinary action taken against him or her (ii) the grading of his or her post or (iii) any grievance raised by him or her.

2. Revising a fee policy under section 10A(6) of the Caravan Sites and Control of Development Act 1960 by making changes to the text, formatting or layout, but not including the revision of charges set out in the policy.

Exercising the council's functions in respect of the following:

3. Power to issue licences authorising the use of land as a caravan site ("site licences") under Section 3(3) of the Caravan Sites and Control of Development Act 1960.
4. Power to alter conditions attached to site licences under Section 8 of the Caravan Sites and Control of Development Act 1960.
5. Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.
6. Power to license hackney carriages and private hire vehicles under (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Power to license drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
8. Power to license operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
9. Exercising the council's functions under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (fixing of fares for hackney carriages).
10. Power to license sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
11. Power to license performances of hypnotism under the Hypnotism Act 1952.
12. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis under sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
13. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.
14. Power to license market and street trading under part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
15. Power to license dealers in game and the killing and selling of game under sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.
16. Power of register and license premises for the preparation of food under section 19 of the Food Safety Act 1990.
17. Power to license scrap metal dealers under section 1 of the Scrap Metal Dealers Act 2013.
18. Exercising the Councils functions relating to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
19. Power to license dangerous wild animals under section 1 of the Dangerous Wild Animals Act 1976.

20. Power to license knackers' yards under section 4 of the Slaughterhouses Act 1974 and the Animal By-Products Order 1999.
21. Power to license persons to collect for charitable and other causes under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
22. Power to grant consent for the operation of a loudspeaker under schedule 2 to the Noise and Statutory Nuisance Act 1993.
23. Power to sanction use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922.
24. Power to approve meat product premises under regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
25. Power to approve premises for the production of minced meat or meat preparations under regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
26. Power to approve dairy establishments under regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
27. Power to approve egg product establishments under regulation 5 of the Egg Products Regulations 1993.
28. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods under schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.
29. Power to approve fish products premises under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
30. Power to approve dispatch or purification centre under regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
31. Power to register fishing vessels on board which shrimps or molluscs are cooked under regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
32. Power to approve factory vessels and fishery product establishments under regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
33. Power to register auction and wholesale markets under regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34. Duty to keep register of food business premises under Regulation 5 of the Food Premises (Registration) Regulations 1991.
35. Power to register food business premises under regulation 9 of the Food Premises (Registration) Regulations 1991.
36. Power to register premises or stalls for the sale of goods by way of competitive bidding
37. Closing orders with respect to take-away food shops under section 4 of the Local Government (Miscellaneous Provisions) Act 1982.
38. Power to grant permission to use an object or structure in, on or over a highway for the provision of services or amenities, recreation or refreshment facilities or for purposes which will result in the production of income, for a centre for advice or information or for advertising under section 115E of the Highways Act 1980.
39. All matters in relation to pavement licences under the Planning and Business Act 2020.

## **LICENSING COMMITTEE**

1. All licensing functions under the Licensing Act 2003 (other than the functions conferred by section 5 of the act).
2. All functions of a licensing authority under part 8 of the Gambling Act 2005 except those that by virtue of section 154 cannot be delegated.

## **CHIEF OFFICERS EMPLOYMENT COMMITTEE**

1. The definition of those posts which are regarded as Chief Officer posts is listed in Part 7 of this Constitution.
2. The appointment of:
  - (i) The Officer designated as the Head of the Authority's Paid Service;
  - (ii) A statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989; and
  - (iii) A non-statutory Chief Officer
3. The dismissal of, or disciplinary action against, any Officer referred to in paragraph (i) to (iii) above or the consideration of any appeals, grievances or other matters in relation to any such officer where it should be expedient for the committee to deal with them.

## **AUDIT AND STANDARDS COMMITTEE**

The committee's activities and areas of responsibility are as follows:

### **1. Function and Purpose**

- (i) The Audit & Standards Committee is a key component of Fylde Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- (ii) The purpose of the Audit & Standards Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Fylde Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- (iii) The purpose of the committee in relation to standards is to promote and maintain the highest ethical standards and conduct by councillors. The committee is responsible for operating a locally based system for initial assessment of complaints that a member may have breached the Code of Conduct.

## 2. Audit Activity

- (i) To consider the head of internal audit's annual report providing:
  - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions.
  - b) The opinion of 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.
- (ii) 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.
- (iii) To consider summaries of specific internal audit reports as requested.
- (iv) To consider reports from the head of internal audit of internal audit's performance during the year, including the performance of external provider of internal audit services.

These will include:

- a) Updates on the work of internal audit including key findings of issues of concern and action in hand as a result of internal audit work.
- b) Regular reports on the results of the 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 Local Government Application Note, considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement.
- (v) To receive reports outlining the action taken where the head of internal audit 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.
- (vi) To approve the Internal Audit Charter.
- (vii) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (viii) To consider specific reports as agreed with the external auditor.
- (ix) To provide free and unfettered access to the Audit and Standards Committee chair for the head of internal audit including the opportunity for a private meeting with the committee.
- (x) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (xi) 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 PSAA or the authority's auditor panel as appropriate.
- (xii) To commission work from internal and external audit.

- (xiii) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
- (xiv) Meeting the external auditor and Chief Internal Auditor in private if deemed necessary.
- (xv) To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- (xvi) To approve significant interim changes to the risk based internal audit plan and resource requirements.
- (xvii) To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- (xviii) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- (xix) To contribute to the 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.
- (xx) 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. Regulatory framework**

- (i) Maintaining an overview of the council's constitution in particular the Contracts Procedure Rules, Financial Regulations and Codes of Conduct.
- (ii) Advising the Council on changes to the Constitution.
- (iii) Reviewing any issue referred to it by the Chief Executive or a Director, or any council body.
- (iv) To monitor the effective development and operation of risk management in the council.
- (v) To monitor progress in addressing risk relating issues reported to the committee.
- (vi) To review the governance and assurance arrangements for significant partnerships or collaborations.
- (vii) To review the Annual Governance Statement prior to formal 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.
- (viii) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider local code of governance.
- (ix) To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (x) To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- (xi) To monitor the counter-fraud strategy, actions and resources.

- (xii) Considering governance, risk or control matters at the request of other committees or statutory officers.
- (xiii) Considering the council's compliance with its own and other published standards and controls
- (xiv) Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.
- (xv) To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (xvi) To consider reports on the effectiveness of internal control and monitor the implementation of agreed actions.

#### **4. Accounts**

- (i) 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.
- (ii) To consider the external auditor's report to those charged with governance in issues arising from the audit of the accounts.

#### **5. Accountability**

- (i) 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.
- (ii) To report to full council on a regular basis on the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose.
- (iii) To publish an annual report on the work of the committee.

#### **6. Standards**

- (i) To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by members.
- (ii) To support ethical values and review the arrangements to achieve those results.
- (iii) To monitor and advise the Council about the adoption, revision and operation of its Code of Conduct in the light of best practice and any changes in the law.
- (iv) To keep under review the arrangements for dealing with allegations that a member of the Council or a member of a town or parish council within the Council's district has failed to comply with the relevant Code of Conduct.
- (v) To determine whether a member for the Council or a member of a town or parish council within its district has failed to comply with the relevant Code of Conduct.
- (vi) Where it finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take.

- (vii) To assist the Council with the appointment of an Independent Person(s) as required by the Localism Act 2011.
- (viii) To determine any request for a dispensation under Section 33 of the Localism Act 2011.
- (ix) To advise the Council on, and review as necessary, any local Protocols regulating the conduct of Members and to deal with allegations of breach of any such Protocol.
- (x) To consider reports referred by the Monitoring Officer.
- (xi) To respond on behalf of the Council to national reviews and consultations on standards related issues.
- (xii) To consider and make recommendations to the Council on any other matter that may be referred to the Committee relating to the conduct of Members within the Authority.

## **7. Arrangements**

The Committee will

- (i) meet a minimum of four times per year, (timetable to be agreed);
- (ii) have the authority to request the attendance of any elected Member or Officer of the Authority;
- (iii) have the right to report to all other committees, corporate risk groups and other strategic groups; and
- (iv) consider and assess the performance of the committee annually.



## SECTION 3

### Programme Committees

The Council has four programme committees.

#### Terms of Reference

The committees are the Tourism and Leisure Committee, the Operational Management Committee, the Environment, Health and Housing Committee and the Finance and Democracy Committee. The Environment, Health and Housing Committee is the crime and disorder committee for the purposes of the Police and Justice Act 2006. Subject to any matters reserved to the council by law or by any other part of this constitution, each programme committee has full delegated authority to take decisions on matters falling within its work area. The work areas of the committees are as follows:

#### (a) Tourism and Leisure Committee

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
3. Considering reports, reviewing, and formulating where necessary, policies relating to leisure management and community development
4. Considering reports, reviewing, and formulating where necessary policies in relation to recreation including parks and open spaces development and grounds maintenance in relation to areas under the jurisdiction of the council
5. Considering reports, reviewing, and formulating where necessary policies relating to arts, culture and heritage
6. Considering reports, reviewing, and formulating where necessary policies relating to sand dunes management
7. Considering reports, reviewing, and formulating where necessary, policies relating to tourism and events promotion
8. Considering reports, reviewing, and formulating where necessary policies relating to beach management
9. To review, and formulate where necessary, policies relating to coast and countryside
10. To deal with issues arising in relation to the Trust set up to manage Lowther Pavilion and Gardens
11. To consider swimming provision and deal with partnership issues arising in relation to the operation of swimming pools
12. To keep under review income generating activity and subsequent contractual arrangements with respect to parks and open spaces
13. To consider any management issues arising in relation to land or property within the remit of the committee
14. To keep the Council's sports development programme under review
15. To interface with partners involved in the work of the committee as necessary

16. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

**(b) Operational Management Committee**

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
3. To keep under review arrangements regarding depot arrangements with respect to operational services and consider issues relating to the Council's Vehicle Replacement Programme
4. Considering reports, reviewing, and formulating where necessary policies relating to waste management and recycling
5. Considering reports, reviewing, and formulating where necessary policies relating to public toilet provision
6. Considering reports, reviewing, and formulating where necessary policies relating to amenity cleaning
7. Considering reports, reviewing, and formulating where necessary policies relating to car parking
8. Considering reports, reviewing, and formulating where necessary policies relating to coastal defences
9. Considering reports, reviewing, and formulating where necessary policies relating to dog Control
10. Considering reports, reviewing, and formulating where necessary policies relating to Emergency Planning
11. Considering reports, reviewing and formulating where necessary policies relating to building control and land charges
12. To consider and review provision in relation to footway lighting and bus shelters
13. Considering reports, reviewing, and formulating where necessary policies relating to cemetery and crematorium
14. To consider any management issues arising in relation to land or property within the remit of the committee
15. To interface with partners involved in the work of the committee as necessary
16. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

**(c) Environment, Health and Housing Committee**

1. To act as the crime and disorder committee for the purposes of the Police and Justice Act 2006
2. To make reports or recommendations to the council or any committee with respect to any matter which is a local crime and disorder matter in relation to a councillor
3. To consider and scrutinise reports relating to performance of services under the remit of the committee
4. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit

5. Considering reports, reviewing, and formulating where necessary, policies relating to homelessness and housing advice
6. To consider any matters arising in relation to health development and promotion together with weight management
7. To keep under review matters relating to disabled facilities grants, housing standards and energy efficiency
8. Considering reports, reviewing, and formulating where necessary policies relating to community safety including CCTV provision
9. To fulfil the statutory overview and scrutiny role in terms of the Crime and Disorder Reduction Partnership
10. Considering reports, reviewing, and formulating where necessary policies relating to environmental health, protection and sustainability
11. Considering reports, reviewing, and formulating where necessary policies relating to Fylde Coast Bathing Waters
12. Considering reports, reviewing, and formulating where necessary, policies relating to Food hygiene
13. Considering reports, reviewing, and formulating where necessary, policies relating to Pest Control
14. Considering reports, reviewing, and formulating where necessary, policies relating to the Working Together for Families Partnership and the Health and Well-Being Partnership
15. To receive reports from partners who receive community grants from the council and to interface with partners involved in the work of the Committee including Fylde CAB, Age Concern, Care and Repair and Face to Face
16. To consider matters relating to Safeguarding
17. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference

**(d) Finance and Democracy Committee**

1. To consider and scrutinise reports relating to performance of services under the remit of the committee
2. To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit
3. To lead the budget setting process, in consultation with the other programme committees, and to put forward a draft budget package to the Council for approval
4. To consider Medium Term Financial Strategy updates and provide guidance and commentary to other committees as necessary
5. To consider the Financial Outturn report of the Council annually
6. To consider reports from the Head of Revenues and Benefits Services (Shared Service) as necessary in relation to the revenues and benefits service related matters including debt write offs
7. Considering reports, reviewing, and formulating where necessary policies relating to customer access, ICT and website

8. To keep under review the Council tax reduction scheme and make recommendations to the Council on the same
9. To review the Pay Policy annually and make recommendations to the Council on the same
10. To consider any matters arising in relation to Strategic Procurement
11. To keep under review matters relating to the Council's Community projects fund
12. To consider any matters arising in relation to the mayoralty, civic functions and civic ceremonial
13. To monitor and evaluate progress towards achieving the objectives by the council within the Corporate Plan
14. Considering reports, reviewing, and formulating where necessary policies relating to public relations and communications
15. To develop and establish a framework of strategic economic development policies that interface with national, regional and sub regional economic development initiatives.
16. To manage any land and property owned by the council and not specifically held for the purposes of another committee
17. To consider any matters in relation to the Lytham Institute in line with Charity Commission guidance
18. To consider any community assets nominations
19. All of the Council's functions relating to elections
20. To interface with partners involved in the work of the committee as necessary
21. To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference