

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Effective from ~~249 May 2023~~ ~~20 May 2015~~

Approved by Council on ~~X30 March 20~~ ~~2315~~

1. In this Part of the Constitution, responsibilities for Council functions are described and, where functions are delegated, the functions and those responsible for them are identified.
2. Under a committee system, the authority delegated to ~~it~~ ~~seach~~ ~~committees~~ flows from the council. Accordingly, full council retains the ability to exercise its authority in any matter relating to the council's functions.
3. Functions and responsibilities are described by reference to the following:

Section 1	Council
Section 2	Regulatory Committees
Section 3	Programme-Executive Committees
Section 4	Joint Committee – Economic Prosperity Board <u>Overview and scrutiny committees</u>
Section 5	Joint Committee – Economic Prosperity Board <u>Referral and Recovery</u>
Section 6	Officers <u>Standards Committee</u>
<u>Section 7</u>	<u>Referral and recovery</u>
<u>Section 8</u>	<u>Officers</u>
4. Unless the context otherwise requires:-
 - (a) references to legislative provisions should be construed as extending to any statutory re-enactment or modification thereof and to any subordinate legislation made thereunder;
 - (b) 'budget' includes the authority's budget requirement (as provided for in the Local Government Finance Act 1992), all the components of the budget such as the budgetary allocations to different services and projects, proposed taxation levels, contingency funds ('reserves' and 'balances') and any plan or strategy for the control of the authority's borrowing or capital expenditure; and
 - (c) "Officers" means those Officers for the time being holding the positions described in Part 7 of this Constitution and references to their responsibilities shall be construed as meaning those responsibilities shown as assigned to them in Part 7. Decisions shall be taken in the name of (but not necessarily personally by) the Officers.
5. The arrangements described in this Part of the Constitution provide for the concurrent delegation and exercise of functions and are intended to allow those empowered to discharge the functions to determine co-operatively when and by whom a particular decision is to be made. The arrangements are intended to operate flexibly and are to be interpreted broadly and purposively.
6. Any body or person authorised to discharge a function is authorised to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of that function.

SECTION 1

COUNCIL

1 Functions of the full Council

The following functions can only be carried out by the Council:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any housing land transfer;
- (c) approving development plan documents for submission to the secretary of state for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004;
- (d) appointing and removing the Leader;
- (e) establishing Committees of the Council, agreeing and amending their terms of reference and their composition and making appointments to or removing members from them;
- (f) adopting, amending or revoking a Members' Allowances Scheme;
- (g) changing the name of the Borough or conferring the title of Honorary Alderman or the freedom of the Borough;
- (h) confirming the appointment of the Council's Head of Paid Service;
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills (except where assigned to a Committee in Part 3 of this Constitution);
- (j) ~~a~~All of the Council's functions relating to elections;
- (k) pursuant to an order under Section 70 of the Deregulation and Contracting Out Act 1994, granting or revoking an authorisation to any person to exercise a function to which that Section applies;
- (l) any other matters which, by law, must be reserved to the full Council.

2 Other Functions of the Council

Other functions exercisable by the Council include:

- (a) appointing and removing Councillor representatives to outside bodies; and
- (b) determining appeals against decisions made about discretionary housing payments.

3 Responsibility for functions

Except as provided for above, the Council can arrange for a Committee, Sub-committee or Officer of the Council to make decisions on its behalf.

The Council has exercised that power. The following sections of Part 3 of this Constitution set out the arrangements the Council has made.

The arrangements do not prevent the full Council from making decisions itself if it wishes or if a matter is referred back to it. The arrangements are subject to the procedures for referral and recovery set out in section 4 of this part of the constitution.

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.~~
1. Determining applications made to the council in its capacity as a local planning authority including applications for planning permission; for advertising consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007; for listed building consent; determining for determination of whether planning permission is required (including permitted development and prior notification); and for certificates of appropriate alternative development.
2. 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.
- ~~2.3. All matters relating to Tree Preservation or any amendment thereto orders and the protection of trees.~~
- ~~3.4.~~ 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.
- ~~4.5.~~ All of the council's functions under the Building Act 1984, Building Regulations and the Building Safety Act 2022.
- ~~5. 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).~~
- ~~6. To consider Development Management policies.~~
- ~~7. To formulate and oversee the relevant parts of the Development Plan (Local Plans and neighbourhood development plans).~~
- ~~8. To advise the Finance and 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.~~
- ~~9.6.~~ To consider and scrutinise periodic revenue and capital budget monitoring reports on areas under the committee's remit.
- ~~10.7.~~ To establish any Working Group to consider, and make recommendations, on any issues within the remit of the committee's terms of reference.
- ~~11. To consider any management issues arising in relation to land or property within the remit of the committee~~

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~~the employee (ii) the grading of ~~his or her~~their post or (iii) any grievance raised by ~~him or her~~them.
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~~ [Executing and enforcing the provisions of part II 4 of the Slaughterhouses Act 1974 and any regulations made under it.](#)
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.~~ 23. Power to approve meat product premises under regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
- ~~25.~~ 24. 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.~~ 25. Power to approve dairy establishments under regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
- ~~27.~~ 26. Power to approve egg product establishments under regulation 5 of the Egg Products Regulations 1993.
- ~~28.~~ 27. 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.~~ 28. Power to approve fish products premises under Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~30.~~ 29. Power to approve dispatch or purification centre under regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~31.~~ 30. 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.~~ 31. 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.~~ 32. Power to register auction and wholesale markets under regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
- ~~34.~~ 33. Duty to keep register of food business premises under Regulation 5 of the Food Premises (Registration) Regulations 1991.
- ~~35.~~ 34. Power to register food business premises under regulation 9 of the Food Premises (Registration) Regulations 1991.
- ~~36.~~ 35. 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.~~

~~38.36.~~ 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.

~~39.37.~~ 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.~~

~~2.1.~~ 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) Any officer designated as a director

~~2.~~ The dismissal of, or disciplinary action against, any Officer referred to 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.

~~Where the appointment or dismissal of an officer is subject, by virtue of the Local Authorities (Standing Orders) (England) Regulations 2001, to the approval of the authority, the delegated authority given to the committee is subject to such approval being given.~~

~~3.~~

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 overseeing a operating a locally based system for initial assessment of complaints that a member may have breached the Code of Conduct, and for conducting any related hearings.~~

~~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, including 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, Deputy Chief Executive, 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 EXECUTIVE COMMITTEES

~~The Council has one four programme committee: its Executive Committee.s.~~

Terms of Reference of ~~Policy~~the Executive Committee

~~The Committee has full delegated authority to take decisions on behalf of the council on any matter, other than a decision which:~~

~~(i) is required by law to be taken by a meeting of the council;~~

~~(ii) is required by law to be taken by another committee, or in any other way inconsistent with delegation to the Executive Committee;~~

~~(iii) the constitution expressly or impliedly reserves to a different decision-maker; or~~

~~(iv) the council or a scrutiny committee has directed should not be taken by the Committee.~~

~~The Chairman and Vice-Chairman of the Committee are aided in their work by the appointment of lead members. A role description for lead members is set out below.~~

Lead Members

~~The Chairman and Vice-Chairman of the Committee may be aided in their work by the appointment of one or more members of the committee as lead members. Lead Members are appointed and removed by the Committee. When appointing a lead member, the committee will assign an area of responsibility to the lead member. Lead members will undertake a Portfolio Holder role within their area of responsibility, but without decision-making powers. A role description for lead members is set out below.~~

~~*Lead Members ensure that corporate priorities are delivered working under the direction of the Chairman of the Executive Committee.*~~

~~*They act as an advisor for lead officers and monitor and report regularly at both meetings of the Executive Committee and the Council, on progress in each of their priority areas.*~~

They also:

Lead on developing council policy and make recommendations thereon.

Provide guidance to member forums on budget priorities and performance.

Additional responsibilities include:

Contributing to debate and decision-making.

Working with members of the Overview and Scrutiny Committees to ensure that the overview and scrutiny process works correctly.

Appearing before, and responding to, overview and scrutiny committees.

Representing the council at a national and local level.

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, such as the Economic Prosperity Board.~~
- ~~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~~

SECTION 4

OVERVIEW AND SCRUTINY COMMITTEES

The Council has two Scrutiny committees. Each Scrutiny committee is an overview and scrutiny committee within the meaning of the Local Government Act 2000.

1 Terms of Reference

The committees are the Internal Affairs Scrutiny Committee and the Community Focus Scrutiny Committee. The Community Focus Scrutiny Committee is the crime and disorder committee for the purposes of the Police and Justice Act 2006. All overview and scrutiny functions are within the remit of all of the committees, but each committee has a number of work areas on which it normally focuses. These work areas are as follows:

(a) Internal Affairs Scrutiny Committee

- To keep the work programme under review
- To review new and amended policy across all service areas (corporate and service-specific)
- To recommend future policy options
- To review strategic items
- To receive and assess requests for scrutiny
- To monitor the Council's budget and budgetary processes
- To receive performance reports on an exception basis
- To establish topic-specific in-depth, to be time limited.
- To seek to ensure that the expertise of all [councillors who are not members of the Executive Committee](#) can be utilised in the development of council policy
- To add value to Council business and decision-making

(b) Community Focus Scrutiny Committee

- To keep the work programme under review
- To constructively challenge why and how local public services are being provided, including consideration of inspection results, liaising with external partners and organisations as necessary
- To challenge performance standards and targets
- To ensure that the needs of the local community are met by collaborative working between the council and external organisations and partners
- To consider responses to consultations , making recommendations in light of the results
- To oversee the council's compliance with the requirements of the Freedom of information Act.
- To receive periodic reports from the Community Safety Partnership
- To establish topic-specific in-depth reviews, to be time limited

2 General role

Within their terms of reference, the scrutiny committees may:

- (i) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

- (ii) make reports and recommendations about the discharge of any of those functions, to the Council, Executive Committee or Sub-committee, or any Officer,
- (iii) consider any matter affecting the Borough or its residents; and
- (iv) recommend that any policy decision that has not been implemented be reconsidered.
- (ii) make reconsideration requests under the referral and recovery procedure.

3 Specific functions

(a) Policy development and review

Scrutiny committees may:

- (i) help the Council and the Executive Committee to develop budgets and policy frameworks by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation for the purpose of analysing policy issues and possible options;
- (iii) help local people to be involved in policy development;
- (iv) question members of the Executive Committee or sub-committees and officers about their views on issues and proposals affecting the Borough; and
- (v) promote collaborative working with organisations operating in the area, for the benefit of local people.

(b) Scrutiny

Within its terms of reference, a Scrutiny committee may:

- (i) review and scrutinise policy decisions and the performance of the Executive Committee;
- (ii) To provide the main forum for the Council's internal and external scrutiny work.
- (iii) review and scrutinise the Council's performance in relation to its policy objectives and performance targets and to particular service areas;
- (iv) question members of the Executive Committee and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
- (v) make recommendations to the Executive Committee, the Council or any Officer arising from the outcome of the scrutiny process;
- (vi) review and scrutinise the performance of other service providers within the Borough or anyone whose activities affect the economic, social or environmental well-being of people in the Borough;

for that purpose, request reports from them about their activities and performance and invite them to address the committee; and question and gather evidence from any person (in the case of a person other than a member of the Council or an Officer, with their consent).

(i)(vii)

SECTION 54

JOINT COMMITTEE

At its meeting on 4 December 2017, the Council approved the establishment of the Economic Prosperity Board and the arrangements for its operation as set out below, and additionally that;

1. Any decision, which commits this Council to future or ongoing expenditure or contributions towards such expenditure, shall not be taken until the proposal and its future implications have been reported to, and approved by, full Council; and
2. That any financial or policy decisions by the Joint EP Board that affect FBC be reported to full Council for its approval.

The Blackpool, Fylde and Wyre Economic Prosperity Board – Procedure Rules

1.0 Purpose

- 1.1 The purpose of the Economic Prosperity Board ('EPB') will be to bring together local authority partners in a robust, formally constituted arrangement which will help shape and drive economic development across the Fylde Coast. This will be undertaken by collaboration and mutual co-operation. The fact that some functions will be discharged jointly by way of these procedure rules does not prohibit any of the constituent authorities from promoting economic well-being in their own areas, independent of the Board.

2.0 Governance

- 2.1 The EPB will act as a Joint Committee pursuant to powers under the Local Government Acts 1972 and 2000 and under the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The EPB will comprise of Blackpool Borough Council, Fylde Borough Council and Wyre Borough Council ("constituent authorities") and three co-opted members, one each from each constituent area. Any reference to 'executive', 'executive arrangements', 'executive function' or 'committee system' has the meaning given by Part 1A of the Local Government Act 2000.
- 2.3 The EPB is not a self-standing legal entity but is part of its constituent authorities. Any legal commitment entered into pursuant of a decision of the EPB must be made by all constituent authorities.
- 2.4 Political Proportionality rules will not apply to the EPB as so constituted.
- 2.5 The EPB may establish sub-committees or advisory groups, to undertake elements of its work, if required.
- 2.6 The EPB has powers delegated to it by the constituent authorities in the following areas:
 - a) to review future governance requirements and delivery arrangements and how these can be best achieved on the Fylde Coast;
 - b) to have direct oversight of key economic growth focussed projects and initiatives that the EPB has influence over the funding of;
 - c) to have strategic oversight of other key growth focussed projects and initiatives across the Fylde Coast.
 - d) to lobby and carry out other activities that help achieve the promotion or improvement of the economic wellbeing on the Fylde coast.

The EPB will not hold funds or monies on behalf of the constituent authorities.

- 2.7 Each constituent Authority operating executive arrangements will be responsible for considering whether it is necessary [in order to comply with Access to Information legislation regarding the publication of agendas including Forward Plan requirements] to treat prospective decisions as ‘key decisions’ and/ or have them included in the Forward Plan. A constituent Authority operating a committee system will apply its own local statutory procedures.

3.0 Remit

3.1 The remit of the EPB will be to provide political and democratic accountability and in doing so:

- a) act as the key strategic forum for economic development issues on the Fylde coast and to make recommendations to the Lancashire Enterprise Partnership (LEP) and other bodies on economic development investments and other priorities;
- b) have insight and the opportunity to review the LEP Board’s activities and consider any further measures necessary to strengthen the relationship with the LEP Board.
- c) co-ordinate and monitor investment plans of the constituent authorities pertaining to economic growth at the discretion of the individual authorities;
- d) act as the Programme Board for Hillhouse and Blackpool Airport Enterprise Zones (EZ’s) and report into the LEP and its EZ Governance Committee as appropriate;
- e) seek to ensure that adequate resources are made available to enable the delivery of Hillhouse and Blackpool Airport EZs and other key Fylde coast economic development priorities and projects;
- f) actively engage with a range of businesses on the Fylde coast in relation to economic development decision making and to engage with other stakeholders where appropriate;
- g) consider and advise on the appropriateness and viability of alternative, successor economic governance arrangements;
- h) co-ordinate and agree wider place-making policy within the Fylde coast economic footprint, wherever possible.

4.0 Membership

- 4.1 One member from each constituent authority. Such member to be the Leader of the Council or other executive member, in an authority operating executive arrangements or Leader of the Council or committee chairman, or vice chairman from a council operating committee system arrangements) and for the purposes of these procedure rules, this member will be known as the ‘principal member’.
- 4.2 Each principal member to have a named substitute member who must be an executive member where the authority operates executive arrangements. Where governance in a constituent authority is by a committee system form of governance, that alternate member shall be as per that authority’s rules of substitution. All constituent authorities must provide no less than twenty four hours’ notice to the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPB, the principal member shall be deemed as representing their authority.
- 4.3 In the event of any principal member of the EPB ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another principal member in his/her place.

- 4.4 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution and by providing twenty-four hours' notice to the Secretary.
- 4.5 There will be co-opted members appointed to the Board, with the number of co-opted members being the same as the number of constituent authorities. Each co-opted member will represent their relevant constituent area and the appointment and term of office of these co-opted members will be determined by formal decision of the Board. There are no substitute arrangements for co-opted members.
- 4.6 Each constituent authority may individually terminate its membership of the EPB by providing six months written notice of its intent to leave the EPB to the Secretary. At the end of these six months, but not before, the Authority will be deemed to no longer be a member of the EPB.
- 4.7 Where an Authority has previously terminated its membership of the EPB it may re-join the EPB with immediate effect on the same terms as existed prior to its departure, where the EPB agrees to that Authority re-joining via a majority vote.
- 4.8 Any other qualifying Authority seeking to be a constituent member, may join the Board with immediate effect on the terms set out in these procedure rules, where the EPB agrees to that authority joining via a majority vote.

5.0 Quorum

- 5.1 The quorum shall be two constituent authority members and one co-opted member. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chairman or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6.0 Chairman and Vice Chairman

- 6.1 The chairmanship of the EPC will rotate annually between each of the principal members. The Chairman or in his/her absence the Vice-Chairman (if one is appointed) or in his/her absence the member of the EPB elected for this purpose, shall preside at any meeting of the EPB.
- 6.2 Appointments will be made for a maximum period not extending beyond each principal member's remaining term of office as a councillor.
- 6.3 Where, at any meeting or part of a meeting of the EPB both the Chairman and Vice Chairman (if appointed) are either absent or unable to act as Chairman or Vice Chairman, the EPB shall elect one of the principal members of the EPB present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chairman and Vice-Chairman (if appointed) vests in the principal member concerned and in their absence the role of Chairman or Vice-Chairman (if appointed) will not automatically fall to the relevant constituent Authority's substitute member.

7.0 Voting

- 7.1 The EPB's decision making will operate on the basis of mutual co-operation and consent and will take into account the views of the co-opted members. It is expected that decisions will be taken on a consensual basis wherever possible. Where a formal vote is required it shall be one vote for each constituent authority, made by the principal member, or in their absence, their nominated substitute. Co-opted members are not be permitted to have a vote.
- 7.2 All questions shall be decided by a majority of the votes of the members present, the Chairman having the casting vote in addition to his/her vote as a member of the Committee. Voting at meetings shall be by show of hands.

- 7.3 Where immediately after a vote is taken at a meeting, if any member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his/ her vote for or against the matter or whether he/ she abstained from voting.

8.0 Hosting, Administration and Lead Authority

- 8.1 The EPB will be hosted by each constituent Authority in turn, with the rota determined by a formal decision of the Board and the host Authority shall be Secretary to the Board ('the Secretary'). The Host Authority will also identify representatives to provide relevant financial, governance and legal advice to the EPB. For the avoidance of doubt, the Monitoring Officer of the host authority shall be 'Proper Officer' for the purposes of publishing the agendas, background papers and recording decisions. The historic official records of the EPB will pass to each host authority. The administrative costs of supporting the Board will be met equally by the constituent authorities, with each Authority being responsible for receiving and paying any travel or subsistence claims from its own members, or co-opted members representing that area.
- 8.2 A 'Lead Authority' will be appointed by a formal decision of the EPB to deliver the economic development functions delegated to the Board. This Lead Authority, may be the same as the Host Authority, or may be another constituent authority.
- 8.3 The functions of the Secretary shall be:
- a) to maintain a record of membership of the EPB and any sub-committees or advisory groups appointed;
 - b) to summon meetings of the EPB or any sub-committees or advisory groups;
 - c) to prepare and send out the agenda for meetings of the EPB or any subcommittees or advisory groups; in consultation with the Chairman and the Vice Chairman of the Board (or sub-committee/ advisory group);
 - d) to keep a record of the proceedings of the EPB or any sub-committees or advisory groups, including those in attendance, declarations of interests and to publish the minutes;
 - e) to take such administrative action as may be necessary to give effect to decisions of the EPB or any sub-committees or advisory groups;
 - f) to perform such other functions as may be determined by the EPB from time to time.

9.0 Meetings

- 9.1 The EPB will meet no less than quarterly, unless the EPB formally decides otherwise.
- 9.2 Meetings will be held at such times, dates and places as may be notified to the members of the EPB by the Secretary, being such time, place and location as the EPB shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting.
- 9.3 The Chairman may choose to accept or reject urgent items that are circulated in a shorter timescale or tabled at any meeting. Any such urgent items will be by reason of 'special circumstances' and will be specified in the minutes, as to the reason the chairman is of the opinion that the item should be considered as a matter of urgency.
- 9.4 'Special circumstances' justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at a meeting allowing proper time for inspection by the public as well as why the item or report could not have been available five clear days before the meeting.
- 9.5 Additional ad hoc meetings may be called by the Secretary, after consultation, where practicable, with the Chairman and Vice Chairman of the Committee (if one is appointed), in response to receipt

of a request in writing, which request sets out an urgent item of business within the functions of the EPB, addressed to the Secretary:

- (a) from and signed by two members of the EPB, or
- (b) from the Chief Executive of any of the constituent authorities.

9.6 The Secretary shall settle the agenda for any meeting of the EPB after consulting, where practicable, the Chairman or in their absence the Vice Chairman (if one is appointed); and shall incorporate in the agenda any items of business and any reports submitted by:

- (a) the Chief Executive of any of the constituent authorities;
- (b) the officers responsible for legal, governance, finance and economic development at any of the constituent authorities;
- (c) any Member of the EPB.

9.7 The EPB shall, unless the person presiding at the meeting or the EPB determines otherwise in respect of that meeting, conduct its business in accordance with these procedure rules.

10.0 Access to Information

10.1 Meetings of the EPB will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed. Only members of the EPB and relevant advising officers from the constituent authorities and any person referred to in paragraph 11.2 below, will be permitted to be present for such items.

10.2 These rules do not affect any more specific rights to information contained elsewhere under the law.

10.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.

10.4 Any Freedom of Information Act requests received by the EPB should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

11.0 Attendance at meetings

11.1 The Chairman may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the EPB.

11.2 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in EPB meetings will be subject to the discretion of the Chairman.

12.0 Order of Business

12.1 Subject to paragraph 12.2, the order of business at each meeting of the EPB will be:

- i. Apologies for absence
- ii. Declarations of interests
- iii. Approve as a correct record and sign the minutes of the last meeting
- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not and which items are subject to 'call in', in accordance with procedure rule 18.1.

- v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.
- 12.2 The person presiding at the meeting may vary the order of business at the meeting.
- 13.0 Codes of Conduct and Disclosable Pecuniary Interests**
- 13.1 Principal members of the EPB (and their substitute members) are governed by the provisions of their own Council's Codes and Protocols including the code of conduct for members and the rules on Disclosable Pecuniary Interests. Co-opted members are governed by the code of conduct for members of the 'Lead Authority'.
- 14.0 Minutes**
- 14.1 There will be no discussion or motion made in respect of the minutes other except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.
- 15.0 Role of the Chairman**
- 15.1 A Member wishing to speak shall address the Chairman and direct their comments to the question being discussed. The Chairman shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. His/her ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.
- 15.2 The Chairman shall have the discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting, including excluding members of the press and public in the event of a disturbance.
- 16.0 Motions / Amendments**
- 16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:
 - i. To amend the motion
 - ii. To adjourn the meeting
 - iii. To adjourn the debate or consideration of the item
 - iv. To proceed to the next business
 - v. That the question now be put
 - vi. That a member be not further heard or do leave the meeting
 - vii. To exclude the press and public under Section 100A of the Local Government Act 1972.
- 17.0 Application to Sub-Committees**
- 17.1 These procedure rules shall apply to meetings of any sub-committees of the EPB.
- 18.0 Scrutiny of decisions**
- 18.1 Decisions of the EPB which relate to the executive functions of a constituent authority will be subject to scrutiny and 'call-in' arrangements (or any other arrangements equivalent to 'call-in' that any constituent authority operating a committee system, may have). This would only apply where the decision is one which could have been made locally by that constituent Authority acting alone. No decision in this circumstance shall be implemented until the call-in period has either expired or if 'called-in' the matter concluded, in accordance with the call-in procedures of the relevant constituent Authority.

19.0 Winding up of the EPB

19.1 The EPB may be wound up immediately by a unanimous vote of all constituent authorities.

20.0 Amendment of these Procedure Rules.

20.1 These Procedure Rules can only be amended by unanimous resolution of the EPB, following the consideration of advice from the Monitoring Officers of each of the constituent authorities.

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SECTION 6

STANDARDS COMMITTEE

The overall purpose of the committee is to promote and maintain the highest ethical standards and conduct by councillors. The committee is responsible for overseeing a locally based system for assessment of complaints that a member may have breached the Code of Conduct, and for conducting any related hearings. Specific functions include:

- (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.

1. Arrangements

The Committee will

- (i) have the authority to request the attendance of any elected Member or Officer of the Authority;
- (ii) have the right to report to all other committees, corporate risk groups and other strategic groups; and
- (iii) consider and assess the performance of the committee annually.

SECTION 5

~~Referral and recovery~~

SECTION 75**REFERRAL AND RECOVERY****1. Referral**

- (i) Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the inhabitants of the borough that a pending decision should be made at a meeting of the council rather than by a committee or sub-committee.
- (ii) If, during the referral period, referral of a pending decision is requested by any ten members of the council then, notwithstanding anything in the scheme of delegation or elsewhere in the constitution, no committee or sub-committee may exercise any delegated authority to make that decision, but may instead make a recommendation to a meeting of the council.
- (iii) In this rule:
 - “pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:
 - a. a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);
 - b. a decision relating to the determining of any approval, consent, licence, permission or registration;
 - c. a decision in respect of which the Chief Executive, following consultation with the Leader of the Council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.

“referral period” means, in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 16.00 on the day before the meeting.

2. Recovery

- (i) Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the inhabitants of the borough and ought to be reconsidered.
- (ii) During the recovery period, the Chief Executive shall recover a decision for reconsideration if he receives a reconsideration request.
- (iii) If the reconsideration request asks:
 - a. for the decision to be reconsidered by the council, the Chief Executive shall arrange for the decision to be placed on the agenda of the next available meeting of the council.
 - b. for the decision to be reconsidered by the committee or sub-committee who made it, the Chief Executive shall arrange for the decision to be placed on the agenda of the next available meeting of that committee or sub-committee.

c. for the decision to be reconsidered, but does not specify whether the reconsideration should be done by the council or by the committee or sub-committee who made it, the Chief Executive shall arrange for the decision to be placed on the agenda of whichever is sooner of the next available meeting of the council or the next available meeting of the committee or sub-committee who made the decision.

(iv) Notwithstanding anything in the scheme of delegation or elsewhere in the constitution:

- a. a recoverable decision may not be implemented during the recovery period; and
- b. a decision that has been recovered under rule (b)(ii) will be treated for all purposes as though the decision had been (as the case may be) a recommendation to a meeting of the council to take that decision or a deferral of the decision to a future meeting of the committee or sub-committee who made it.

(v) In this rule:

The “next available” meeting means the first meeting falling more than ten working days after the Chief Executive receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means that earlier meeting.

“reconsideration request” means a request that a decision be recovered for reconsideration made by any ten members of the council or by a scrutiny committee.

“recoverable decision” means any decision taken by a committee or sub-committee of the council except:

- a. a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);
- b. a decision relating to the determining of any approval, consent, licence, permission or registration;
- c. a decision relating to conduct or procedure at the meeting at which it was taken; or
- d. a decision in respect of which the Chief Executive, following consultation with the leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council’s or the public interest.

“recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the Council’s website. This means that, if the minutes were posted on a Monday, the request for recovery would need to be made no later than 4.30pm the Tuesday of the following week, unless there was a bank holiday in between.

1. Referral

- ~~(i) — Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the inhabitants of the borough that a pending decision should be made at a meeting of the council rather than by a committee or sub-committee.~~
- ~~(ii) — If, during the referral period, referral of a pending decision is requested by any ten members of the council then, notwithstanding anything in the scheme of delegation or elsewhere in the constitution, no committee or sub-committee may exercise any delegated authority to make that decision, but may instead make a recommendation to a meeting of the council.~~
- ~~(iii) — In this rule:~~
 - ~~“pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:~~
 - ~~a. — a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);~~
 - ~~b. — a decision relating to the determining of any approval, consent, licence, permission or registration;~~
 - ~~c. — a decision in respect of which the Chief Executive, following consultation with the Leader of the Council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.~~
 - ~~“referral period” means, in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 16.00 on the day before the meeting.~~

2. Recovery

- ~~(i) — Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the inhabitants of the borough and ought to be reconsidered.~~
- ~~(ii) — During the recovery period, the Deputy Chief Executive shall recover a decision for consideration at a meeting of the council if so requested by any ten members of the council. She shall arrange for the decision to be placed on the agenda of the next available meeting of the council~~
- ~~(iii) — Notwithstanding anything in the scheme of delegation or elsewhere in the constitution:~~
 - ~~a. — a recoverable decision may not be implemented during the recovery period; and~~
 - ~~b. — a decision that has been recovered under rule (b)(ii) will be treated for all purposes as though the decision had been a recommendation to a meeting of the council to take that decision~~
- ~~(iv) — In this rule:~~
 - ~~The “next available” meeting means the first meeting falling more than ten working days after the Deputy Chief Executive receives the request for recovery, unless it is practicable to~~

~~include the decision as an agenda item at an earlier meeting, in which case it means that earlier meeting.~~

~~“recoverable decision” means any decision taken by a committee or sub-committee of the council except:~~

- ~~a. — a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);~~
- ~~b. — a decision relating to the determining of any approval, consent, licence, permission or registration;~~
- ~~c. — a decision relating to conduct or procedure at the meeting at which it was taken; or~~
- ~~d. — a decision in respect of which the Chief Executive, following consultation with the leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council's or the public interest.~~

~~“recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the Council's website. This means that, if the minutes were posted on a Monday, the request for recovery would need to be made no later than 4.30pm the Tuesday of the following week, unless there was a bank holiday in between.~~

SECTION 86**OFFICERS****Functions which the Council has delegated to an Officer of the Council under Section 101 of the Local Government Act 1972****1 CHIEF EXECUTIVE**

- 1.1 Authority to exercise any function contained in this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is delegated and of any other officer authorised to exercise it in his or her absence or inability to act.
- 1.2 In the event of an incident giving rise to major damage to or destruction of one or more of the council's civic buildings, authority to:
 - Implement the council's business continuity plan;
 - Authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the council.
- 1.3 In the event of a Chief Officer or head of service being absent or unable to act or of such a post being vacant, authority to:
 - (a) exercise any of the delegated; and
 - (b) grant any approval required such as a condition for the exercise of a delegated power granted to another officer
- 1.4 Power to make emergency decisions in consultation with the relevant committee Chairman, or Vice Chairman in his/her absence, together with the Leader of the Council.
- 1.5 Determining and allocating management responsibilities amongst heads of service for the various functions and services of the council as may, from time to time, be deemed necessary, appropriate or expedient by the Chief Executive.
- 1.6 Making further modifications to Part I of the list of politically restricted posts as required as a result of the establishment, re-grading or deletion of posts, progress through the grade in the case of posts straddling the limit.
- 1.7 Establishing mechanisms to report corporate performance and monitor progress against targets.
- 1.8 Following consultation with the chairman of any committee, authority to respond to any consultation paper.
- 1.9. Authorising compensation payments under the Council's complaints procedure.
- 1.10 Discharging any function contained within this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is allocated and of any other officer to whom it is allocated in his or her absence or inability to act.
- 1.11 Implementing the Council's Disciplinary Procedures.

- 1.12 Authorising directed surveillance exercises under the Regulation of Investigatory Powers Act 2000.
- 1.13 Dismissing and taking disciplinary action against all staff at head of service level and below, including power to authorise other officers to exercise those functions on their behalf, whether generally, in respect of posts in certain categories or descriptions or in respect of specific posts on particular occasions.
- 1.14 Authorising settlement agreements and determining on ill health or capability grounds the employment of staff in accordance with the statutory guidance issued.
- 1.15 Approving duties for the purposes of Councillors' expenses payments.
- 1.16 Determining requests from heads of service for consent to secondary employment.
- 1.17 Appointing consultants.
- 1.18 In relation to heads of service approving or refusing applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, and approving 'added years' for Superannuable employees and all other superannuable matters.
- 1.19 Administering the Council's responsibilities under the Refuse Disposal (Amenity) Act 1978.
- 1.20 Contracting with the Highway Authority for the removal and cleansing of highway obstructions and debris.
- 1.21 Delegated power (or the Deputy Chief Executive) to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014 (save for Public Spaces Protection Orders), following consultation with the Chairman of the Operational Management Committee (in relation to waste and dog control matters) the Chairman of the Environment, Health and Housing Committee (in relation to other matters).

2 DEPUTY CHIEF EXECUTIVE

- 2.1 Authority to exercise any function contained in this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is delegated and of any other officer authorised to exercise it in his or her absence or inability to act.
- 2.2 In the event of an incident giving rise to major damage to or destruction of one or more of the council's civic buildings, authority to:
 - Implement the council's business continuity plan;
 - Authorise appropriate action and expenditure required to mitigate or reduce the loss or the consequences of the loss upon the council.
- 2.3 In the event of a Chief Officer or head of service being absent or unable to act or of such a post being vacant, authority to:
 - (a) exercise any of the delegated; and

- (b) grant any approval required such as a condition for the exercise of a delegated power granted to another officer
- 2.4 Power to make emergency decisions in the absence of the Chief Executive in consultation with the relevant committee Chairman, or Vice Chairman in his/her absence, together with the Leader of the Council.
- 2.5 Determining and allocating management responsibilities amongst heads of service for the various functions and services of the council as may, from time to time, be deemed necessary, appropriate or expedient in consultation with the Chief Executive.
- 2.6 Making further modifications to Part I of the list of politically restricted posts as required as a result of the establishment, re-grading or deletion of posts, progress through the grade in the case of posts straddling the limit.
- 2.7 Establishing mechanisms to report corporate performance and monitor progress against targets in consultation with the Chief Executive.
- 2.8 Following consultation with the chairman of any committee, authority to respond to any consultation paper.
- 2.9. Authorising compensation payments under the Council's complaints procedure.
- 2.10 Discharging any function contained within this Section of this Part of the Constitution in the absence or inability to act of the officer to whom the function is allocated and of any other officer to whom it is allocated in his or her absence or inability to act.
- 2.11 Implementing the Council's Disciplinary Procedures.
- 2.12 Authorising directed surveillance exercises under the Regulation of Investigatory Powers Act 2000.
- 2.13 Dismissing and taking disciplinary action against all staff at head of service level and below, including power to authorise other officers to exercise those functions on their behalf, whether generally, in respect of posts in certain categories or descriptions or in respect of specific posts on particular occasions.
- 2.14 In the absence of the Chief Executive authorising settlement agreements and determining on ill health or capability grounds in accordance with statutory guidance.
- 2.15 Approving duties for the purposes of Councillors' expenses payments.
- 2.16 Determining requests from heads of service for consent to secondary employment.
- 2.17 Appointing consultants.
- 2.18 In relation to heads of service approving or refusing applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, and approving 'added years' for Superannuable employees and all other superannuable matters.

- 2.19 Administering the Council's responsibilities under the Control of Pollution Act 1974, Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005.
 - 2.20 Administering the Council's responsibilities for dog control under the Dogs Act 1906, Dangerous Dogs Act 1989 & 1991, and the Dogs (Fouling of Land Act) 1996.
 - 2.21 Delegated power (or the Chief Executive) to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014 (save for Public Spaces Protection Orders), following consultation with the Chairman of the Operational Management Committee (in relation to waste and dog control matters) the Chairman of the Environment, Health and Housing Committee (in relation to other matters).
- To act as the Council's Monitoring Officer.**
- 2.22 Administering the arrangements with matters concerning civic or ceremonial occasions, together with civic hospitality, in consultation with the Mayor and the Leader as appropriate.
 - 2.23 To keep the Constitution under review with delegated authority to amend the Constitution where there has been a change in law, job titles, structures, re-arrangement of job responsibilities or for general administrative convenience.
 - 2.24 Applying for anti-social behaviour orders under section 1 of the Crime and Disorder Act 1998.
 - 2.25 Consenting to authorisations under section 30 of the Anti-Social Behaviour Act 2003

3 ALL HEADS OF SERVICE

- 3.1 Implementing, in consultation with the Chief Executive or Deputy Chief Executive, the grading and re-grading of posts in their respective service area, in accordance with the council's pay and grading procedures and within the approved manpower budget subject to the right of staff to recourse to the appeals procedure.
- 3.2 Appointing, taking disciplinary action against, suspending from work, employees whose continuing presence at work compromises a disciplinary investigation or impairs the efficient exercise of the Council's functions, or terminating appointments of all employees excluding those staff employed on chief officer conditions: subject, in the case of disciplinary action, suspension or termination, to the right of staff to recourse to the appeals procedure.
- 3.3 Granting special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies.
- 3.4 Granting, in consultation with the Chief Executive or Deputy Chief Executive, allowances and car loans to appropriate members of staff in accordance with the approved scheme.
- 3.5 Following consultation with the appropriate human resources officer, approving training courses, including seminars, for staff.
- 3.6 Determining, in accordance with agreed Council policies, all other personnel management matters within their service areas, including filling casual vacancies, employing temporary or

agency staff, granting overtime, granting merit increments and granting applications for leave in line with family friendly initiatives, provided that agreed budgets are not exceeded.

- 3.7 Determining grievances for all employees within their service areas.
- 3.8 Approving or refusing, in consultation with the Chief Executive or Deputy Chief Executive, applications for voluntary redundancy in accordance with the Councils Voluntary Redundancy Scheme, and approving 'added years' for Superannuable employees and all other superannuable matters.
- 3.9 The management and operation of their service areas in accordance with the agreed policies and practices of the council.
- 3.10 Any matter that is a responsibility of the heads of service in the financial regulations (set out in Part 4d), whether expressly or by implication, in relation to their service areas.
- 3.11 Appointing officers of the Council to act as inspectors, sampling officers, designated persons, authorised persons, appointed officers or officers with any other similar designation, for the purposes of specific legislation enforceable by the Council falling within their responsibilities.
- 3.12 In relation to matters or functions for which the officer concerned is responsible, issuing requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, Section 330 of the Town and Country Planning Act 1990 or any similar provision in any other existing or future legislation.
- 3.13 Appointing consultants.
- 3.14 Liaising with partner organisations to implement shared strategies
- 3.15 In the absence of both the Chief Executive and Deputy Chief Executive, the power to make emergency decisions in consultation with the relevant committee Chairman, or Vice Chairman in his/her absence, together with the Leader of the Council.

4 HEAD OF GOVERNANCE

- 4.1 Following consultation with the appropriate head of service, instructing Counsel and engaging professional witnesses and external solicitors.
- 4.2 Attesting the Council's Seal and signing legal documents on the Council's behalf.
- 4.3 Instituting legal proceedings on behalf of the Council and representing the Council before any Court, Tribunal, Inquiry or other hearing.
- 4.4 Instituting Magistrates' Court proceedings in cases of non-compliance with statutory notices under the Town and Country Planning Act 1990.
- 4.5 Commencing legal proceedings to enforce obligations in agreements made under section 106 of the Town and Country Planning Act 1990.
- 4.6 Making applications for bylaws in relation to the good management of the Council's property in accordance with the Policy of the Council.

- 4.7 Providing advice and making bylaws on behalf of Town and Parish Councils as requested and in compliance with government guidance.
- 4.8 Acting as Solicitor to the Council and as Deputy Monitoring Officer.
- 4.9 Deciding whether sufficient evidence exists to support a prosecution in cases referred to him.
- 4.10 Issuing formal cautions instead of prosecution.
- 4.11 Settling proceedings of any description after consultation with the Leader of the Council or appropriate committee chairman together with the appropriate member of the senior management team.

5 HEAD OF PLANNING

Planning

- 5.1 Making decisions within the following scheme of delegation:

Introduction

The objective of the scheme of delegation is to speed up the decision making process by allowing key officers to determine the majority of planning and related applications. Only those that are considered major applications will be presented to Planning committee and any which are referred to in the scheme below.

Delegated applications

(1) Subject to paragraph (2), decisions on the following matters are delegated to the Head of Planning:

- (a) Planning applications
- (b) Applications for certificates of lawfulness
- (c) Advertisement consent applications
- (d) Hazardous substance applications
- (e) Listed buildings applications
- (f) Telecommunications applications and prior determinations
- (g) Agricultural prior determinations
- (h) any other application or matter of a similar nature to (1)(a) to (1)(g)

(2) notwithstanding paragraph (1), the Head of Planning may not exercise delegated authority to take decisions on the following matters:

- (a) Any application falling within (1)(a) to (1)(h) where a Ward Councillor has required that delegation be not exercised provided that their request has been accompanied by adequate written reasons for the non-exercise of the delegation and has been made within the time scale in paragraph (12).
- (b) Any application falling within (1)(a) to (1)(h) where the chairman or vice-chairman of the Planning Committee has required that delegation be not exercised, provided that their request has been accompanied by adequate written reasons for the non-exercise of the delegation.

(c) Any application falling with (1)(a) to (1)(h) that the Head of Planning proposes to approve and on which a parish or town council for the application site has submitted representations on justifiable planning grounds contrary to that proposed decision and has requested that the decision be considered by the committee.

(d) Major Planning applications, except those which are minor revisions of applications previously considered by the committee and where neither the Head of Planning, a parish or town council or any other consultee has objected to the proposed revision or where the Head of Planning proposes to refuse planning permission.

(e) Any application for the total or partial demolition of a Listed Building, where the proposed demolition would amount to more than 55% of Listed Building.

(f) Any application which is the same or substantially the same as a previous application that was refused by the Planning Committee and where the Head of Planning proposes to grant permission.

(g) Any application that the Head of Planning considers has significant, borough-wide importance or has been the subject of significant public interest.

(h) Any application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted where the previous planning permission was granted by the Planning Committee.

(3) For the purposes of paragraph (2)(c), a representation will be taken to be on justifiable planning grounds unless the Head of Planning advises the parish or town council in writing that in his opinion the representation is unreasonable. In forming his opinion, the Head of Planning will take account of the guidance on awards of costs as explained in the National Planning Practice Guidance.

(4) Notwithstanding paragraph (1), the Head of Planning may only exercise delegated authority to make decisions on any application where the council or a council employee is an applicant or an owner of the application site after consultation with the chairman and vice-chairman of the Planning Committee.

(5) Nothing in paragraph (2) or (4) above will prevent the Head of Planning exercising his delegated authority to take decisions in respect of applications under part 16 of schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 for determination as to whether prior approval is needed for the siting and appearance of development by or on behalf of an electronic communications code operator.

Responses to consultations

(6) The Head of Planning has delegated authority to respond to consultations from bodies such as local authorities, and utility and infrastructure providers, and government agencies.

Environmental impact assessments

(7) The Head of Planning has delegated authority to deal with all matters relating to scoping reports and screening opinions in connection with environmental impact Procedure.

Interpretation

(8) “Listed Building” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.

(9) “Major Planning Application” has the same meaning as in paragraph 2 of The Town and Country Planning (Development Management Procedure)(England) Order 2015.

(10) “Ward Councillor” means a councillor representing a ward that includes the application site or any ward that abuts the application site.

Procedure

(12) All Councillors will be circulated with a weekly list of planning applications, published and dispatched each week. Councillors will have 21 days from the date of dispatch of the list to require under (2)(a) that the delegation to the Head of Planning be not exercised.

(13) A weekly list of all those applications where the Head of Planning has exercised his delegated decision-making power will be distributed to all councillors each week.

(14) A rigorous scrutiny process will ensure that no application will be decided by its case officer and that only those applications that qualify to delegated decision-making go forward to be decided under delegated powers. The case officer will present a simple report to the Development Manager or Senior Development Officer, including a clear statement why the decision meets the criteria for delegation who will sign off the report and determine the application on behalf of the Head of Planning.

- 5.2 Issuing notices under Article 5(2) of the Town and Country Planning (Development Procedure)(England) Order 2015 specifying further information which is required before an outline planning application can be determined
- 5.3 Authorising entry onto land under Planning Acts 1990.
- 5.4 Authorising officers to apply to the court for a warrant to enter land under the Planning Acts 1990.
- 5.5 Deciding whether a particular appeal should be dealt with by public inquiry, informal hearing or written representations.
- 5.6 Determining applications for certificates of lawfulness of existing or proposed use or development under sections 191 and 192 of the Town and Country Planning Act 1990.
- 5.7 Revoking planning permissions under section 97 of the Town and Country Planning Act 1990 in cases where the person(s) affected by it has indicated that the order is likely to be unopposed.
- 5.8 Serving planning contravention notices, enforcement notices, breach of condition notices and temporary stop notices.
- 5.9 Deciding on complaints and issuing remedial notices under part 8 of the Anti-Social Behaviour Act 2003 (high hedges).
- 5.10 Serving notices under section 215 of the Town and Country Planning Act 1990 to remedy the condition of land adversely affecting amenity.
- 5.11 Power to make footpath diversion orders under section 257 of the Town and Country Planning Act 1990 and to confirm such orders where no objections have been received.
- 5.12 Approving the terms of planning obligations under section 106 of the Town and Country Planning Act 1990.

- 5.13 Agreeing the modification or discharge of planning obligations under section 106A of the Town and Country Planning Act 1990; and, following consultation with the Chairman and Vice-Chairman of the Planning Committee and relevant ward councillors, under sections 106BA-BC of the same Act.
- 5.14 Authority to make and serve Tree Preservation Orders and to grant consent to fell, top or lop a tree or trees subject to a Tree Preservation Order.
- 5.15 Authority to decide whether to include in a Tree Preservation Orders a direction that section 201 of the Town and Country Planning Act 1990 should apply to the order.
- 5.16 Authority to confirm a Tree Preservation Order in the absence of any duly made objection.
- 5.17 Authority to fell dangerous trees in accordance with section 23 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.18 Authority to commence prosecution for any breach of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 5.19 Authority to consider the introduction of Article 4 Directions, as may be relevant, to each locally listed building and thereafter, and following appropriate consultation, introduce such directions.

6 HEAD OF TECHNICAL SERVICES

Assets/Concessions

- 6.1 Determining applications in accordance with any current procedure on the Licensing/Leasing of Concessions for the use of council land/assets.
- 6.2 Seeking and awarding tenders for licensed tendered concessions in accordance with the procedure on the Licensing of Concessions.
- 6.3 Instructing the District Valuer and Valuation Officer to act on the Council's behalf on negotiating and agreeing rents with leaseholders of the Council.
- 6.4 Taking, granting, and renewing leases for periods not exceeding seven years.
- 6.5 Granting permissions for persons/organisations to use Council owned property for activities that benefit the community in general subject to insurance requirements being met
- 6.6 Granting permissions for persons/organisations to use Council owned property for activities that benefit an individual/organisation, as deemed appropriate, subject to a charge being made in consultation with the Chief Financial Officer and the appropriate insurance requirement being met.

Building Control

- 6.7 Any function of the council under the Building Act 1984 or Building Regulations, except setting a fee or charge.
- 6.8 Receiving and acting on recommendations and guidance of the Health and Safety Executive in its capacity as the regulator under the Building Safety Act 2022.

Highways/Transport

- 6.9 Following consultation with councillors for affected wards, commenting on behalf of the council on any proposed Traffic Regulation Order or general highway matter submitted for comments/observations by the Highway Authority.
- 6.10 Following consultation with councillors for affected wards, commenting on proposals submitted by the Highway Authority to make an order or an amendment order or agreement affecting a public right of way.
- 6.11 Making representations or formal objections to Traffic Commissioners on applications for LGV or PSV operator's licences.
- 6.12 Dealing with the numbering/re-numbering of properties.
- 6.13 Power to make orders under section 21 of the Town Police Clauses Act 1847 for preventing obstructions in the streets during public processions, etc.

7 HEAD OF REGENERATION AND PROJECTS

- 7.1 Exhibiting, promoting, publicising and implementing the services of the council for economic development in accordance with the economic development strategy.
- 7.2 Applying for funding that would enhance/add value to existing economic related strategies.

8 HEAD OF CULTURAL SERVICES

- 8.1 Closing leisure facilities or removing equipment without notice in the interests of public safety, or for the purposes of maintenance and repair.
- 8.2 Letting allotments and serving notices to quit to allotment holders or allotment associations.
- 8.3 Providing and managing a comprehensive range of indoor and outdoor leisure facilities and programmes.
- 8.4 Determining requests for use of Council-owned land held for recreational purposes and levying such additional charges as individual circumstances dictate.
- 8.5 Varying agreed charges for hire or admission to facilities in order to maximise their use by the promotion of special offers or in order to protect income in response to market forces.
- 8.6 Promoting sporting, recreational, cultural and public entertainment activities and special events including liaison with and assistance to other organisations or bodies engaged in such activities.
- 8.7 Discharging any other function of the Council in respect of the development and management of the Cultural Services functions of the Council.
- 8.8 Administering the Council's responsibilities and powers under the Open Spaces Act 1906.

9 HEAD OF HEALTH AND HOUSING

9.1 Administering the Council's functions as a burial and cremation authority.

9.2 Exercising the functions of the council under the following legislation:

- (a) Housing Grants Construction and Regeneration Act 1996 (and reviewing any such notice under section 84 of the Act)
- (b) The Housing Act 1985
- (c) Part II of the Public Health Act 1936
- (d) Sections 76-83 of the Building Act 1984
- (e) Sections 352, 358, 364 and 354-357 (inclusive) of the Housing Act 1985 and imposing reasonable charges where charges may be made.
- (f) Carrying out the council's functions under Sections 365 and 368 of the Housing Act 1985 and Chronically Sick and Disabled Persons Act 1970.
- (g) Exercising the council's functions under Part VII of the Housing Act 1996 (Homelessness) and the Homelessness Act 2002.
- (h) Carrying out the council's functions under the Housing Act 2004.
- (i) Exercising the council's functions under the Housing Grants Construction and Regeneration Act 1996 and determining applications under the Act for grants.
- (j) Exercising the council's power to provide assistance under article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, in accordance with the council's policy for the provision of assistance under that article.
- (k) Administering the council's responsibilities under the HEC Act 1996.
- (l) Exercising the Council's functions, as a housing authority in relation to the provisions of the Local Government (Misc provisions) Act 1976.
- (m) Exercising the Council's functions in relation to the provisions of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme) (England) Order 2014 No. 2359.
- (n) Exercising the Council's functions in relation to the provisions of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- (o) All powers under Part 2 and Schedule 1 of the Housing and Planning Act 2016 (and any regulations made thereunder) relating to banning orders, database of rogue landlords and rent repayment orders.
- (p) Exercising the council's functions under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

9.3 In respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and the legislation set out in clause 5.10:

- (i) deciding applications for authorisations, registration, consents, licences or certificates of approval;
- (ii) serving notices (including fixed penalty notices) and taking consequential action, including carrying out work in default;

- (iii) issuing formal cautions;
- (iv) recommending to the Head of Governance the institution of legal proceedings;
- (v) authorising officers, or other persons, to exercise statutory functions (including powers of entry and obtaining warrants);
- (vi) issuing closing orders with respect to take-away food shops; and
- (vii) registering premises and stalls for the sale of goods by way of competitive bidding.

9.4 The legislation referred to in clause 9.3 is the following statutes and any regulations or statutory instrument made under any of them:

General

Local Government Act 1972 (in relation to bye-laws made under Section 235)

Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982

Local Government and Housing Act 1989

Public Health

Public Health Acts 1875, 1925, 1936, 1961

Slaughter of Poultry Act 1967

Slaughterhouses Act 1974

National Assistance Act 1948

Health Act 2006

Public Health (Control of Disease) Act 1984

Environment

Prevention of Damage by Pests Act 1949

Clean Air Acts 1956, 1968, 1993

Control of Pollution Act 1974

Refuse Disposal (Amenity) Act 1978

Road Traffic Act 1988 (in relation to dogs on roads)

Water Supply (Water Quality) Regulations 1989

Control of Pollution (Amendment) Act 1989, sections 5 and 5A

Environmental Protection Act 1990

The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018

Water Industry Act 1991

Radioactive Substances Act 1993

Criminal Justice and Public Order Act 1994

Environment Act 1995

Noise Act 1995

Clean Neighbourhoods and Environment Act 2005

Dogs/Pets/other animals

Guard Dogs Act 1975

Animal Health Act 1981

Deer Act 1991

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Food/Safety

European Union (Withdrawal) Act 2018

The Health and Safety at Work Act 1974

Food Act 1984

Food and Environment Protection Act 1985

Food Safety Act 1990

Sunbed (Regulation) Act 2010

Licensing

Town Police Clauses Act 1847

Caravan sites and Control of Development Act 1960

Caravan Sites Act 1968

Mobile Homes Act 1983

Mobile Homes Act 2013

County of Lancashire Act 1984

Sunday Trading Act 1994

Scrap Metal Dealers Act 2013

Gambling Act 2005

Business and Planning Act 2020

Building Control

Building Act 1984

Roads/Highways

The Road Traffic Regulations Act 1984

The Road Traffic Act 1991

The Traffic Management Act 2004

Licensing/Gambling/Consumer Wellbeing

9.5 Deciding the following matters under the Licensing Act 2003:

- (i) Applications for personal license where no objection notice has been served by the police;

- (ii) Applications for premises license or club premises certificate where, in either case, no relevant representation has been made;
- (iii) Applications for provisional statement where no relevant representation has been made;
- (iv) Applications to vary premises license or club premises certificate where no relevant representation has been made;
- (v) Applications to vary designated premises supervisor where no police representation has been made;
- (vi) Requests to be removed as designated premises supervisor;
- (vii) Applications for transfer of premises licence where no police representation has been made;
- (viii) Determining whether a representation about an application for a premises licence or a provisional statement is irrelevant, frivolous or vexatious;
- (ix) Determining whether a representation about an application for a club premises certificate is irrelevant, frivolous or vexatious; and
- (x) Deciding whether to object to an application where the council is a consultee and not the licensing authority.
- (xi) Exercising the functions of the council as a responsible authority under section 13(4) (za), (c) and (e).
- (xii) Suspension of a Premises Licence or Club Premises Certificate for non payment of the annual fee in accordance with S55A or S92A.

9.6 Deciding the following matters under the Gambling Act 2005:

- (i) Application for premises licences where no representations have been received or where representations have been withdrawn;
- (ii) Application for a variation to a licence where no representations have been received or where representations have been withdrawn;
- (iii) Application for a transfer of a licence where no representations have been received from the Gambling Commission;
- (iv) Application for a provisional statement where no representations have been received or where representations have been withdrawn;
- (v) Application for club gaming/club machine permits where no representations have been received or where representations have been withdrawn;
- (vi) Applications for gaming machine permits, up to a total maximum of 4 machines;
- (vii) Applications for other permits;
- (viii) Whether representations are frivolous, vexatious or likely to have no influence on a decision;
- (ix) Whether to make representations against an application or review a premises licence;
- (x) Cancellation of licensed premises gaming machine permits; and
- (xi) Consideration of temporary use notice.

- 9.7 Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer; and in particular:
- (a) agreeing transfers of responsibility for enforcement in the circumstances set out in Regulation 5 of the Health and Safety (Enforcing Authority) Regulations 1998 in relation to inspection of work places;
 - (b) agreeing assignment in cases of uncertainty in the circumstances set out in Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1998 in relation to inspection of work places; and
 - (c) authorising any other person to accompany any duly appointed inspector of the Council in relation to the power of inspectors contained in Section 20(2)(c)(i) of the Health and Safety at Work etc. Act 1974.
- 9.8 Determining the Council’s response to consultations by the Environment Agency in relation to Disposal Site Licences under the Control of Pollution Act 1974.
- 9.9 The functions, powers and duties under Sections 16, 19 and 22 of the County of Lancashire Act 1984.
- 9.10 Determination of whether land is “contaminated land” as defined in Section 78A of the Environmental Protection Act 1990.
- 9.11 Appointing officers as inspectors under section 19 (1) of the Health & Safety at Work etc. Act 1974.
- 9.12 Authorising officers to receive information under section 18(2)(c)(i) of the Health & Safety at Work etc. Act 1974.
- 9.13 Giving directions under section 77 of the Criminal Justice and Public Order Act 1994.
- 9.14 Granting but not refusing or revoking licenses under the Caravan Sites and Control of Development Act 1960 and Section 269 of the Public Health Act 1936
- 9.15 Suspending or revoking the licence of a driver of a hackney carriage or private hire vehicle (including suspending or revoking with immediate effect) under section 61 of the Local Government (Miscellaneous Provisions) Act 1976.
- 9.16 Administering the Council’s functions under Section 87 of the Public Health Act 1936.
- 9.17 Making proper officer appointments under the Public Health (Control of Disease) Act 1984 and the National Assistance Act 1948.
- 9.18 Granting permission to use objects or structures 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 except where the notices required to be given under section 115E of the act have resulted in one or more objections being made to the proposed use.

- 9.19 Appointing officers as authorised officers to enforce the provisions of section 2 of the Sunbeds (Regulation) Act 2010.
- 9.20 To appoint persons to act for the purpose of enforcing regulation 11(2) of the Microchipping of Dogs (England) Regulations 2015 in the council’s area.
- 9.21 Under regulation 10 of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, to authorise persons to perform the functions conferred by regulation 4 (penalty notices).
- 9.22 Deciding the following matters under the Planning and Business Act 2020:
 - (i) the power to make determinations in relation to applications for pavement licences under the Business and Planning Act 2020

10 CHIEF FINANCIAL OFFICER (Section 151 Officer)

- 10.1 Approving the council tax base for the whole district and individual parishes as required by the Local Government Finance Act 1992 and in accordance with relevant regulations.
- 10.2 Properly managing and administering of all the council’s financial affairs in accordance with all statutory requirements, any adopted codes of practice and the Council’s Financial Procedure Rules (including any necessary technical adjustments to the council’s approved budgets or accounts to ensure compliance to safeguard the council’s financial position).
- 10.3 Arranging banking, treasury and other financial services, including indemnities, guarantees, bonds, securities, leasing arrangements and advances.
- 10.4 Executing and administering treasury management decisions in accordance with the council’s policy statement and treasury management practices and CIPFA’s Code of Practice on Treasury Management in the Public Services and Standards of Professional Practice.
- 10.5 Acting as “Accountable Officer” on behalf of the council under the terms of any grant scheme subject to being satisfied that appropriate financial controls are in place.
- 10.6 Writing-off of uncollectable debts up to £25,000.
- 10.7 Determining applications for discretionary and hardship relief in relation to both Council Tax and Business Rate liabilities in accordance with the Council’s approved Council Tax and Business Rates Discretionary Discount Policy.

Arranging for insurance cover and dealing with the administration of all insurance arrangements and insurance claims, including any settlement of those claims uninsured up to a limit of £5,000.

11 HEAD OF REVENUES, BENEFITS AND CUSTOMER SERVICES (SHARED SERVICE)

- 11.1 Determining and administering applications in relation to Council Tax and Housing Benefit.
- 11.2 Determining applications for discretionary and hardship relief in relation to both Council Tax and Business Rate liabilities in accordance with the Council’s approved Council Tax and Business Rates Discretionary Discount Policy; and determining applications for Discretionary Housing Payments in line with agreed budget limits.

11.3 Recovering Council Tax and Business Rates.

11.4 Refunds of overpayments.

11.5 Writing-off of debts up to £5,000 (Council Tax), £5,000 (Housing Benefits), including cumulative debts for individual debtors and, £10,000 (Business Rates) including cumulative debts for individual debtors.

Housing Benefit, Council Tax and Business Rate Debts over these limits and up to £25,000 will be authorised for write off by the Chief Financial Officer and will be reported to the Finance and Democracy Committee for information purposes. Housing Benefit, Council Tax and Business Rate Debts in excess of £25,000 will be authorised for write off by the Finance and Democracy Committee.