

Constitution

Thursday, 7th December, 2023, 3.28 pm

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Part 1 - Summary and Explanation

The Council's Constitution

West Lancashire Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to give leadership to the various communities within West Lancashire and to provide good quality services that meet the needs of those communities. Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- The Cabinet (Article 7)
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 54 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader for a period until the Annual Meeting following the end of his/her term of office as a Councillor (maximum four year term).

The Leader will:-

- determine the size of the Cabinet;
- appoint a Deputy and members to the Cabinet;
- allocate Portfolios or areas of responsibility to the various Cabinet Members;
- allocate decision making powers to the Cabinet and to individual Cabinet Members; and
- remove and replace Cabinet Members

The Council will review the work of the Cabinet through the Overview and Scrutiny Committees and when considering changes to the Policy Framework. It will also make arrangements for its planning and licensing work to be undertaken by specialist committees and for the ethical standards of the Council and the individual councillors and officers to be monitored through a Standards Committee.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of a Leader who is elected by the Council and councillors appointed to the Cabinet by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. These major decisions will be discussed at meetings of the Cabinet which will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide. In addition, the Cabinet may have informal briefings with officers, which will be held in private.

OVERVIEW AND SCRUTINY

Overview and Scrutiny Committees

The Overview and Scrutiny Committees support the work of the Cabinet and the Council as a whole. Citizens have a greater say in Council matters through consultation exercises on specific matters of concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Cabinet. They can “call-in” a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council’s staff

The Council has people working for it (called “officers”) to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol has been introduced which will govern the relationships between officers and members of the Council.

Citizens’ rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council’s own processes. The local Citizens’ Advice Bureau can advise on individuals’ legal rights.

Where members of the public use specific Council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- contribute to investigations through the use of the Citizen’s Panel and public consultation exercises on specific projects and policies;

- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers; and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about the service they have received through the Council's complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Reception Desk at the Council's offices at 52 Derby Street, Ormskirk.

The Council has adopted procedures for citizens to have the right to inspect agendas and reports and to attend meetings. These procedures are set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

Part 2 - Articles of the Constitution

Article 1 - The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

The Constitution and all its appendices, is the Constitution of West Lancashire Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. help councillors represent their constituents more effectively;
3. enable decisions to be taken efficiently and effectively;
4. create an effective means of holding decision-makers to public account;
5. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions;
6. provide a means by which citizens can be actively involved in the decision making process;
7. ensure that the review of decision making is carried out independently of the decision makers;
8. provide a means of improving the delivery of services to the community;

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 - Members of The Council

2.01 Composition and eligibility

(a) Composition

The Council comprises 54 members, otherwise called councillors. One or more councillors is elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the borough or those living or working there are eligible to hold the office of councillor.

2.02 Election and terms of councillors

The ordinary election of a third (or as near as may be) of all councillors will be held on the first Thursday in May in each year, except that in 2013, and every fourth year after, there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and functions of all councillors

(a) Key roles

All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) be involved in decision-making and participate constructively in the good governance of the Council's area;
- (vi) be available to represent the Council on other bodies;

- (vii) maintain the highest standards of conduct and ethics;
- (viii) participate as a member of the Cabinet or a relevant Overview and Scrutiny Committee and undertake any specific responsibilities arising through that membership.
- (ix) participate effectively as a member of any other committee or panel to which the councillor is appointed.
- (x) develop and maintain a working knowledge of:
 - the Council's services, management arrangements, powers duties and constraints;
 - the services and activities of any organisation to which the Councillor is appointed; and
 - any other factors which impact on the community's well-being and identity.
- (xi) develop and maintain good working relations with all officers of the Council.

A job profile for non Cabinet councillors appears overleaf.

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

2.06 Constitution

All councillors will be provided with a copy of this Constitution and any updated pages as they are issued.

Job profile for non-Cabinet councillor

Purposes:

1. To participate in the good governance of the area.
2. To contribute to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community.
5. To represent the Council on an outside body, such as a charitable trust or neighbourhood association.

Key tasks:

1. To fulfil the statutory and locally determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (eg setting budget, overall priorities, strategy).
2. To participate as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between the organisations. Also, for the purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority including, where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and service based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various fora available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities, and other factors which impact upon the community's well-being and identity.
9. To contribute to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.

ARMED FORCES CHAMPION – ROLE DESCRIPTION

To assist the Leader by advising on issues which support and improve access to services for ex-service men and women in the Borough.

To act as a Spokesperson to promote the positive aspects of the Council's work with the armed forces.

To forge and maintain links locally with armed forces networks.

To represent the Council on the West Lancashire Community Covenant Working Group.

OLDER PEOPLE – ROLE DESCRIPTION

To assist the Leader and the relevant Portfolio Holder for Housing Landlord Services and Community Safety by advising on service issues which support and encourage active, independent and healthy lives for older people and to raise the profile of older people and their needs in the development of policy across all areas of the Council.

Acting as a Spokesperson to promote the positive aspects of the Council's work with Older People.

Encouraging Older People to play a fuller role in shaping the policies of the Council and in designing its service.

Working to promote positive images of Older People as citizens, and to combat stereotyping and age discrimination.

Forging and maintaining links locally with Older People's Networks.

Preparing an annual programme of work and reporting on progress annually to Cabinet.

This Role Definition has been recommended and supported by the Local Authority elected Member Older People's Champion North West Network.

The Corporate Director of Place and Community awards grants under the Older People's Grant Scheme, in consultation with the Champion for Older People.

YOUTH CHAMPION

To assist the Leader and relevant Portfolio Holder to examine how all local provision (not just youth services) supports young people, identifying the outcomes that matter most to young people and working with partners to find ways to deliver these.

Encourage Younger People to play a fuller role in shaping the policies of the Council and in designing its services.

Consult with young people and our partners, including the local voluntary and community sector, faith groups, schools and employers, to involve children and young

people in decisions that affect them or in matters which may have an impact on their lives.

Act as spokesperson to promote the positive aspects of the Council's formal Partnership with the local Youth Service.

Work to promote positive images of Younger People as citizens."

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

(a) Voting and petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet except where confidential or exempt information could be disclosed; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation

Citizens have the right to participate and to contribute to investigations by Overview and Scrutiny Committees.

(d) Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman after using the Council's own complaints scheme; (The Ombudsman requires complainants to have first raised their complaint with the Council and given the Council a chance to respond. Normally the Ombudsman will allow about 12 weeks for a

response but may get involved earlier if there are extenuating circumstances).

- (iii) the Council's Monitoring Officer Legal and Democratic Services Manager about a breach of the Councillor's Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm the property of the Council, councillors or officers.

Article 4 – The Council

4.01 Meanings

(a) Policy framework

The policy framework means the following plans and strategies:

- Sustainable Community Strategy
- Community Safety Strategic Assessment and Partnership Plan;
- Local Transport Plan;
- Development Plan Documents;
- Business Plan
- The plan and strategy which comprise the Housing Investment Programme;

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing land transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the Council

Only the Council will exercise the following functions:

- (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 Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, determining any matter in the discharge of Cabinet functions which is covered by the policy framework or the budget where the Cabinet or portfolio holder is minded to make it in a

manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (d) appointing the Leader ;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is to be made by the Cabinet;
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area or conferring the title of honorary alderman or freeman;
- (i) confirming the appointment and dismissal of the head of paid service;
- (j) making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (l) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the committees set out in Part 3 of this Constitution to undertake the Council's functions for which the Council is responsible.

Article 5 – Chairing the Council

5.01 Role and function of the Mayor

The Mayor and the Deputy Mayor will be elected by the Council annually. The Mayor and in his/her absence, the Deputy Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet, are able to hold the Cabinet to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – Overview and Scrutiny Committees

6.01 Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000, the Police and Justice Act 2006, The Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
Executive Overview and Scrutiny Committee	<ul style="list-style-type: none"> • all functions undertaken within each Service, including all matters which are the responsibility of the Licensing and Appeals Committee and all matters which are the responsibility of the Planning Committee insofar as this involves post hoc and pre decision scrutiny, call in and policy and budget development tied to the Cabinet cycle • act as the co-ordinating committee for overview and scrutiny, to take an overall perspective on overview and scrutiny issues and resolve any issue about which body should deal with a particular matter where there is overlap.
Corporate & Environmental Overview and Scrutiny Committee	<ul style="list-style-type: none"> • all functions undertaken within each Service, including related external matters, insofar as this involves in depth review or policy development as set out in the Work Programme for the relevant year:- • Member items/(CCfA) (See Section 18.3 for Protocol) • Member update items related to decisions made by Portfolio Holders under delegated authority, officers under delegated authority, performance monitoring and general information. This also includes scrutiny of the One West Lancashire minutes and the LCC Health Scrutiny Committee Minutes. • Performance Management reports, including the Annual Reports from West Lancs Community Leisure/Serco and BT Lancashire Services Limited. • act as the Council's Crime and Disorder Committee (see section 18.1 for the 'Protocol – Arrangements for Crime and Disorder Scrutiny')

Work Programme for Corporate and Environmental Overview and Scrutiny Committees

(1) In relation to the Work Programme for the Corporate and Environmental Overview and Scrutiny Committee, the Committee will establish a Work Programme informed:

- By inviting all Members and the Corporate Management Team to submit topics.
- By inviting members of the public to submit topics via a press release and the inclusion of an article on the Council's web site.
- And if appropriate via a workshop session to which all Members be invited, including Key Stakeholders, the Press and members of the public, if determined by the Lead Officer, in consultation with the Chairman, Vice-Chairman and the Opposition Spokesperson.

Potential topics to be considered by the Committee for inclusion in its Work Programme, shall be included on the Council's web site with a request that any comments be forwarded to Member Services .

(2) In depth work 'a review' is usually undertaken by the Committee, however it may also be carried out by informal cross party member working groups called "Commissions" to contribute to and inform the Overview and Scrutiny process. These are informal bodies and cannot exercise the formal powers of overview and scrutiny. Members of the Commissions do not need to be members of the Overview and Scrutiny Committee and Membership can include Cabinet Members. However, if Cabinet Members are included they should not take a leading or dominant role.

(3) Each 'Review' will have a Lead Officer and will have a Project Plan comprising:-

- (a) Membership – The Committee or Commissions are encouraged to invite or co-opt, as appropriate, tenants, residents, stakeholders, County and Parish Councillors or representatives of other public sector organisations where this would assist them in their work
- (b) Clear well thought out Terms of Reference and objectives,
- (c) Methods of inquiry/investigative techniques/visits
- (d) Timescales
- (e) Officer support
- (f) Who is to be involved e.g. residents, stakeholders, tenants, other public sector organisations
- (g) Arrangements for reporting to Overview and Scrutiny Committee/Cabinet/Council

(h) A review of the lessons learned

(4) Committees, Commissions and Task Groups will meet as and when required, usually in venues other than the Council Chamber.

6.02 General role

Within their terms of reference, Overview and Scrutiny Committees will:

- i) review and/or scrutinise decisions made or other actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or Area Committee in connection with the discharge of any functions;
- iii) make reports or recommendations to the Council or the Cabinet on matters which affect the area or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any area committees.

6.03 Specific functions

(a) Policy development and review

Overview and Scrutiny Committees may:

- i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of Cabinet and/or committees and chief officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

Overview and Scrutiny Committees may:

- i) review and scrutinise the decisions made by and the performance of the Cabinet and/or committees save that they should not normally scrutinise individual decisions of committee except as part of wider policy reviews;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Cabinet and/or committees and chief officers;
- iv) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant Overview and Scrutiny Committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).

(c) Finance

Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them (if any).

(d) Annual report

Overview and Scrutiny Committees may report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(e) Officers

Overview and Scrutiny Committees may exercise overall responsibility for the work programme of any officers employed to support their work (if any).

6.04 Proceedings of Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Committee Procedure Rules set out in Part 4 of this Constitution.

Article 7 – The Leader and Cabinet

7.01 Role

The Cabinet will carry out all of the Local Authority's functions which are not the responsibility of any other part of the Local Authority, by law or under this Constitution.

7.02 Form and composition

The Cabinet will consist of the Leader together with at least two, but not more than nine, councillors appointed by the Leader to the Cabinet. The current Cabinet is set out in paragraph 3 of Part 3 of this Constitution.

7.03 Leader

The Leader of the Council shall be elected by the Council and shall be the Leader of the Cabinet. The Leader will hold office until the day of the next Annual Meeting and remains a member of the Council until that date unless:

- (a) he/she resigns from the office; or
- (b) he/she is disqualified from being a Councillor
- (c) a resolution is passed that ceases his/her term of office before the period has come to an end, provided that no such resolution may be moved unless a written Notice of Motion signed by not less than one half of the members for the time being of the Council is delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceding the meeting. Such resolution to include a motion to appoint another named Councillor as Leader.

This provision would be applicable in circumstances such as a Leader wishing to step down, political change or the Council wishing to remove a Leader from office.

The Leader shall appoint a Deputy Leader for the same term of office as the Leader and up to eight other Councillors for an appropriate term of office who together will comprise the Cabinet of up to 10 Councillors. The Leader has power to remove the Deputy Leader and Cabinet Members.

The Leader may discharge any functions of the Cabinet himself/herself, or may arrange for them to be discharged by:

- the Cabinet collectively
- the Deputy Leader
- another member of the Cabinet
- a Committee of the Cabinet
- the Chief Operating Officer
- a named officer or postholder

The extent of any delegation by the Leader in accordance with the above powers must be recorded in the Scheme of Delegation to Cabinet and Portfolio Holders, or the Scheme of Delegation to Chief Officers, as appropriate, and any amendments to the Schemes must be reported to Members by way of updates to this Constitution. Any delegation to any Committees of the Cabinet must be similarly reported.

In the event of the Leader being unable to discharge his/her duties as Leader due to absence, the Deputy Leader shall assume those duties until the Leader is able to resume his/her duties or the Council appoints a new Leader.

Where a decision in respect of a function of the Cabinet that has not been delegated in accordance with the above powers is urgent and cannot await the next meeting of the Cabinet, the decision shall be taken by the Leader, or in his/her absence, the Deputy Leader, and shall be reported to the next available meeting of the Cabinet or in the "Members Update".

For the avoidance of doubt, delegations made by the Leader will remain in force unless and until they are amended or replaced notwithstanding the end of the term of office of the Leader who made those arrangements.

7.04 Other Cabinet members

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are no longer councillors; or
- (c) they are removed from office by the Leader, who must give written notice of any removal to the Chief Operating Officer.

7.05 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.06 Responsibility for functions

All Councillors in the Cabinet have specific responsibilities delegated by the Leader, and may with the approval of the Leader delegate functions to Officers.

The Leader will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

The carrying out of all functions by individual members of the Cabinet under the Scheme of Delegation to them shall be in accordance with relevant requirements set out in the Constitution.

Article 8 – Committees

8.01 Committees

The Council has appointed the committees and other bodies set out in Part 3 of this Constitution to discharge the functions described in Part 3 as being allocated to them.

8.02 Proceedings of Committees

Proceedings of Committees shall take place in accordance with the Committee Procedure Rules set out in Part 4 (Constitution 10) of this Constitution and insofar as they are applicable the Council Procedure Rules as applied to Committee by Rule 24 of those rules.

8.03 Proceedings of other committees

Proceedings of other committees appointed by the Council shall take place in accordance with the Council Procedure Rules as applied to committees by Rule 24 of these Rules.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council will establish a Standards Committee

9.02 Composition

- (a) **Membership:** The Standards Committee will be comprised of at least six councillors
- (b) **Chairing the Committee:** As appointed at Council
- (c) **Quorum:** At least three elected members of the Standards Committee must be present.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members and operating the “Standards regime – arrangements” as appropriate;
- (b) assisting councillors and co-opted members to observe the Members’ Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (d) monitoring the operation and effectiveness of the Members’ Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members’ Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members’ Code of Conduct;
- (g) dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- (h) setting up procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;

- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;

9.04 Standards Regime - Arrangements

- (a) That the Legal and Democratic Services Manager be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (b) That the Legal and Democratic Services Manager be given delegated power, after consultation with the Independent Person, (as to which see (f) below) to determine whether or not a complaint merits formal investigation and, if appropriate to arrange such investigation. She be asked to seek resolution of complaints without formal investigation wherever practicable, and that she be given discretion to refer decisions on investigation to the Assessment Sub-Committee of the Standards Committee where she feels that it is inappropriate for her to take the decision, and to report quarterly to Standards Committee on the discharge of this function;
- (c) Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Legal and Democratic Services Manager be asked to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Legal and Democratic Services Manager in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, she is to report the investigation findings to a Hearings Sub-Committee of the Standards Committee for local hearing;
- (e) That Council delegate to Hearings Sub-Committee such powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
 - (1) Reporting its findings to Council [*or to the Parish Council*] for information;

- (2) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (3) Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (4) Instructing the Legal and Democratic Services Manager to *[or recommend that the Parish Council]* arrange training for the member;
 - (5) Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
 - (6) Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - (7) Excluding *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- (f) Independent Person
- (1) The "arrangements" adopted by Council must include provision for the appointment by Council of at least one Independent Person. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council.
- A person is considered not to be "independent" if -
- (a) he/she or has been within the last 5 years, an elected or co-opted member or an officer of the Borough Council or of any of the Parish Councils within its area;
 - (b) he/she is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the Borough Council or of any of the Parish Councils within its area subject to transitional arrangements); or
 - (c) he/she is a relative or close friend of a current elected or co-opted member or officer of the Borough Council or any Parish Council within its area, or any elected or co-opted member of any Committee of Sub-Committee of such Council.

For this purpose, "relative" comprises -

- (a) the candidate's spouse or civil partner;
- (b) any persons with whom the candidate is living as if they are spouses or civil partners;
- (c) the candidate's grandparent;
- (d) any person who is a lineal descendent of the candidate's grandparent;
- (e) a parent, brother, sister or child of anyone in Paragraphs (a) or (b);
- (f) the spouse or civil partner of anyone within Paragraphs (c), (d) or (e); or
- (g) any person living with a person within Paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

(2) Functions of the Independent Person

The functions of the Independent Person(s) are –

- (a) They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- (b) They may be consulted by the authority in respect of a standards complaint at any other stage; and
- (c) They may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

Note: The Council has decided to appoint one Independent Person and a Reserve Independent Person who can act in the event that the Independent Person is unable to discharge the function. An allowance of £500 is paid to the Independent Person and £250 to the Reserve Independent Person.

Article 10 – Area Committees and Area Consultative Forums

10.01 Area Committees and Area Consultative Forums

The Council may appoint Area Committees and/or Area Consultative Forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Council will consult with relevant parish and town councils and the Chairmen of relevant parish meetings when considering whether and how to establish Area Committees or Area Consultative Forums.

10.02 Form, composition and function

- (a) The Council has not appointed any Area Committees or Area Consultative Forums at this time .
- (b) **Delegations.** The Council and the Cabinet will include details of any delegations that may be given to any Area Committees in Part 3 of this Constitution.

10.03 Conflicts of interest – membership of Area Committees and Overview and Scrutiny Committees

- (a) **Conflict of interest.** If an Overview and Scrutiny Committee is scrutinising specific decisions by or proposals from an Area Committee of which the councillor concerned is a member, then the councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.
- (b) **General policy reviews.** Where the Overview and Scrutiny Committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

10.04 Area Committees and Area Consultative Forums – access to information

Area Committees and Area Consultative Forums will comply with the Access to Information Procedure Rules in Part 4 of this Constituion.

10.05 Cabinet members on Area Committees or Area Consultative Forums

A member of the Cabinet may serve on an Area Committee or an Area Consultative Forum if otherwise eligible to do so as a councillor.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

- (a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Procedure Rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- (b) The Cabinet may delegate executive functions to another local authority or the Cabinet of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting out

The Council, for functions which are not executive functions, and the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

12.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Senior officers.** The Council will engage persons for the posts set out in the management structure at Constitution 20.
- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Operating Officer	Head of Paid Service
Legal and Democratic Services Manager	Monitoring Officer
Head of Finance, Procurement and Commercial Services	Chief Finance Officer

Such posts will have the functions described in Article 12.02 to 12.04 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Constitution 20.

12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an executive function – and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 13 – Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

All decisions of the Council, (whether they are the responsibility of the Council, the Cabinet, one of the Committees, or an Officer), will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) an explanation of the options that were considered and the reasons for the decision made.

13.03 Types of decision

(a) **Decisions reserved to Council.** Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) **Key decisions.**

(i) These are:

- decisions in relation to a Cabinet function which results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Councils budget for the service or function to which the decision relates; or
- decisions, which are significant in terms of its effects on communities living or working in an area comprising two or more wards of the Council; or
- proposals by the Cabinet to amend the policy framework; or

- amendment by the Cabinet of any aspect of the policy framework.

N.B. The Council has decided the limit above which items are significant is £100,000

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the Council

Subject to Article 13.09, the Cabinet will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering matters.

13.05 Decision making by Cabinet

Subject to Article 13.09, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Overview and Scrutiny Committees

Subject to Article 13.09, the Overview and Scrutiny Committee will follow the Overview and Scrutiny Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by Regulatory Committee

Subject to Article 13.09, the Regulatory Committee will follow the Regulatory Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.08 Decision making by other committees and sub-committees established by the Council.

Subject to Article 13.09, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.09 Decision making by Council bodies acting as tribunals

The Council, a Councillor, or an Officer acting as a tribunal or in a quasi-judicial manner, or determining/considering (other than for the purpose of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial, contained in Article 6 of the European Convention on Human Rights.



MONITORING OFFICER PROTOCOL

1. The Monitoring Officer undertakes to discharge the responsibilities as outlined in this paper with determination and a manner which will enhance the reputation of the Council. In general terms the ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer, colleagues and members are designed to help ensure the effective discharge of his functions:
 - 2.1 The Monitoring Officer or the Deputy Monitoring Officer will attend the Corporate Management Team (CMT) meeting which meets every two weeks and deals with the corporate strategic and operational management of the Council.
 - 2.2 Advance notice of meetings whether formal or informal between Chief and Senior Officers and members of the Executive or Committee Chairmen will be given, wherever possible, to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
 - 2.3 Chief and Senior Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
 - 2.4 The Monitoring Officer will have copies of all formal reports to members.
 - 2.5 The Monitoring Officer is expected to develop good liaison and working relations with the Council's Auditor and the Ombudsmen

including the giving and receiving of relevant information whether confidential or otherwise.

- 2.6 The Monitoring Officer will closely support the Mayor and have a special relationship with the Chairmen of the Standards and Overview and Scrutiny Committees and will ensure that the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues.
- 2.7 The Monitoring Officer may make informal enquiries into allegations of misconduct of Members in the absence of a written complaint being received.
- 2.8 The Governance Management Team, which includes the Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding policy.
- 2.9 In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of those functions.
- 2.10 The Monitoring Officer will have access to a budget sufficient to seek Counsel's opinion on any appropriate matter concerning these functions.
- 2.11 The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.
- 2.12 The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Chief Financial Officer and carry out minor amendments under delegated authority.
- 2.13 In consultation with the Mayor, the Monitoring Officer may defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.
- 2.14 The Monitoring Officer may make a report to the Council from time to time as necessary on the staff, accommodation and resources required to discharge these functions.
- 2.15 The Monitoring Officer will appoint a Deputy and keep the Deputy Monitoring Officer briefed on appropriate emerging issues.

- 2.16 The Monitoring Officer will make arrangements to ensure good communication between the Council and Clerks to Parish Councils.
3. The Legal and Democratic Services Manager has been designated Monitoring Officer by the Council and has nominated the Principal Solicitor (Deputy Monitoring Officer) as Deputy. The Chief Operating Officer is the Head of Paid Service and the Head of Finance, Procurement and Commercial Services is the Chief Financial Officer.

N.B: Chief and Senior Officers in this protocol refers to the Chief Operating Officer, Corporate Directors, Legal and Democratic Services Manager and Head of Finance, Procurement and Commercial Services .

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Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Legal and Democratic Services Manager is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Legal and Democratic Services Manager considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Legal and Democratic Services Manager or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £30,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Legal and Democratic Services Manager. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Legal and Democratic Services Manager should be sealed. The affixing of the Common Seal will be attested by either the Chief Operating Officer, Legal and Democratic Services Manager, or one of the Principal Solicitors.

Article 15 – Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

- (a) **Approval.** Subject to paragraph (b) below, changes to the Articles of the Constitution will only be approved by the Council after consideration of a report from the Monitoring Officer recommending such changes and the views, on that report, of the Cabinet and the relevant Overview and Scrutiny Committee.
- (b) **Minor changes.** The Monitoring Officer may make minor operational amendments to this Constitution subject to notice of any such amendments being given to all members immediately after each alteration is made.
- (c) **Procedure.** Proposals from a councillor or member of the public to change part or parts of the Constitution must be submitted for consideration to the Monitoring Officer who will consider the proposals in accordance with the protocol set out above. Only if the Monitoring Officer is of the view that the proposals, or a modified form of them, would improve the decision making process or some other operation of the Council's procedure, should he or she then recommend changes in accordance with paragraph (a) above.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01(b):

All the Council Procedure Rules except Rules 16.6 and 17.2.

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Chief Operating Officer will provide arrangements for accessing a copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council that a copy of the Council's Constitution is available for viewing on the Council's website.
- (b) The Legal and Democratic Services Manager will ensure that copies are available for inspection at council offices, at all reasonable times. Electronic copies can be viewed at libraries, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Legal and Democratic Services Manager will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1 – Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Committee Procedure Rules
2. Article 7 (The Cabinet) and the Cabinet Procedure Rules
3. Article 10 (Area Committees)
4. Article 11 (Joint arrangements)
5. Article 13 (Decision making) and the Access to Information Procedure Rules
6. Part 3 (Responsibility for Functions)

Part 3 – Responsibility for Functions

1. Responsibility for local choice functions

The legislation indicates that the following matters may be the responsibility of the Cabinet or Council:

- Strategy and Plan comprising the Housing Investment Programme;
- Local Agenda 21 Strategy;
- Business Plan;
- Local Act functions;
- appeals against housing and council tax benefit decisions;
- legislative requirements relating to contaminated land;
- control of pollution/management of air quality;
- Statutory Nuisance Abatement Notices;
- Noise and Statutory Nuisance Act 1993;
- detection of statutory nuisances;
- investigation of complaints of statutory nuisance;
- obtaining information as to interests in land under Section 330 of the Town & County Planning Act 1990;
- Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- appointments to outside bodies; and
- Local Area Agreements.

Apart from appointments to outside bodies, which relate to Cabinet functions and are the responsibility of the Cabinet, and Local Area Agreements, the Council has decided that all these matters are to remain the responsibility of the Council. The extent of any officer delegations are set out in the next document in this Part headed 'Proper Officer Provisions and Scheme of Delegation to Chief Officers'. The Council has decided that Local Area Agreements are to be the responsibility of the Cabinet.

2. Responsibility for Council functions

The Council has established the following committees, which have the functions, delegated to them as set out below. The officer delegations by these committees are set out in the next document in this part headed 'Proper Officer Provisions and Scheme of Delegation to Chief Officers'

There are some items which are excluded from Cabinet responsibility which do not appear in the delegations to Committees because they go to Full Council or are covered solely by officer delegations e.g.

- smoking in premises and vehicles, duties/powers under the Health Act 2006;
- Elections and Electoral Registration (including requests for single Member wards and a resolution for a change in the scheme for elections)
- an order giving effect to the recommendations in a community governance review
- exercising the duty to change governance arrangements;
- the enforcement of commons and Town or Village Green matters;
- some of the matters listed in Article 4

Planning Committee

Membership - see Appendix at Section 4.1A

Functions

A. Functions relating to town and country planning

- (1) Powers and duties relating to local development documents, which are development, plan documents.
- (2) Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.
- (3) Power to agree to confer additional functions on a joint committee.
- (4) Power to request the dissolution of a joint committee.
- (5) Power to determine applications for planning permission.
- (6) Power to determine applications to develop land without compliance with conditions previously attached.
- (7) Power to grant planning permission for development already carried out.
- (8) Power to decline to determine applications for planning permission.
- (9) Duties relating to the making of determinations of planning applications.
- (10) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (11) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.

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- (12) Power to enter into agreements regulating development or use of land.
 - (13) Power to issue a certificate of existing or proposed lawful use or development.
 - (14) Power to serve a completion notice.
 - (15) Power to grant consent for the display of advertisements.
 - (16) Power to authorise entry onto land.
 - (17) Power to require the discontinuance of a use of land.
 - (18) Power to serve a planning contravention notice, breach of condition notice or stop notice.
 - (19) Power to issue an enforcement notice.
 - (20) Power to issue enforcement notices in relation to demolition of unlisted building in conservation area.
 - (21) Power to issue a temporary stop notice.
 - (22) Power to apply for an injunction restraining a breach of planning control.
 - (23) Power to require proper maintenance of land.
 - (24) Power to determine applications for listed building consent, and related powers.
 - (25) Power to determine applications for conservation area consent.
 - (26) Duties relating to applications for listed building consent and conservation area consent.
 - (27) Power to serve a building preservation notice, and related powers.
 - (28) Powers to acquire a listed building in need of repair and to serve a repairs notice.
 - (29) Power to apply for an injunction in relation to a listed building.
 - (30) Power to execute urgent works.
 - (31) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
 - (32) Power to approve sites for entry into Part 2 of the Brownfield Land Register and so grant Permission in Principle.
 - (33) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register.
 - (34) Power to determine applications for Permission in Principle.
 - (35) Power to determine applications for Technical Details Consent.

B. Functions relating to public rights of way and miscellaneous

- (1) Power to create footpath or bridleway by agreement.
- (2) Power to create footpaths and bridleways.
- (3) Power to stop up footpaths and bridleways.
- (4) Power to determine application for public path extinguishment order.
- (5) Power to make a rail crossing extinguishment order.
- (6) Power to divert footpaths and bridleways.
- (7) Power to make a public path diversion order.
- (8) Power to make a rail crossing diversion order.
- (9) Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- (10) Power to decline to determine certain applications.
- (11) Duty to assert and protect the rights of the public to use and enjoyment of highways.
- (12) Duty to serve notice of proposed action in relation to obstruction.

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- (13) Power to apply for variation of order under section 130B of the Highways Act 1980.
 - (14) Power to authorise temporary disturbance of surface of footpath or bridleway.
 - (15) Power to extinguish certain public rights of way.
 - (16) Power to extinguish public right of way over land acquired for clearance.
 - (17) Power to authorise stopping up or diversion of highways.
 - (18) Power to authorise stopping-up or diversion of footpath or bridleway.
 - (19) Power to extinguish public rights of way over land held for planning purposes.
 - (20) Powers relating to the protection of important hedgerows.
 - (21) Powers relating to the preservation of trees.
 - (22) Powers to deal with complaints about high hedges

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

Licensing & Gambling Committee

Membership – see Appendix at Section 4.1A

Functions

- (1) To discharge the functions of the Council as “Licensing Authority” under the Licensing Act 2003 except as provided for in Section 7(2) of the Licensing Act 2003 (Licensing Authority Policy Statement) and under the Police Reform and Social Responsibility Act 2011.
- (2) To discharge the functions of the Council as “Licensing Authority” under the Gambling Act 2005 except as provided for in Section 166 (not to issue any Casino Premises Licences) and 349 (Licensing Authority Policy Statement jointly with the Cabinet) by virtue of Section 154(1) of that Act.

Delegation

To set all fees as required by the Gambling Act 2005: Premise Licence Fees

Licensing & Gambling Committee – Sub Committee

Membership – see Appendix at Section 4.1A

At least 3 Members of the Licensing and Gambling Committee must be present.

Functions and Delegations

- (1) To determine applications under the Licensing Act 2003 as follows:-

(a) Application for a Personal Licence	If Police representations have been made
(b) Application for Personal Licence, with unspent convictions	All cases
(c) Application for Premises Licence/Club Premises Certificate	If relevant representation(s) have been made
(d) Application for Provisional Statement	If relevant representation(s) have been made
(e) Application to vary Premises Licence/Club Premises Certificate	If relevant representation(s) have been made
(f) Application to vary Designated Premises Supervisor	If Police representation(s) have been made
(g) Application for transfer of premises Licence	If Police representation(s) have been made
(h) Application for Interim Authority	If Police representation(s) have been made
(i) Application to review Premises Licence/Club Premises certificate	All cases
(j) Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
(k) Determination of an objection to a Temporary Event Notice	All cases
(l) Application from a Community Premises to remove the requirement for Designated Premises Supervisor	If Police representation(s) have been made

(2) To deal with relevant provisions of the Gambling Act 2005.

Application for premises licence where representations have been received and not withdrawn

Application for a variation to a licence
Where representations have been received and not withdrawn

Application for a transfer to a licence
Where representations have been received from the Commission

Application for a provisional statement	Where representations have been received and not withdrawn
Review of a premises licence	All cases
Application for a club gaming/club machine permits	Where objections have been made (and not withdrawn)
Cancellation of a club gaming/club Machine permits	All cases
Decision to give a counter notice to a temporary use notice	All cases
To set all fees as required by the Act	

- (3) Power to license sex shops and sex cinemas in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Licensing and Appeals Committee

Membership - see Appendix at Section 4.1A

Functions

Licensing

- (1) Power to issue licences authorising the use of land as a caravan site ("site licences").
- (2) Power to license the use of moveable dwellings and camping sites.
- (3) Power to license hackney carriages and private hire vehicles.
- (4) Power to license drivers of hackney carriages and private hire vehicles.
- (5) Power to license operators of hackney carriages and private hire vehicles.
- (6) Power to license performances of hypnotism.
- (7) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (8) Power to license pleasure boats and pleasure vessels.
- (9) Power to license market and street trading.
- (10) Duty to keep list of persons entitled to sell non-medicinal poisons.
- (11) Power to license dealers in game and the killing and selling of game.
- (12) Power of register and license premises for the preparation of food.
- (13) Power to license scrap yards.
- (14) Power to license the breeding of dogs and cats
- (15) Power to licence the selling of animals as pets
- (16) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (17) Power to license zoos.
- (18) Power to license dangerous wild animals.

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- (19) Power to license the boarding of cats and dogs
 - (20) Power to license the hiring out of horses
 - (21) Power to license the keeping or training of animals for exhibition
 - (22) Power to discharge the functions of the Council as "Licensing Authority" under The Animal Welfare Act 200
 - (23) Power to set all fees as required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
 - (24) Power to license knackers' yards.
 - (25) Power to license persons to collect for charitable and other causes.
 - (26) Power to grant consent for the operation of a loudspeaker.
 - (27) Power to grant a street works licence.
 - (28) Powers under the Highways Act 1980 granted to Borough Councils or under agency from Lancashire County Council.
 - (29) Power to approve meat product premises.
 - (30) Power to approve premises for the production of minced meat or meat preparations.
 - (31) Power to approve dairy establishments.
 - (32) Power to approve egg product establishments.
 - (33) Power to approve fish products premises.
 - (34) Power to approve dispatch or purification centres.
 - (35) Power to register fishing vessels on board which shrimps and molluscs are cooked.
 - (36) Power to approve factory vessels and fishery product establishments.
 - (37) Power to register auction and wholesale markets.
 - (38) Duty to keep register of food business premises.
 - (39) Power to register food business premises.
 - (40) Functions under any one 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 authority's capacity as an employer.
 - (41) Power to make closing order with respect to take away food shops.
 - (42) Functions under the Motor Salvage Operators Regulations 2002
 - (43) Functions under Part 1 of the Vehicles (Crime) Act 2001 in relation to the registration of motor salvage operators.
 - (44) All decisions under Sections 160 to 173 of the Equality Act 2010.
 - (45) All functions in relation to the Scrap Metal Dealers Act 2013.

N.B. Where there is a power to fix, increase or amend charges or fees then this is included in the Committee's functions in respect of the above.

Employment Appeals

- (40) To hear and determine appeals from any employees (excluding the Chief Operating Officer, and any employee on JNC Conditions) which may be made against decisions of the Chief Operating Officer/Corporate Directors or Heads of Service (or Principal Officers in their absence) including those made in accordance with the disciplinary or grievance procedures of the Council.

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- (41) To hear and determine appeals from chief officers and any other employees on JNC Conditions, which may be made against decisions of the Chief Operating Officer, a committee or sub-committee including those made in accordance with the disciplinary or grievance procedures of the Council and those made under the JNC Conditions of Service for chief officers and Chief Executives.
 - (42) To hear and determine appeals from any employee selected for redundancy.
 - (43) To consult, as the employers side, and undertake such discussions and negotiations with employees, trade unions and others as may be necessary and appropriate with a view to promoting good industrial relations between the Council and its employees.
 - (44) To consider any relevant matter referred to it by the Council, the Chief Operating Officer, Corporate Director or a Head of Service of the Council, or by the employees side (both staff and manual) providing that no matter shall come to the committee until the agreed procedures established for consultation and negotiation at officer level have been exhausted.
 - (45) To make recommendations to the Council as to the application of terms and conditions of service, grievance and disciplinary procedures.
 - (46) To refer any matter before it to the North West Employers Organisation or Regional Joint Secretaries, as the case may be, for consideration or advice.

Other Appeals

- (47) To determine appeals from market stall holders whose occupancy of a stall is suspended or is terminated.
- (48) In respect of applications for discretionary rate relief and hardship rate relief, to determine any appeals in connection therewith.
- (49) To consider and determine any requests for reviews from applicants in respect of the assessment of housing allocation entitlement, housing transfers, entry or removal from the housing register and homelessness decisions.
- (50) To determine appeals in respect of Discretionary Housing Payments.
- (51) To consider and determine appeals in accordance with Section 12 of the Policy for the Provision of Housing Renewal Assistance in West Lancashire 2008.

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

Employment Appeals Sub-Committee

Membership – See Appendix at 4.1A

At least 3 Members of the Licensing and Appeals Committee must be present.

Functions and delegations

Full delegation to determine all matters as appropriate in respect of functions 40,41 and 42 of the Licensing and Appeals Committee except in relation to the dismissal of the Head of the Paid Service, Monitoring Officer and Chief Finance Officer which function will be reserved to the Council.

Standards Committee

Membership - see Appendix at Section 4.1A.

Functions

These are set out in Article 9.03

Delegations

The Committee shall exercise full powers, duties and functions as set out above.

Assessment Sub Committee

Membership - see Appendix at Section 4.1A

Functions

To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.

Delegations

Full authority to determine all matters as appropriate

Hearings Sub Committee

Membership - see Appendix at Section 4.1A.

Functions

To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

Delegations

Full delegation to determine all matters as appropriate.

Note for Sub Committees:

- Membership and chairmanship of sub committees do not have to be fixed.
- At least 3 members of the Standards Committee must be present.

Recruitment of Independent Members Panel

Membership - see Appendix at Section 4.1A.

Functions

To assist in the recruitment of independent members by shortlisting and interviewing and making recommendations to the Council

Delegations

To make recommendations to the Standards Committee and Council

Investigating Committee

Membership - see Appendix at Section 4.1A.

Functions

To meet as and when required to consider disciplinary complaints against officers employed on JNC Conditions of Service, referred to the Committee by the proper officer as defined in Rule 10 of the Officer Employment Procedure Rules. The Committee shall have the power to decide the matter on behalf of the Council, by either exonerating the officer, or, if they find misconduct, taking whichever form of disciplinary action is appropriate, except that in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer such dismissal must be approved by Council in accordance with the provisions of Rule 6 of the Officer Employment Procedure Rules.

Delegations

This Committee shall exercise the full powers, duties and functions of the Council as set out above, except in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer.

Independent Panel

Membership – see Appendix at Section 4.1A

Functions

To advise the Council on all matters relating to the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Delegations

None

Chief Officers Committee

Membership - see Appendix at Section 4.1A.

Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
2. To consider and determine all grievances lodged by the Head of Paid Service, chief officers and deputy chief officers.
3. To hear and determine Job Evaluation appeals from Chief Officers employed on JNC Conditions.

Delegations

This Committee shall exercise the full power, duties and functions of the Council, except in the case of the appointment of the head of the paid service as set out above.

Audit and Governance Committee

Membership - see Appendix at Section 4.1A.

FunctionsAudit Activity

1. To consider and approve the Internal Audit Charter.
2. To consider the Audit Manager's Annual Report and Opinion.
3. To consider reports dealing with summaries of Internal Audit Activity.
4. Where requested by the Audit Manager, to consider issues arising from specific internal audit reports.
5. To consider reports from the Audit Manager on agreed recommendations not implemented within a reasonable timescale.
6. To require the attendance at meetings of the Audit and Governance Committee, of any elected Member or Officer of the Authority in relation to internal audit reports.
7. To consider the external auditor's Annual Letter and other reports as requested by the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.

9. To scrutinise Treasury Management activities.

Regulatory Framework

10. To monitor Contract Procedure Rules, Financial Regulations and other provisions of the Constitution in so far as they contribute to the effectiveness of the Council's internal controls.
11. To consider any issue relevant to its responsibilities and functions referred to it by the Council, Cabinet, any committee of these bodies, the Chief Operating Officer or Chief Officers.
12. To monitor the effectiveness of risk management and corporate governance processes in the Council.
13. To monitor the effectiveness of the Council's policies in relation to its Anti-fraud and Corruption Strategy and complaints process.
14. To review the production of the Authority's Annual Governance Statement.
15. To approve the Authority's Annual Governance Statement and commend its signing to the Leader and Chief Executive.
16. To consider the Council's arrangements for corporate governance and in particular in relation to the Local Code of Corporate Governance and recommend actions to promote best practice.
17. To consider the Council's compliance with its own and other published standards and controls in so far as these contribute to the adequacy of its framework of internal control.
18. To monitor (quarterly) the use of RIPA powers.

Accounts

19. To approve the Statement of Accounts.
20. To consider The External Auditor's Report To Those Charged With Governance on issues arising from the audit of the accounts.
21. 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.

Other

Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above in numbers 1, 14 and 18.

The Committee will not be able to transact the powers, functions and duties reserved to Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and other regulatory Committees.

Polling Districts and Polling Places Review Committee

Membership - see Appendix at Section 4.1A.

Functions

To consider and determine (as necessary) any interim review of Polling Districts and Polling Places within the borough and/or constituency.

Delegations

The committee shall exercise full powers, duties and functions of the Council in relation to the carrying out of interim reviews of Polling Districts and Polling Places.

Strategic Asset Purchasing Committee

Membership - see Appendix at Section 4.1A.

Functions

1. To scrutinise all commercial property and strategic asset investment decisions and to agree comments on the proposals as appropriate for consideration by the decision maker.
2. To approve investment decisions of up to £5m, which are within the approved capital budget and the Commercial Property Strategy, where the timescales for making a decision would not allow for Council consideration.

Delegations

Full delegated powers, duties and functions of the Council as set out above including the ability to instruct the Corporate Directors to purchase assets as detailed above.

3. Responsibility for executive functions

1. The Leader has appointed the Councillors set out in the Appendix at Section 4.1A to form the Cabinet and their individual Portfolio responsibilities are also set out in that Appendix.
2. Responsibilities of Cabinet members

General

The key roles of members are set down in paragraph 2.03 of Article 2 in the Constitution. Details of the Portfolios i.e. areas of

responsibility of each Cabinet Member are set out in the Appendix at Section 4.1A. The following specific responsibilities apply to the Leader and Portfolio Holders within the Cabinet.

Leader

- is the Chairman of the Cabinet and, as such, represents the views of the Cabinet to the public.
- is the lead member of the Cabinet in undertaking the community leadership role.
- is the lead member of the Cabinet on any major policy issue not within the specific remit of the Deputy Leader or Portfolio Holders.
- is the main point of liaison for the Chief Operating Officer and relevant Heads of Service as appropriate and gives guidance to those officers in connection with the exercise by them of powers delegated by the Constitution.
- is responsible for all executive functions and determines the powers of Cabinet Members and approves the scheme of delegation of executive powers to officers.

Deputy Leader

- may exercise the Leader's role when the Leader is unable to act or if the post of Leader is vacant.
- is the lead member of the Cabinet on any policy issue concerning his area of responsibility.
- is the main point of liaison for the Chief Operating Officer, Corporate Directors and relevant Heads of Service as appropriate and gives guidance to those officers in connection with the exercise by them of powers delegated by the Constitution in his/her area of responsibility.

Other Portfolio Holders

- each is the lead member of the Cabinet on any policy issue concerning their areas of responsibility.
- each is the main point of liaison for the Chief Operating Officer, Corporate Directors, and relevant Heads of Service as appropriate and gives guidance to those officers in connection with the exercise by them of powers delegated by the Constitution in his/her area of responsibility.

In the absence of the relevant Portfolio Holder the Leader will act in his/her stead or in his/her absence or if the post of Leader is vacant the Deputy Leader or another Portfolio Holder will do so.

In the absence of the Leader, or if the Leader is unable to act or the post of Leader is vacant, the Deputy Leader or another Portfolio Holder will act in his/her stead. (As to which see the notes to the Scheme of Delegation to Cabinet Members – Constitution 4.3).

If the posts of Leader and Deputy Leader are vacant the Chief Operating Officer have the authority to discharge the executive functions of the Council.

3. Delegations of Cabinet members

The extent of delegations granted by the Leader to Portfolio Holders is set out in Constitution 4.3 headed 'Scheme of Delegation to Cabinet and Portfolio Holders'.

4. Delegations to officers

The extent of officer delegations are set out in Constitution 4.2 headed 'Proper Officer Provisions and Scheme of Delegation to Chief Officers'.

5. Cabinet Committees, Working Groups

5.1 Cabinet Committees

(None)

5.2 Cabinet Working Groups

Local Plan Cabinet Working Group

Membership – See Appendix at Section 4.1A

Functions

(a) To consider all Planning Policy documents (including but not limited to Local Plans, Neighbourhood Plans and Supplementary Planning Documents) being prepared by the Council, other than those already dealt with under the "existing scheme of delegation".

(b) To consider all matters covered by a Local Plan, other than those already dealt with under the "existing scheme of delegation", including, but not limited to:

- addressing Climate Change (e.g. carbon reduction targets, provision of renewable energy, energy efficiency standards, flood risk and drainage)
- the Borough's environment
- the Borough's infrastructure

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- creating opportunities for economic development, including sufficient employment land
 - the provision of housing, including affordable and specialist housing and student accommodation
 - the identification of possible Gypsy, Traveller and Travelling Showpeople sites to meet proven need
- (c) To provide input on the preparation of the Council's Housing Strategy.
- (d) To provide input on the preparation of the Council's Economic Development Strategy and any other town centre or regeneration strategies.
- (e) To report recommendations to Cabinet where appropriate.

Funding of Voluntary Bodies and other Organisations Cabinet Working Group

Membership – See Appendix at Section 4.1A

Functions

- (a) From time to time as appropriate to review the Council's mechanisms for the making of revenue grants to the Voluntary and Other Organisations with whom it has SLA's and to devise and recommend appropriate allocation systems giving due consideration to the views of the organisations concerned and also best practice.
- (b) To assess the level of funding currently made to the individual organisations with a view to achieving value for money and the sustainability of the voluntary sector and to recommend the level of grant to be made to the individual organisations for the next financial year. In particular to examine the possibility of 3 year funding which would give the organisations greater financial stability.
- (c) To monitor the Compact with Voluntary Organisations and the Service Level Agreements with funded organisations.
- (d) To consider a unified mechanism for the making of Arts and Sports, Community Safety and Community Chest grants.
- (e) To review the information/publicity produced and to examine the production of joint publicity (i.e. Community Chest, Arts and Sports and Community Safety Grants) with a view to improving promotion and information on the availability of Council grants.

Landlord Services Committee (Cabinet Working Group)

Membership – See Appendix at Section 4.1A

Functions

- (a) To ensure member/tenant co-regulation of landlord services as required by the social housing regulator.
- (b) To consider report and recommendations from the Tenant and Resident Forum (TRF) and Tenant Scrutiny Group (TSG).
- (c) To monitor delivery of all Landlord Services including performance reports and financial reports in relation to capital and revenue expenditure.
- (d) To ensure all relevant strategies and policies in relation to Landlord Services are in place and updated as necessary.
- (e) To consider all relevant consultation reports and respond appropriately.

Estates Regeneration Cabinet Working Group

Membership – See Appendix at Section 4.1A

Functions

- (a) To oversee the Regeneration Projects.
- (b) To oversee the development of key HRA estates improvement and regeneration schemes
- (c) To consider innovation options in development and construction in potential schemes.
- (d) To report recommendations to Cabinet and/or Council as appropriate.

Skelmersdale Town Centre Regeneration Plan Cabinet Working Group

Membership - see Appendix at Section 4.1A

Functions

- (a) To receive presentations and reports in relation to the progress of the Skelmersdale Town Centre Regeneration Plan.
- (b) To consider proposals arising from the Skelmersdale Town Centre Regeneration Plan.
- (c) To make recommendations to Cabinet and/or Council as appropriate.

Note: Powers cannot be delegated to a Working Group and therefore all action must be taken under the delegations of the Corporate Director of Place and Community, within the overall Project Scheme. The Working Group has no ability to make decisions.

If decisions are necessary as a result of the views of the Working Group then they must request either, the Director of Housing and Inclusion (if he has authority), Cabinet or Council as appropriate to make a formal decision and input their views.

Budget Cabinet Working Group

Membership - see Appendix at Section 4.1A.

Functions

To review the Medium-Term Financial Strategy (MTFS) and make recommendations to Cabinet and Council, when required.

2. To consider annual budget setting matters, i.e., Council Tax, GRA (General Revenue Account) and HRA (Housing Revenue Account) requirements and the Capital Programme and make recommendations to Cabinet and Council

Leisure Procurement Cabinet Working Group

Membership - see Appendix at Section 4.1A.

Functions

1. To consider the opportunities available for the procurement of a new partnership arrangement for the provision of leisure services, which would include significant capital investment for bulk sports provision, as outlined in the Key Action Plan of the Council's Leisure Strategy.
2. To report recommendations to Cabinet (and Council when required).

Tawd Valley Developments Cabinet Working Group

Membership - see Appendix at Section 4.1A.

Functions

1. To facilitate a cross party Working Group to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
2. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan.
3. To assess any risks to the council offered by TVDL activities.
4. To make recommendations to Cabinet and/or Council when appropriate.

Political Governance Arrangements Cabinet Working Group

Membership- see Appendix at Section 4.1A.

Functions

-
1. To consider and make recommendations to Council in respect of the following:
 - (i) The Consultation arrangements
 - (ii) The Membership size and Terms of Reference of Committees and to consider if any other bodies, such as Sub-Committee, Working Groups or Task & Finish Groups will be required.
 - (iii) Changes to the Constitution, including, but not limited to, the Scheme of Delegation to Chief Officers.
 - (iv) A review of the staffing required in Democratic Services to support the change.

6. Overview and Scrutiny Committees

The Overview and Scrutiny Committees are set out in Article 6.01

Membership See Appendix at Section 4.1A

Functions See Article 6.01 and Overview and Scrutiny Committee Procedure Rules 1(a) and (b).

7. Commissions

Member Development Commission

Membership See Appendix at Section 4.1A

Functions

(1)

- (a) To update the “Member Training and Development Strategy” and act as ‘Champions’ for Member Development.
- (b) To continue to develop and support processes to identify member training needs and to prepare a Training Plan for each Member.
- (c) To ensure that all Members are given equal opportunities to attend Training courses/seminars, including IT training, in line with their responsibility as Councillor and that appropriate training records are kept.
- (d) To monitor the expenditure of appropriate budgets.
- (e) To evaluate and monitor Elected Member training and development undertaken.
- (f) To ensure that each Councillor takes ownership of his/her training and development and ‘Member Development’ appears as a regular item at Group meetings.

-
- (g) To consider future development of the Member Development website.
 - (2)
 - (a) To examine how cross-party scrutiny and development of strategy could be strengthened via either existing or new committee arrangements,. Such activity to include the option of engaging external specialist advice with relevant expenditure being contained within the budget provided.
 - (b) To review the number and remit of Overview & Scrutiny Committees at West Lancashire, including the Members Update procedure rules, by comparing Overview & Scrutiny structures of other similar Local Authorities, and submit recommendations to Executive Overview & Scrutiny Committee, Corporate & Environmental Overview & Scrutiny Committee and Council, if appropriate, which should include any additional staff resource required, with an implementation date of May 2022.

4. Liaison Groups

Skelmersdale Town Centre Borough/County Liaison Group

Membership – See Appendix at Section 4.1A

Functions

- (a) To provide a Forum for liaison with Borough and County Councillors in relation to the Skelmersdale Town Centre Regeneration Project.
- (b) To receive presentations and reports in relation to the progress of the Skelmersdale Town Centre Regeneration Project from partners (WLBC and HCA) and their developer, St. Modwens, as appropriate.
- (c) To make recommendations to Council/Cabinet and partner organisations as appropriate in relation to furthering the regeneration of Skelmersdale Town Centre.

Place Shaping Hub

Membership – See Appendix at Section 4.1A

To create and develop a Regeneration Plan for Skelmersdale Town Centre, that meets the aspirations and key priorities for the Council and its partners, initially concentrating on the area outlined at Appendix A to the report submitted to Cabinet (9 March 2021) and consider other specific, but connected, pieces or work around other key regeneration projects in the wider Skelmersdale and Up Holland

area, including Estates Regeneration and Green Infrastructure proposals, including consideration of available funding.

5. Forums

Edge Hill University/West Lancashire Borough Council Forum

Membership – See Appendix at Section 4.1A

Constitution – See attached at Appendix 1.

Hackney Carriage and Private Hire Forum

Membership – See paragraphs 1 and 2 at Appendix 2.

Constitution – See attached at Appendix 2.

Armed Forces Community Covenant Working Group

Membership - See Appendix at Section 4.1A

Function

To develop and implement an Armed Forces Community Covenant Action Plan.

Food Insecurities Forum

Membership – Cross-sector, led by a WLBC officer Directorate of Place and Community,

Functions

To strengthen ties and support cross sector co-ordination and commit to a sustainable and dignified approach to tackling food insecurity in the borough.

In consultation with the Food Security Champion, to consider the opportunities identified within the research report from Iconic Consulting and where appropriate seek Cabinet / Council approval for their implementation.

6. Joint Committees

Police and Crime Panel

Membership – See Appendix at Section 4.1A

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers,

discharging its functions in accordance with the Policing Protocol Order 2011.

Functions

- (a) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- (b) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- (c) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- (d) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- (e) To review and make a report and recommendation (as necessary) on the proposed precept.
- (f) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
- (g) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- (h) To support the effective exercise of the Commissioner's functions.
- (i) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- (j) To appoint, if necessary, an Acting Police and Crime Commissioner.
- (k) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Constitution – See attached at Appendices 3A – 3C.

7. Remuneration Panels

Independent Remuneration Panel

Membership – See Appendix at Section 4.1A

Function

- (a) In accordance with the Local Government Act 2000 to review and report to the Council on the Members' Allowances Scheme.
- (b) To make recommendations to the Council as to the amount of basic allowance which should be payable to elected members.
- (c) To make recommendations to the Council about the roles and responsibilities for which a special responsibility allowance should be payable and the amount of each such allowance.
- (d) To make recommendations as to whether the Council's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and, if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- (e) To apply Best Value principles in relation to the allowances under consideration.

Parish Independent Remuneration Panel

Membership – See Appendix at Section 4.1A

Function

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 to produce a report in relation to the Councillors of Parishes in West Lancashire making recommendations as to:

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairman of any such authority or to all its members;
- (d) whether, if parish basic allowance should be payable to both the chairman and other members of any such authority, the allowance payable to the chairman should be set at a level than that payable to the other members and, if so, the higher amount so payable; and
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

APPENDIX 1**EDGE HILL UNIVERSITY/WEST LANCASHIRE BOROUGH COUNCIL FORUM****1. Membership**

There will be 10 Forum Members comprising of 4 Borough Councillors, 4 University Board Members, the Chief Operating Officer of the Borough Council (or her nominee) and the Vice Chancellor of the University (or his nominee).

In addition, the West Lancashire Member of Parliament and Students Union President (or nominee) will be invited to attend meetings of the Forum.

2. Chairmanship

The Chairmanship will rotate annually between a Member from the Borough Council and a Member from the University and in alternate years a Member from the non-chairing body will act as Vice Chairman, commencing with a Chairman who is from the Borough Council.

3. Role and Functions

- To consider issues of mutual interest to Edge Hill University and West Lancashire Borough Council.
- To consider the impact of the University on the town of Ormskirk and its surrounds.
- To facilitate a full understanding of the aspirations of the University in developing to its full potential.
- To continue to maximise the opportunities for the local community to share in and enjoy the improved facilities on the University Campus.
- To highlight locally, regionally and nationally where appropriate the influence that the University makes in the community.

4. Meeting Frequency

The forum will meet 3 times per annum (with any special meetings being arranged as necessary). The meeting will alternate between the Edge Hill University campus and the Borough Council Offices. The meetings will usually take place at 10am.

5. Secretarial Support

Agendas will be prepared by an officer from the chairing body and circulated no later than 7 days prior to the meeting. The meetings will be attended by an officer from the chairing body and appropriate minutes will be produced and made publicly available and they will regularly be reported to the Council and the University Board of Governors.

6. Authority

As this is a consultative body only, the University/Council will handle matters through their usual decision making processes as required.

7. Code of Conduct

Please see below. The Codes of Conduct of each body will also apply at these meetings, and declarations of interest will be included on the Agenda and recorded in the Minutes.

8. Planning Applications

Formal planning applications must be considered on their merits through the planning process in the usual way and the Forum will not be involved in consideration of the same.

CONDUCT OF FORUM MEMBERS

Forum Members should have regard to the seven principles for holders of public office as outlined by the Committee on Standards in Public Life.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

West Lancashire Borough Council Hackney Carriage and Private Hire Forum - Constitution

1 Attendees (the Council)

- 1.1 West Lancashire Borough Council (the Council) will provide the following representatives at each Forum:
Public Protection and Licensing Manager (Chairman)
Chairman of the Licensing and Appeals Committee (or deputy)
Senior Licensing Officer
Licensing Assistant (minutes)
Legal Services Officer (as required)

2 Attendees (the Hackney Carriage and Private Hire trade)

- 2.1 The Hackney Carriage and Private Hire trades (the Trade) will each be represented by five members (i.e. five members to represent the Private Hire trade and five members to represent the Hackney Carriage trade).

2.2 *Election of Trade representatives*

Individual Trade representatives must be elected by existing licensed drivers and will attend the Forum for a period of two years.

- 2.3 At the end of any given two-year period, elections must be held again. However, this does not prevent the same individual(s) being elected to attend the Forum on consecutive occasions, so long as they have been properly elected.
- 2.4 The Trade is responsible for the administration and operation of the elections for its representatives. Other than to encourage attendance at the Forum, the Council will not intervene. However, each elected Trade representative must be able to demonstrate that they are truly representative of their respective trade.
- 2.5 Once elected, the names and contact details of the elected Trade representatives must be provided to the Council.
- 2.6 The Trade representatives elected to the Forum must hold a current Hackney Carriage and/or Private Hire drivers' licence issued by the Council. Any person referred to the Licensing and Appeals Committee within the previous three years, which resulted in further action being taken against that person, would not qualify to act as a representative. Furthermore, any elected Trade representative whose licence(s) is suspended/revoked or not renewed, at any time during this two year period of representation, will not be able to act as a Trade representative and be disqualified from the Forum.

2.7 Elected Trade representatives who do not attend two consecutive Forum meetings, without reasonable cause and no apologies being offered, will be disqualified from the Forum subject to the decision of the majority of the Forum.

2.8 Co-opted or substitute members will not be accepted during any given two year period.

3 Attendees (Other agencies)

3.1 Colleagues from other agencies, for example Lancashire Constabulary or MOT testing stations, will be invited to attend the Forum as required.

4 Objectives

4.1 In carrying out its functions, the Forum will promote the following objectives:

- The protection of public health and safety
- The preservation of a professional and responsible Hackney Carriage and Private Hire trade
- Access to an efficient and effective public transport service
- The protection of the environment.

5 Aims

5.1 In order to foster and maintain the highest standards of service to the travelling public and to give all members of the Trade every opportunity to succeed within the industry, all members of the Forum agree to:

- Meet on a quarterly basis to debate and express opinions on issues affecting the Hackney Carriage and Private Hire operations within the West Lancashire Borough;
- Actively participate and respond to issues that are raised in the Forum and to take action in the best interests of the travelling public and, taking account of the legislative framework, to maintain and improve the operation and reputation of Hackney Carriage and Private Hire trade;
- Conduct themselves cordially and professionally so as to cultivate co-operation, good will and fellowship among members of the Forum and the trade;
- Take all reasonable steps to ensure that all matters discussed at the Forum are communicated to the trade and the travelling public;
- Facilitate the exchange of ideas and methods that further the effectiveness and efficiency of service to the general public;
- Promote the trade, aid fair competition and advise in the enactment of future legislation.

6. Administrative matters

6.1 *Agenda*

The business of any given Forum meeting will be set by an agenda. Apart from standard items, any additional items to be discussed at the Forum

must be placed on the agenda prior to the meeting. The Council will ask all Forum members for such additional agenda items prior to the meeting and will provide the final agenda at least 7 days prior to the meeting.

6.2 *Forum Minutes:*

Draft minutes from each meeting will be produced by the Council and distributed to all Forum members for agreement as an accurate record. Once agreed, the minutes will be placed on the Council's website and provided to the Council's Licensing and Appeals Committee.

6.3 All communication (i.e. distribution of agendas and minutes) will be carried out by email.

6.4 *Amendments/interpretation to the Constitution and decision-making*

No amendment shall be made to the Constitution unless it is passed by a two-thirds majority of those voting at a meeting attended by all members of the Forum. A special meeting may be convened for this purpose.

6.5 In the event of any question or point not being covered by the Constitution, the Chairman shall have the power to act accordingly to interpret the article(s) raised.

6.6 Breaches of the Constitution may be raised by any Forum member as a point of order.

6.7 No resolution or motion shall be enacted at a meeting until it has been moved and seconded. No resolution from the chairman shall require seconding.

6.8 The Chairman's ruling shall be final.

Appendix 3A**Lancashire Police and Crime Panel
Terms of Reference**

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

- 1) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- 2) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- 3) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- 4) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
- 7) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- 8) To support the effective exercise of the Commissioner's functions.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint, if necessary, an Acting Police and Crime Commissioner.
- 11) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Lancashire Police and Crime Panel Panel Arrangements

1 General Principles

- 1.1 Lancashire County Council shall act as the host authority for the Police and Crime Panel. The County Council will act as Secretary to the Panel and shall be responsible for ensuring that the necessary officer support is provided and that any necessary arrangements are made to promote the role of the Panel.
- 1.2 The Panel must be made up of a minimum of 15 councillors and 2 independent co-opted members.
- 1.3 The constitution of the Panel should take account of, as far as is practical, both political and geographical proportionality, as well as the necessary knowledge, skills and experience to discharge its functions effectively – “the balanced appointment” objective.
- 1.4 Additional members may be co-opted on to the Panel to enable the balanced appointment objective to be met, as long as the size does not exceed 20 and the Secretary of State approves the co-options. Additional Members may or may not be councillors.

2 Membership

- 2.1 The constituent councils on the Panel are the County Council, the two unitary authority councils and the twelve district councils in Lancashire.
- 2.2 The Panel’s membership will be made up of one councillor from each constituent Council and the 2 independent co-opted members, plus any additional Councillors from specific authorities in order to achieve the “balanced appointment” objective.
- 2.3 All County Councillors and District Councillors are eligible to be members of the Panel.
- 2.4 All Councillors on the Panel will serve a term of 12 months.
- 2.5 Each constituent council may send a substitute member to meetings, as notified to the Secretary to the Panel, and this substitute member will be permitted to act as a substitute member with full voting rights at meetings of the Panel and any Task Groups appointed by the Panel. A substitute member must be from the same party as the member appointed by the constituent council. If the panel member is an independent councillor then any substitute must also be an independent councillor.

3. Independent Members

- 3.1 The Panel has previously agreed to co-opt two independent members onto the Panel for a term of four years (July 2016).
- 3.2 The lead authority will undertake the selection process on behalf of the Panel for co-opting independent members which will include a reasonable period of public advertisement for the positions. The closing date for the receipt of applications will not be less than two weeks from the date the advertisement is first placed.
- 3.3 Information packs will be prepared and sent to those requesting application forms.
- 3.4 The applications will be considered against agreed eligibility criteria and then the Chairman and Deputy Chairman of the Panel and three other Panel members will be invited to meet to consider applications and interview candidates, in accordance with the “balanced appointment objective”.
- 3.5 Following the interviews, the five members will make recommendations to the Panel about the appointments.
- 3.6 Additional members who are councillors will be appointed by the Panel for a 12 month term.

4 Vacancies

- 4.1 A vacancy on the Panel arises when a County Councillor, Borough Councillor or an independent member ceases to be a member of the Panel for any reason.
- 4.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 3.

5 Resignation and Removal of Members

Arrangements to be decided

6. Conditions for reappointment of members

- 6.1 Councillors may serve more than one 12 month term.
- 6.2 Co-opted members may be eligible to apply for a subsequent four year term but may not serve more than two consecutive four year terms.

7. Costs of the Panel

- 7.1 The costs of the Panel will be borne by the constituent councils. The Home Office has agreed to provide funding for administrative costs.

- 7.2 An annual lump sum allowance will be paid to each member of the Panel in recognition of their personal commitment and expenses arising in undertaking their role on the Panel. The allowance will be agreed annually by the Panel.
- 7.3 The lead authority will have responsibility for the financial arrangements to support the operation of the Panel, including the receipt of funds (whether paid by the Home secretary or otherwise) and the making of payments between the constituent councils and to panel members.

Lancashire Police and Crime Panel Operational Procedure

1 Chairman of the Police and Crime Panel

- 1.1 The Chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.2 The Deputy Chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.3 In the event of the resignation of the Chairman or Deputy Chairman or the removal of the Chairman/Deputy Chairman, a new Chairman/Deputy Chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the Panel.
- 1.4 The Panel will elect a councillor member to preside at a meeting if the Chairman and Deputy Chairman are not present
- 1.5 The Panel may consider the removal of the Chairman during the year if it is satisfied that he/she:
 - a) has, without reasonable excuse, failed to carry out the duties for a continuous period of six months;
 - b) has acted improperly, recklessly or negligently in relation to his/her duties;
 - c) is otherwise unable or unfit to perform his/her duties;
 - d) or that the circumstances are such that they are exceptional and would warrant the removal of the Chairman e.g. a conviction or caution in respect of a relevant criminal offence.

2 Meetings of the Police and Crime Panel

- 2.1 There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year in order to carry out the functions of the Panel. The Panel will determine the schedule of dates and times of its ordinary meetings each year, including a date for its Annual Meeting.
- 2.2 Extraordinary meetings of the Panel may also be called from time to time by the Chairman or by four members of the Panel giving notice to the Secretary to the Panel.
- 2.3 An extraordinary meeting may also be called by the Secretary to the Panel if he/she considers it to be necessary.
- 2.4 Ordinary meetings of the Panel will:
 - Receive any declarations of interest from members.
 - Approve the minutes of the last meeting.

-
- Consider reports from officers and Panel members.

- 2.5 The Secretary to the Panel will give notice to the public of the time and place of any meeting in accordance with Access to Information requirements. At least five clear working days before a meeting, the Secretary shall send notice of the meeting to every Panel member. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.
- 2.6 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

3 Quorum

- 3.1 A meeting of the Panel cannot take place unless not less than one third of the whole number of its members is present.
- 3.2 In the event of a meeting being inquorate, it shall stand temporarily adjourned for 15 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the Chairman may agree arrangements for the meeting to be reconvened.

4 Work Programme

- 4.1 The Panel will set its own work programme and, in doing so, may wish to take into account the priorities defined by the Commissioner and the wishes of its members.
- 4.2 The work programme must include the functions described in the Terms of Reference for the Panel.

5 Agenda Items

Any member of the Panel shall be entitled to give notice to the Secretary of the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

6 Reports from Police and Crime Panel

- 6.1 Where the Panel makes a report to the Commissioner on the discharge of its functions, it must choose to publish the report or recommendations
- 6.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:
- a) Consider the report or recommendations;
 - b) Respond to the Panel indicating what (if any) action the Commissioner proposes to take;

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- c) Where the Panel has published the report or recommendations, publish the response;
 - d) Where the Panel has provided a copy of the report; or recommendations to a member, provide a copy of the response to the member.

6.3 If the Panel cannot unanimously agree on the terms of any report to the Commissioner then a report agreed by the majority of the Panel will be submitted for consideration together with a separate report prepared by the minority.

7. Police and Crime Commissioner and Officers Giving Account

7.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role.

As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of the Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

7.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Secretary will inform them in writing giving, where practicable, reasonable notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

7.3 Where, in exceptional circumstances, the Commissioner is unable to attend on the required date an alternative date for attendance may be arranged, following consultation with the Chairman of the Panel.

7.4 If the Panel require the Commissioner to attend a meeting, the Panel may (at reasonable notice) request the Chief Constable to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

8 Attendance by Others

The Panel may invite people other than those referred to in Paragraph 7 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the Panel and officers in other parts of the public sector.

9 Task Groups

9.1 Time limited task groups may be established from time to time by the Panel to undertake specific, task-based work.

- 9.2 Task groups may not co-opt other persons.
- 9.3 The special functions of the Panel specified in paragraph 9.4 below may not be discharged by a task group of the Panel.
- 9.4 In this paragraph 'special functions' means the functions conferred on the Panel by:
- a) Section 28(3) of Police Reform and Social Responsibility Act (the Act) (scrutiny of Police and Crime Plan).
 - b) Section 28 (4) of the Act (scrutiny of annual report).
 - c) Paragraphs 10 and 11 of Schedule 1 of the Act (review of senior appointments).
 - d) Schedule 5 of the Act (issuing precepts) Part 1 of Schedule 8 of the Act (scrutiny of appointment of the Chief Constable).
- 9.5 The work undertaken by a task group will be scoped and defined by the Panel beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

10 Carrying out 'Special Functions'

Reports and recommendations made in relation to the functions outlined in the Terms of Reference will be carried out in accordance with the procedure outlined at section 7 above.

10.1 Senior appointments

- 10.1.1 Where the Panel exercises its powers to review the Commissioner's proposed appointments of Chief Constable, Chief Operating Officer, Chief Finance Officer and Deputy Police and Crime Commissioner, the meetings held to confirm these appointments must be held in public.
- 10.1.2 The Panel will be notified by the Commissioner of the need for a confirmatory hearing in respect of proposed senior appointments. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
- 10.1.3 In relation to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which it receives notification from the Commissioner.
- 10.1.4 At a confirmatory hearing the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner.
- 10.1.5 For a confirmatory hearing for the proposed appointment of the Chief

Constable, in addition to the requirement to review and report, the Panel must make a recommendation on the appointment and has the power to veto the appointment.

10.1.6 Having considered the appointment, the Panel will be asked to either:

- a) support the appointment without qualification or comment;
- b) support the appointment with associated recommendations, or
- c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.1.7 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.

10.2 Appointment of an Acting Police and Crime Commissioner

10.2.1 The Panel must appoint a person to act as Commissioner if:

- a) no person holds the office of Commissioner;
- b) the Commissioner is incapacitated; or
- c) the Commissioner is suspended.

10.2.2 The person appointed as acting Commissioner must at the time of the appointment be a member of the Commissioner's staff.

10.2.3 In appointing a person as acting Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.

10.2.4 The appointment of an acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Commissioner;
- b) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;
- c) in a case where the acting Commissioner is appointed because the Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or
- d) in a case where the acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

10.3 Proposed precept

10.3.1 The Commissioner will notify the Panel of the precept which he/she is proposing to issue for the financial year. The Panel must review the proposed precept and make a report to the Commissioner including recommendations.

10.3.2 Having considered the precept, the Panel will either:

- a) support the precept without qualification or comment;
- b) support the precept and make recommendations, or
- c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.3.3 If the Panel vetoes the proposed precept the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reason and the Panel will require a response to the report and any such recommendations.

10.4 Complaints

10.4.1 Non-criminal complaints in relation to the Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 .

10.5 Suspension of the Police and Crime Commissioner

10.5.1 The Panel may suspend the Commissioner if it appears to the Panel that:

- a) the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

10.5.2 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;
- b) the Commissioner being acquitted of the offence;
- c) the Commissioner being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction; or
- d) the termination of the suspension by the Panel.

10.5.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

10.6 Suspension and Removal of the Chief Constable

10.6.1 The Panel will receive notification from the Commissioner if he/she suspends the Chief Constable.

-
- 10.6.2 The Commissioner must notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
- 10.6.3 The Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- 10.6.4 If the Commissioner is still proposing to call upon the Chief Constable to resign, he/she must notify the panel accordingly (the 'further notification').
- 10.6.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not he/she should call for the retirement or resignation. Before making any recommendation the Panel may consult Her Majesty's Chief Inspector of Constabulary and must hold a scrutiny hearing.
- 10.6.6 The scrutiny hearing is a Panel meeting held in private to which the Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
- 10.6.7 The Panel must publish the recommendation it makes at 10.6.5 by any means the Panel considers appropriate and must send a copy to each of the constituent councils.

11. Rules of debate

The Panel to determine.

12. Public participation

The Panel to determine.

Appendix 3D**TAWD VALLEY DEVELOPMENTS LIMITED
BUSINESS PLAN 2019-2024****1. Introduction**

The Company will be operated through a Board of Management. The board will be established in line with standard corporate governance practices. Day to day operations will be undertaken through a team of Company officers.

The Council will have interests in the company through two roles:

- As sole shareholder
- As secured lender.

The Council will delegate to the board the day to day running of the company and require effective performance and financial reporting in line with the usual expectations of a shareholder and lender.

2. Board of Management

The board of management is in the process of being recruited.

Currently, the shadow board comprises the Corporate Director of Transformation and Resources and the Head of Finance, Procurement and Commercial Services. Both members bring extensive experience of the housing and finance disciplines to the board whilst also representing the interests of the Council in ensuring effective establishment of the company's operations.

Further recruitment of additional members will be undertaken as the business plan develops in order to develop and strengthen the skills on the board. Standard corporate governance practice suggests that the recruitment of additional, independent board members is an effective way to enhance the governance of the company.

3. Operational management

Day to day operations will be undertaken by Company officers recruited by the board.

Within this initial business plan, the company is intending to provide its services through a combination of the recruitment of specialist officers and the buying-in of services from specialist professional suppliers and agencies.

An allocation of up to £450,000 per annum (at 2019.20 prices) has been made within the plan to finance the overheads and operations of the company. This is felt to provide both the opportunity to establish an effective company operational management function, and to provide the basis for future growth of the company.

A detailed budget setting out the basis for the direction and management of the company within the total of £450,000 for running costs will be developed prior to operations commencing in 2019. The company will need to appoint or designate a Managing Director to become the chief officer for the company. The Managing Director will be responsible for sourcing officers and external support as required to secure the effective operation of the business.

In addition, the Council has agreed to finance the set-up costs of the company through a government grant. These costs have been incurred primarily in securing external legal and professional advice to develop the business plan and associated company documentation.

3. Decision making

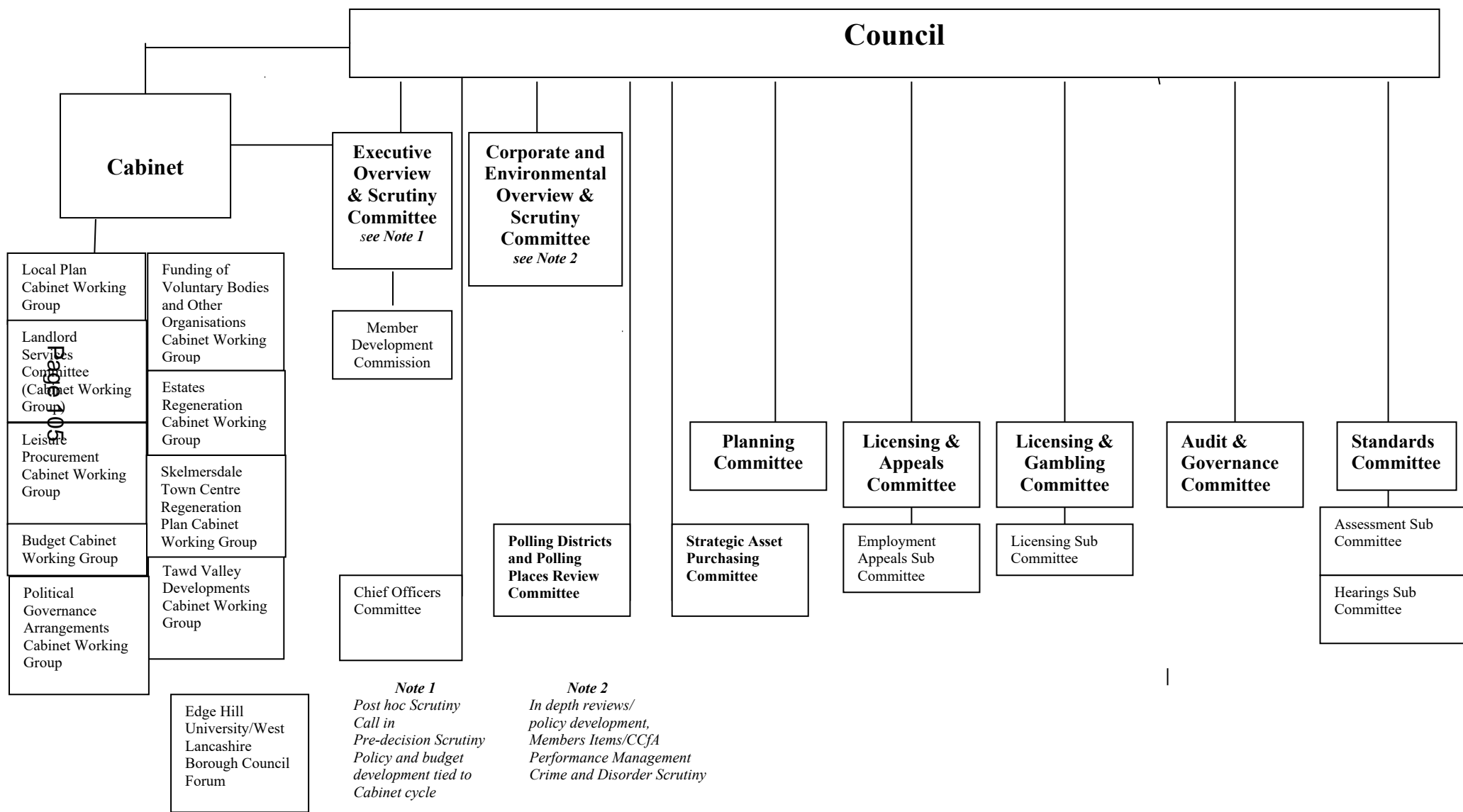
Day to day decision making will be overseen by the board of management. The board will establish performance and financial reporting arrangements which operate on a monthly basis, and, in conjunction with advisers and officers, devise a comprehensive system of internal reporting at scheme, programme and company level.

The Council's interests will be operated through two principal routes.

As shareholder, through an Investor and Shareholder Agreement, which sets out the basis for the investment into the company and the mechanism for reporting. The Council will approve the business plan of the company on an annual basis, as part of its own budget setting processes. In approving the business plan, the Council will also approve the funding support to be provided to the company. Performance against the business plan will be reported to the Council on a quarterly basis.

As lender, the Council will agree the basis for loans to be made to the company, and the terms upon which those loans are made. It is anticipated that there will be a single revolving credit facility upon which the company will be able to draw in order to deliver developments in line with the business plan. A drawdown trajectory will be established and agreed annually in advance. A mechanism to ensure flexibility in drawing funds whilst protecting the interests of the Council will be established.

WEST LANCASHIRE BOROUGH COUNCIL – STRUCTURE MAY 2023



MEMBERSHIP OF CABINET FOR THE MUNICIPAL YEAR 2023/2024**CABINET**

Minimum 3, maximum 10, including the Leader, may not include Mayor or Deputy Mayor - Section 11(7).

	Position	Areas of Responsibility	Councillor
(1)	Leader	Legal & Democratic	Y Gagen
(2)	Deputy Leader & Portfolio Holder:	Planning & Community Safety	G Dowling
(3)	Deputy Leader (Non-Statutory) & Portfolio Holder:	Green Growth	A Yates
(4)	Portfolio Holder:	Health & Wellbeing	V Cummins
(5)	Portfolio Holder:	Street Scene	N Furey
(6)	Portfolio Holder:	Communities	A Fennell
(7)	Portfolio Holder:	Finance (including Economic Regeneration)	R Molloy
(8)	Portfolio Holder:	Housing	N Pryce-Roberts
(9)	Portfolio Holder:	Leisure	C Coughlan

The Leader has appointed the Cabinet Committees and Working Groups set out below.

The Leader has also approved the Scheme of Delegation to Cabinet Members as set out in Constitution 4.3 and the Scheme of Delegation to Chief Officers insofar as they are Cabinet functions as set out in Constitution 4.2.

Leader

Dated **19 July 2023**

MEMBERSHIP OF COMMITTEES, SUB COMMITTEES, PANELS, WORKING GROUPS ETC FOR THE MUNICIPAL YEAR 2023/2024**CABINET WORKING GROUPS****1. LOCAL PLAN CABINET WORKING GROUP**

(5 Members: 4 LAB 1 CON)

Chairman: Councillor G Dowling

Vice Chairman: Councillor A Fowler

Labour: Councillors Y Gagen and A Yates

Cons: Councillor E Pope

2. FUNDING OF VOLUNTARY BODIES AND OTHER ORGANISATIONS CABINET WORKING GROUP

(4 Labour Members: 4 LAB)

Chairman: Councillor A Fennell

Vice Chairman: Councillor G Dowling

Labour: Councillors S Lawton and K Lloyd

3. LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP)

(5 Members: 3 LAB 2 CON 4 Tenants)

Chairman: Councillor N Pryce Roberts

Vice Chairman: Councillor N Furey

Labour: Councillor: A Fennell

Cons: Councillors T de Freitas and K Juckes

Tenants

Representatives: Ms. J. Killey, Ms. L. Mangan, Mr B Povey and
Vacancy

- N.B.** (i) tenant representatives have voting rights
(ii) substitutes are not allowed on the Working Group

4. ESTATES REGENERATION CABINET WORKING GROUP

(5 Members: 3 LAB 2 CON)

Chairman: Councillor N Pryce Roberts

Vice Chairman: Councillor J Finch

Labour: Councillor Y Gagen

Cons: Councillors K Jukes and D Whittington

5. SKELMERSDALE TOWN CENTRE REGENERATION PLAN CABINET WORKING GROUP

(7 Members: 4 LAB 3 CON)

Chairman: Councillor Y Gagen

Vice-Chairman: Councillor V Cummins

Labour: Councillors N Furey and N Pryce Roberts

Cons: Councillors D Westley, M Westley and D Whittington

6. TAWD VALLEY DEVELOPMENTS CABINET WORKING GROUP

(5 Members: 3 LAB 2 CON)

Chairman: Councillor N Pryce Roberts

Vice-Chairman: Councillor R Molloy

Labour: Councillor A Yates

Cons: Councillors D Westley and D Whittington

7. LEISURE PROCUREMENT CABINET WORKING GROUP

(4 Members: 3 LAB 1 CON)

Chairman: Councillor C Coughlan

Vice-Chairman: Councillor Y Gagen

Labour: Councillor R Molloy

Cons: Councillor R Bailey

8. BUDGET CABINET WORKING GROUP
(3 Cabinet Members)

Chairman: Councillor R Molloy
Vice-Chairman: Councillor A Yates

Labour: Councillors Y Gagen

9. POLITICAL GOVERNANCE ARRANGEMENTS CABINET WORKING GROUP

(All Cabinet Members)

Chairman: Councillor A Yates
Vice-Chairman: Councillor Y Gagen

C Coughlan, V Cummins, G Dowling, N Furey, A Fennell, R Molloy and N Pryce-Roberts

COMMITTEES

1. EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE
(10 Members: 6 LAB 3 CON 1 OWL Co-optees)

Chairman Councillor J Fillis
(Vice-Chairman) Councillor T Devine

Labour: Councillors M Anderson, P Burnside, N Hennessy and M Parlour

Cons: Councillors R Bailey, E Pope and D Westley

OWL: Councillor I Rigby

The Senior Overview and Scrutiny Chairman is the Chairman of the Executive Overview and Scrutiny Committee

2. CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE

(10 Members: 6 LAB 3 CON 1 OWL Co-optees)

Chairman: Councillor D West
Vice-Chairman: Councillor P Hogan

Labour: Councillors J Finch, P Hennessy, S Lawton and K Lloyd

Cons: Councillors T de Freitas, J Gordon and K Jukes

OWL: Councillor P Hesketh

3. PLANNING COMMITTEE
(10 Members: 6 LAB 3 CON 1 OWL)

Chairman: Councillor G Owen
Vice-Chairman: Councillor A Fowler

Labour: Councillors M Anderson, A Fennell, P Hogan and S Patel

Cons: Councillors A Blundell, E Pope and J Witter

OWL: Councillor L Webster

The Portfolio Holder for Planning will not be Chairman, other portfolio holders should not normally be Chairman.

4. LICENSING AND APPEALS COMMITTEE
(14 Members: 7 LAB 5 CON 2 OWL)

Chairman: Councillor N Hennessy
Vice-Chairman: Councillor T Devine

Labour: Councillors T Aldridge, N Furey, S Lawton, K Lloyd and S Patel

Cons: Councillors I Eccles, J Gordon, J Howard, K Jukes and M Westley

OWL: Councillors P Hesketh and T Marsh-Pritchard

(Note: Membership must include at least one member of Cabinet, not to be a member of the Investigating Committee – see Sub-Committee requirements.)

5. LICENSING AND GAMBLING COMMITTEE
(14 Members: 8 LAB 5 CON 1 OWL)

Chairman: Councillor P Burnside
Vice-Chairman: Councillor G Owen

Labour: Councillors T Aldridge, J Fillis, A Fowler, P Hennessy, M Parlour and D West

Cons: Councillors I Eccles, J Gordon, J Howard, K Jukes and M Westley

OWL: Councillor P Hesketh

6. STANDARDS COMMITTEE

(9 Members: 5 LAB 3 CON 1 OWL)

Chairman: Councillor Y Gagen (Leader of Labour Group)

Vice Chairman: Councillor D Westley (Leader of Cons Group)

Labour: Councillors P Burnside, V Cummins, A Fennell and N Furey

Cons: Councillors A Blundell, J Rear and D Westley

OWL: Councillor L Webster

Parish Councillor Representatives: Parish Councillor A Grant
One Parish Councillor Vacancy
(Note term of office until May 2026)

The Chairman should be the Leader of the largest Group and the Vice Chairman should be the Leader of the second largest Group.

(Note: Independent Persons: Mr Stephen Garvey
(Appointed 17 December 2020)
Mr Mike Fawcett
(Appointed 17 December 2020)

7. INVESTIGATING COMMITTEE

(5 Members: 3 LAB 1 CON 1 OWL)

Chairman Councillor Y Gagen

Vice-Chairman: Councillor V Cummins

Labour: Councillor M Parlour

Cons: Councillor J Rear

OWL: Councillor I Rigby

Must include at least one Member of the Cabinet.

8. INDEPENDENT PANEL

(4 Members LAB CON)

Independent Person: Mr. Stephen Garvey

Independent Person: Mr Mike Fawcett

And if advice requires it LAB, CON, Members

Names to be nominated by the Group Leaders to the Legal & Democratic Services Manager

9. CHIEF OFFICERS COMMITTEE

(5 Members: 3 LAB 2 CON)

Chairman: Councillor Y Gagen

Vice-Chairman: Councillor J Fillis

Labour: Councillor A Yates

Cons: Councillors D Westley and D Whittington

Must include at least one Member of the Cabinet.

10. AUDIT AND GOVERNANCE COMMITTEE

(9 Members: 5 LAB 3 CON 1 OWL)

Chairman: Councillor M Anderson

Vice-Chairman: Councillor M Parlour

Labour: Councillors J Fillis, S Patel and D West

Cons: Councillors D Daniels, E Pope and D Whittington

OWL: Councillor T Marsh-Pritchard

CIPFA Guidance - Chairman should not be a member of the Cabinet and authorities should strive to have no more than 8 Members on the Committee)

11. POLLING DISTRICTS AND POLLING PLACES REVIEW COMMITTEE

(5 Members: 3 LAB 2 CON)

Chairman Councillor G Owen

Vice-Chairman Councillor G Dowling

Labour: Councillor A Yates

Cons: Councillors T de Freitas and J Rear

12. STRATEGIC ASSET PURCHASING COMMITTEE
(5 Members: 3 LAB 2 CON)

Chairman: Councillor R Molloy
Vice-Chairman: Councillor A Yates

Labour: Councillor Y Gagen

Cons: Councillors D Westley and D Whittington

**LICENSING AND APPEALS COMMITTEE –
SUB-COMMITTEE**

1. EMPLOYMENT APPEALS SUB-COMMITTEE

The Sub-Committee to consist of 3 members, the membership to be determined by the Legal & Democratic Services Manager, in consultation with the Chairman of the Licensing and Appeals Committee.

(Note: For Chief Officers and Officers on JNC conditions, JNC guidance requires that Membership must include at least one member of Cabinet, not to be a member of the Investigating Committee).

**LICENSING AND GAMBLING COMMITTEE –
SUB COMMITTEE**

1. LICENSING SUB COMMITTEE

The Sub-Committee to consist of 3 members, the membership to be determined by the Legal & Democratic Services Manager, in consultation with the Chairman of the Licensing and Gambling Committee.

Either the Chairman, Vice Chairman or Opposition Spokespersons of the Licensing and Gambling Committee to act as Chairman.

STANDARDS COMMITTEE – SUB COMMITTEES

1. ASSESSMENT SUB-COMMITTEE

The Sub-Committee to consist of 3 Members, selected by the Legal & Democratic Services Manager, in consultation with the Chairman of the Standards Committee.

2. HEARINGS SUB-COMMITTEE

The Sub-Committee to consist of a maximum of 5 Members selected by the Legal & Democratic Services Manager, in consultation with the Chairman of the Standards Committee.

3. **RECRUITMENT OF INDEPENDENT MEMBERS PANEL**

The Panel to consist of 3 Members selected by the Legal & Democratic Services Manager in consultation with the Chairman of the Standards Committee.

JOINT COMMITTEES

1. **POLICE AND CRIME PANEL**

(18 Elected Members (1 from West Lancashire) plus 2 independent co-opted members)

Councillor G Dowling

(Appointment is made by the Leader under delegated powers)

See Constitution 4.1 Appendices 3A – 3C .

OVERVIEW AND SCRUTINY COMMISSIONS

1. **MEMBER DEVELOPMENT COMMISSION**

(7 Members 5 Lab 2 Con)

Chairman: Councillor V Cummins

Vice-Chairman: Councillor M Parlour

Labour: Councillors J Fillis, S Lawton and K Lloyd

Cons: Councillors J Marshall and D Westley

Additional Member/ Co-optees: To be appointed by the Commission/Committee if required

LIAISON GROUPS

PLACE-SHAPING HUB

Lancashire County Council
Chair of Skelmersdale Place Board
Chief Operating Officer
Leader of Council

Corporate Director of Place and Community

Once proposals are being considered the following partners will be engaged as appropriate:

London & Cambridge Properties (owners of the Concourse Centre)

Homes England

West Lancashire College

Lancashire Local Economic Partnership

Tawd Valley Developments

Business Representative of Skelmersdale Place Board

FORUMS

1. **EDGE HILL UNIVERSITY/WEST LANCASHIRE BOROUGH COUNCIL FORUM**

10 Forum Members – 4 Borough Councillors (2 LAB, 2 CON), 4 Board University Members, Chief Operating Officer (or her nominee), Vice-Chancellor (or his nominee)

Labour: Councillors G Dowling and A Yates

Cons: Councillors D Westley and M Westley

The Member of Parliament for West Lancashire and the President of the Students Union will be invited to attend meetings of the Forum.

2. **HACKNEY CARRIAGE AND PRIVATE HIRE FORUM**

Membership – please refer to paragraphs 1 and 2 of the Forum's Constitution attached at 4.1 Appendix 2.

3. **FOOD INSECURITY FORUM**

Membership – cross-sector

WEST LANCASHIRE ARMED FORCES COMMUNITY COVENANT WORKING GROUP

(2 Members)

Labour: Councillor P Hennessy
Substitute: Councillor T Devine

Cons: Councillor D Daniels
Substitute: Councillor J Howard

Partners

Jobcentre Plus, North & West Lancashire Chamber of Commerce, NHS West Lancashire Clinical Commissioning Group, West Lancashire Community Leisure, Council for Voluntary Service, One West Lancashire Board, Lancashire West CAB, Parish Councils), Army, British Legion, Soldiers', Sailors' and Airmen's Families Association, Veterans Council, West Lancashire College, Edge Hill University, Help Direct Lancs

**INDEPENDENT REMUNERATION PANEL /
PARISH INDEPENDENT REMUNERATION PANEL**

Mrs G Stanley: until May 2024 Chairman

Mr J Boardman: until May 2026

Mr I Thompson: until May 2025

**CHAMPIONS Role Descriptions – Constitution 3.2 Article
2**

Armed Forces: Councillors P Hennessy (Deputy - T Devine)

Older People: Councillor T Aldridge

Youth: Councillor C Coughlan

Food Security: Councillor P Hogan

Small Businesses: Councillor S Patel

Dementia: Councillor A Fennell

CABINET MEMBERS – PORTFOLIO DETAILS

Leader of the Council Councillor Yvonne Gagen

Areas of Responsibility:

- Chair of Cabinet
- External affairs, liaison and partnership working
- Legal and Democratic Services
- Freedom of Information
- Liaison with Chief Operating Officer on management issues
- Emergency Planning and Business Continuity
- Corporate and Strategic Human Resources
- Monitoring of Corporate HR Performance Indicators
- Equality Lead Member
- Employee Development Lead Member
- Strategic, holistic and management lead across all portfolios

Principal Adviser(s):

Jacqui Sinnott-Lacey (Corporate Planning, External affairs, Management and generally)

Chris Twomey (Legal and Democratic Services, Human Resources, Emergency Planning)

Deputy Leader of the Council, and Portfolio Holder for Planning and Community Safety Cllr Gareth Dowling

Areas of Responsibility:

- Deputise for the Leader as required
- Vice Chair of Cabinet
- Planning Policy Lead
- Local Plan development and implementation
- Development Management
- Building Control and Enforcement
- Tree Preservation Orders (insofar as not responsibility of Planning Committee)
- Conservation of built and natural environment
- Conservation
- Design in relation to development lead member
- Utility companies and highway authority liaison in relation to highway works, transportation issues, flooding, land drainage and coastal engineering
- Community Safety, crime, disorder and social cohesion
- Community Safety Strategy, initiatives and Partnership
- CCTV
- Environmental Health
- Health promotion awareness raising initiatives
- Health and Safety enforcement (except those enforced by the Health and Safety Executive)
- Corporate Health and Safety

-
- Food safety
 - Statutory nuisance
 - Air quality
 - Contaminated land
 - Unsanitary premises
 - Pollution control
 - Radiation
 - Foul drainage and private sewers
 - Disposal of the dead (where suitable arrangements have not been made)
 - Environmental Protection
 - Licensing (taxis, public entertainment/alcohol, street trading, animal welfare, charitable collections etc, in so far as these are not the responsibility of the relevant Licensing Committee)
 - Fly tipping enforcement
 - Dog control
 - Off-street parking

Principal Adviser(s):

Chris Twomey (Planning and Development, Environment, Building Control, Conservation, Coastal Engineering, Land Drainage, Events, Community Safety, Commercial Safety, Public Protection, Licensing, Press and Media)

Deputy Leader (non-statutory), and Portfolio Holder for Green Growth
Cllr Adam Yates

Areas of Responsibility:

- Deputise for the Leader and Deputy as required
- Climate Change Strategy and Action Plan
- Alternative fuels
- Energy reduction
- Environmental networks
- Sustainability aspects of corporate strategies
- Environment aspects of the Council's own activities
- Community energy
- Renewable technologies and energy
- Strategic tree planting and protection, wildflower meadows and rewilding
- Decarbonisation
- Local Plan
- Cross portfolio and cross departmental working towards net zero
- Community Wealth Building
- Co-operative development
- Home Energy efficiency
- Large scale organisation change, design of council services
- Cyber Security Lead Member
- ICT
- LCC Digital Services

Principal Adviser(s):

Jacqui Sinnott-Lacey (Green Growth)
Chris Twomey (Green Growth)

**Portfolio Holder for Finance and Economic Regeneration
Cllr Rob Molloy**Areas of Responsibility:

- Economic regeneration
- Skills development
- Skelmersdale and Ormskirk Town Centre development
- Ormskirk Market
- Bus station
- External funding/inward investment
- Marketing the authority and the borough
- Business engagement and advice regarding grants and training
- Financial management
- Value for Money
- Accounting services
- General Capital and Revenue Estimates and budgeting
- Monitoring and reporting of performance against budget
- Annual statement of accounts
- Treasury management including borrowing to support the Capital Programme
- Internal audit
- Prevention and detection of fraud
- Risk management, insurance and data quality
- Customer service and relations
- Corporate Services Lead Member
- Corporate Procurement
- Revenue and Benefits services
- Corporate planning and performance management, culture and framework
- Corporate and commercial property portfolio management and maintenance
- Asset management plan
- Maintenance of Asset Register and Land Terrier
- Acquisition of land
- Sale of surplus land
- Valuation advice
- Rating appeals
- External liaison for regeneration eg Local Enterprise Partnerships, Marketing Lancashire, Growth Lancashire
- Community Wealth Building
- Co-operative development

Principal Adviser(s):

Chris Twomey (Economic Regeneration, Town Centre Development, Car Parking, Ormskirk Market, Bus Station, Digital, ICT, Revenues and Benefits, Performance Management, Customer Relations, Consultation, Community Engagement, Cyber Security)

James Pierce (Financial Management, Procurement, Estates)

Portfolio Holder for Housing
Cllr Nicola Pryce RobertsAreas of Responsibility:

- Public sector housing
- Delivery, repairs and maintenance
- Housing allocations
- Tenancy management
- Former tenant arrears
- Sheltered housing
- Tenant empowerment and participation
- Housing Strategy
- Housing advice
- Supported housing
- Housing finance
- Renovation Grants
- Disabled Facilities Grants
- Homelessness
- Unfit homes
- Tawd Valley Developments Ltd
- Building council housing
- Estates regeneration

Principal Adviser(s):

Chris Twomey (Public Sector Housing, Housing Strategy, Landlord Services, TVDL, Homelessness, Private Sector Housing)
James Pierce (Housing Finance)

Portfolio Holder for Street Scene
Cllr Neil FureyAreas of Responsibility:

- Environment services
- Fleet services (maintenance and compliance of council's fleet of vehicles/garage/depot facilities)
- Clean and Green Services
- Street cleansing
- Grass cutting
- Shrub pruning
- Arboriculture and landscape services
- Cemeteries (where not direct responsibility of a church)
- Bulky household waste
- Works to dangerous trees
- Fly tipping enforcement
- Dog control
- Public realm works (in partnership with LCC)

- Waste Management
- Waste collection, green waste, recyclable collections, and trade waste services
- Pest control
- Tree management
- Engineering services such as grit bins, highways and maintenance of Council-owned unadopted footways and highways

Principal Adviser(s):

Chris Twomey (Environmental Services and Sustainability, Fleet Management, Street Cleansing, Grounds Maintenance, Waste Collection, Recycling, Depot and Waste Transfer Facility)

Portfolio Holder for Leisure
Cllr Carl Coughlan

Areas of Responsibility:

- Properties held and services delivered in relation to sport development, swimming pools, sports centres, arts and culture
- Strategic development of playgrounds and community centres
- Strategic oversight of any partnership contract
- Procurement for delivery and management of any leisure contracts
- Insourcing of any contracts and delivery
- Delivery of new Wellbeing and Leisure Hubs
- Upgrade to existing facilities
- Management of Beacon Park service and offer including clubhouse and cafe
- Countryside parks and open spaces
- Formal parks
- Allotments
- Rights of Way
- Provision of outdoor recreational opportunities
- Tawd Valley Master Plan

Principal Adviser(s):

Chris Twomey (Leisure)

Portfolio Holder for Health and Wellbeing
Cllr Vickie Cummins

Areas of Responsibility:

- Health and Wellbeing Strategy
- Liaison with local NHS bodies including hospitals, trusts, regional bodies, ICS, local GPs and other health focused groups and organisations
- Cross-working with Leisure in respect of health and wellbeing benefits of parks, allotments and other activities
- Lead on children's services and safeguarding, as required

Principal Adviser(s):

Chris Twomey (Health and Wellbeing Strategy, Leisure, Parks, Children's Services)

Portfolio Holder for Communities
Cllr Anne FennellAreas of Responsibility:

- Community engagement
- Voluntary, Community, Faith and Social Enterprise sector
- Town, Parish and Community council engagement
- Volunteering and community volunteer champions
- Neighbourhood working
- Voluntary sector grants
- Community Chest
- Non-statutory sector
- Community aspects of asylum seekers and refugees
- Food Security and Food Justice
- Markets and Events

Principal Adviser(s):

Chris Twomey (Social Cohesion, Voluntary sector Grants, Markets and Events)

Appointed Champions:**Armed Forces Champion**
Cllr Paul Hennessy (Deputy Cllr Terry Devine)Areas of Responsibility:

- To assist the Leader by advising on issues which support and improve access to services for ex-service personnel in the Borough.
- To act as a spokesperson to promote the positive aspects of the Council's work with the Armed Forces.
- To forge and maintain links locally with Armed Forces networks.
- To represent the Council on the West Lancashire Community Covenant Working Group.

Principal Adviser(s):

Chris Twomey

Dementia Champion
Cllr Anne FennellAreas of Responsibility:

- The Dementia Champion is responsible for promoting awareness of and community support for those living with Dementia and their carers' and supporting the West Lancashire Dementia Friendly Community.

- Lead on Member and Officer Dementia Friendly awareness
- This role is undertaken in close collaboration with the Portfolio Holder for Health and Wellbeing.

Principal Adviser(s):

Chris Twomey

Food Security Champion
Cllr Paul Hogan

Areas of Responsibility:

- The Food Security Champion provides political leadership at both a local and National level, to tackle food insecurity and food poverty within the Borough.
- Implementation, monitoring and updating of the Council's Food Insecurity Action Plan
- Attendance at and growth of West Lancashire Food Insecurity Forum
- This role is undertaken in close collaboration with the Portfolio Holders for Communities, and Health and Wellbeing.

Principal Adviser(s):

Chris Twomey

Older People's Champion
Cllr Terry Aldridge

Areas of Responsibility:

- To assist the Leader and the relevant Portfolio Holders for Housing and Community Safety by advising on service issues which support and encourage active, independent and healthy lives for older people and to raise the profile of older people and their needs in the development of policy across all areas of the Council.
- Acting as a spokesperson to promote the positive aspects of the Council's work with older people.
- Encouraging older people to play a fuller role in shaping the policies of the Council and in designing its service.
- Working to promote positive images of older people as citizens, and to combat stereotyping and age discrimination.
- Forging and maintaining links locally with older people's networks.
- Preparing an annual programme of work and reporting on progress annually to Cabinet.
- This role definition has been recommended and supported by the Local Authority elected Member Older People's Champion North West Network.
- Promotion of Older People's Grants via the Community Chest.

Principal Adviser(s):

Chris Twomey

Small Business Champion
Cllr Suresh PatelAreas of Responsibility:

- To assist the Leader by advising on service issues which support and encourage small businesses and their needs in the development of policy across all areas of the Council.
- Acting as a spokesperson to promote the positive aspects of the Council's work with small businesses.
- Forging and maintaining links locally with small businesses.
- Community Wealth Building
- This role works closely with the Portfolio Holder for Economic Regeneration.
- External engagement with local business networks

Principal Adviser(s):

Chris Twomey
James Pierce

Youth Champion
Cllr Carl CoughlanAreas of Responsibility:

- To assist the Leader and relevant Portfolio Holder to examine how all local provision (not just youth services) supports young people, identifying the outcomes that matter most to young people and working with partners to find ways to deliver these.
- Encourage younger people to play a fuller role in shaping the policies of the Council and in designing its services.
- Consult with young people and our partners, including the local voluntary and community sector, faith groups, schools and employers, to involve children and young people in decisions that affect them or in matters which may have an impact on their lives.
- Act as spokesperson to promote the positive aspects of the Council's formal Partnership with the local Youth Service.
- Work to promote positive images of younger people as citizens.

Principal Adviser(s):

Chris Twomey

CABINET APPOINTMENTS (appointed by the Leader)

BODY	CURRENT REPRESENTATIVE(S)	CURRENT TERM OF OFFICE EXPIRES
Alt Crossens Advisory Group	Councillors R Molloy and A Yates and the Head of Wellbeing & Place Services (2 Representatives – Councillors and an officer)	May 2024
ARCH Limited	Councillor N Pryce-Roberts and the Chief Operating Officer (Relevant Portfolio Holder and Chief Operating Officer)	May 2024
Community Partnership Safety	Councillors Y Gagen, N Furey and G Dowling (3 Councillor Representatives to include the Relevant Portfolio Holder)	May 2024
Groundwork Cheshire, Lancashire and Merseyside – AGM only	1 Cllr Neil furey	May 2024
Lancashire Association of Local Councils - West Lancs Branch	Councillors A Fennell and G Dowling (2 Councillor Representatives)	May 2024
Lancashire Enterprise Partnership – Joint Scrutiny Committee	Councillor Adam yates (Cannot be a Member of the Joint Scrutiny Committee)	May 2024
Lancashire Partnership Waste	Neil furey (1 Councillor Representative)	May 2024
Local Government Association General Assembly	Councillor Y Gagen (1 Councillor Representative)	May 2024

BODY	CURRENT REPRESENTATIVE(S)	CURRENT TERM OF OFFICE EXPIRES
One West Lancashire	Councillor Y Gagen and Chief Operating Officer (Leader Appointment Only)	May 2024
North West Employers	Councillor Y Gagen Substitute: Councillor G Dowling (1 Councillor Representative)	May 2024
PATROL	Councillor A Yates Substitute: Councillor N Pryce-Roberts (1 Councillor Representative and Deputy to be appointed)	May 2024
The Birchwood Centre	Councillors C Coughlan and M Parlour (2 representatives not necessarily Councillors)	May 2024
TMD Neighbourhood Board	Councillors N Pryce-Roberts, C Coughlan and Cllr G. Owen Substitute) Councillor J Finch (2 County Councillors, <u>3 Councillor Representatives one of which relevant Portfolio Holder for Housing</u>)	May 2024

BODY	CURRENT REPRESENTATIVE(S)	CURRENT TERM OF OFFICE EXPIRES
Leisure Trust Board	Councillor C Coughlan (1 Councillor Representative)	May 2024
West Lancashire District Twinning Association (Exec)	P Cotterill and Councillors J Finch and Y Gagen (3 representatives – not necessarily Councillors)	May 2024
Whitemoss Landfill Community Liaison Committee	Councillors V Cummins and N Furey (Substitutes Councillors N Pryce-Roberts and D West) Officer (2 Councillors 1 from Skelmersdale North and 1 from Skelmersdale South 1 Officer from Environmental Health)	May 2024

COUNCIL (To be approved at the Annual Council Meeting)

BODY	CURRENT REPRESENTATIVE(S)	CURRENT TERM OF OFFICE EXPIRES
Central Lancs Partnership Board	Councillor A Fowler (1 Councillor Representative)	May 2024
Citizens Advice Bureau: Lancashire West	Councillor Y Gagen (1 Councillor Representative)	May 2024
Crane Trust	Councillor P Burnside (1 Representative not necessarily a Councillor – 3 year term of office)	May 2024
Council for Voluntary Services: West Lancashire	Councillors G Owen, G Dowling, M Nixon and C Coughlan (4 Representatives – preferably Councillors)	May 2024
DCN (District Council Network)	(The Leader) Cllr Gagen and Chief Operating Officer	May 2024
Homestart Central Lancashire	Councillor T Aldridge and (x1 Conservative) (2 Councillor Representatives – 1 Conservative, 1 Labour)	May 2024
Lancashire County Council Health and Adult Services Scrutiny Committee	Councillor K Lloyd (1 Councillor Representative should not be a Cabinet Member)	May 2024
Lancashire Police and Crime Panel	Councillor G Dowling 1 Councillor	May 2024
Liverpool City Region Combined Authority	The Leader (Cllr Y Gagen) and the Chief Operating Officer Substitute: Councillor G Dowling	May 2024

BODY	CURRENT REPRESENTATIVE(S)	CURRENT TERM OF OFFICE EXPIRES
Liverpool City Region Housing and Spatial Planning Board	Councillor Councillor A Fennell Substitute: Councillor N Pryce-Roberts (Portfolio Holder for Planning with the Portfolio Holder for Housing and Landlord Services as substitute)	May 2024
Ormrod & Hackey Home	Mrs C Gillard (1 Representative not necessarily a Councillor)	May 2024
Peter Lathom's Charity Skelmersdale Ormskirk	Mr P Cotterill Councillor Y Gagen (2 Representatives from Skelmersdale to serve for a 4 year term of office) Councillors A Yates, R Molloy (2 Representatives from Ormskirk to serve for a 4 year term of office)	May 2027 May 2027 May 2027
Relate - Lancashire	Councillor G Owen (1 Representative – not necessarily a Councillor)	May 2024
Richard Durnings Charity	Mr R Collinson (1 Representative – not necessarily a Councillor - 4 year term of office)	May 2026

BODY	CURRENT REPRESENTATIVE(S)	CURRENT TERM OF OFFICE EXPIRES
South West Lancashire Independent Community Advice Network	Councillor V Cummins (1 Councillor Representative)	May 2024
Victim Support	Councillors K Jukes and Cllr M.Nixon (2 Councillor Representatives)	May 2024
West Lancashire Ageing Well Forum	Councillors T Aldridge and J Finch or M Nixon (3 Councillor Representatives – 1 to be Older People's Champion)	May 2024
West Lancs Dial-A-Ride Association	Councillor Dowling (1 Councillor Representative)	May 2024

Ormskirk School Foundation Trust

Councillor A Owens	17 August 2026
Councillor G Dowling	23 November 2024
Councillor N Hennessey	6 May 2025 (Lancashire County Councillor)
Councillor G Johnson	1 February 2026
Councillor M Anderson	18 May 2026

(5 Representatives, each having a 4 year term)

**Proper Officer Provisions and Scheme of Delegation to Chief Officers
etc (Constitution 4.2 to 4.2C)**

	Pages
Constitution 4.2 :	
Proper Officer Provisions and Scheme of Delegation to Chief Officers etc.	
1.0	2
Introduction	
2.0	3
“Proper Officer” Provisions and Designations	
3.0	11
Delegation to Officers	
4.0	13
Delegations to both the Chief Operating Officer and Corporate Directors	
Constitution 4.2A	
Delegations to the Chief Operating Officer (Head of Paid Service)	
Constitution 4.2B	
To the Corporate Director of Place & Community	
Constitution 4.2C	
To the Corporate Director of Transformation, Housing & Resources	
(A) Head of Legal & Democratic Services (Monitoring Officer & Senior Legal officer)	
(B) Head of Finance, Procurement & Commercial Services (Section 151 Officer)	

Insofar as the functions contained in this Scheme of Delegation are Council Functions they are delegated by the Council.

Insofar as the functions contained in this Scheme of Delegation are Executive Functions they are delegated by the Leader.

Signed

Leader

1 April 2022

1.0 INTRODUCTION

- 1.1 This Document firstly sets out “Proper Officer” provisions and officer designations and secondly sets out a Scheme of Delegation which delegates powers and duties to officers under Section 101 of the Local Government Act 1972 and all other powers including the Local Government Act 2000 enabling such delegation. It is adopted with the intent that it continues the streamlining of the Council’s decision making processes and accordingly should be interpreted widely rather than restrictively.
- 1.2 Where legislation is referred to it shall be taken to include any Act or Acts extending or amending the same or incorporated therein.
- 1.3 For the purposes of the Scheme of Delegation:
- (a) “Portfolio Holder” shall be taken to mean the councillor appointed by the Leader as holding responsibility for a particular area of Council activity. In the absence of the Portfolio Holder, the Leader, or if he/she is absent or unable to act, or if the post of Leader is vacant the Deputy Leader in the first instance or another Portfolio Holder, shall act in his/her stead.
 - (b) Reference to the Cabinet shall be taken to mean reference to the Leader and Cabinet.
 - (c) Officers may only exercise delegated powers in accordance with
 - (i) policies, plans and programmes approved by or on behalf of the Cabinet or the Council
 - (ii) Contracts Procedure Rules and Financial Regulations unless specifically referred to
 - (iii) any statutory restrictions, Statutory Guidance or Codes of Practice

2.0 “PROPER OFFICER” PROVISIONS AND DESIGNATIONS

2.1 The Council has:

- (a) designated officers to carry out particular functions which are, by statute, to be exercised by a particular officer and
- (b) designated officers to be the “Proper Officer” for the purposes of the references in various enactments where reference is made to the “Proper Officer” as follows:

LOCAL GOVERNMENT ACT, 1972

Section	Description of Function	Proper or designated Officer
13(3)	Parish Trustee of Body Corporate of Parish not having separate Parish Council.	Chief Operating Officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Chairman (Mayor), Vice-Chairman (Deputy Mayor) Councillor,.	Chief Operating Officer
84	The officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Operating Officer
88(2)	The officer who may convene a meeting for the election of the Chairman (Mayor) following a casual vacancy in that office.	Chief Operating Officer
89(1)(b)	The officer who may receive notice of a casual vacancy in the office of Councillor from two local government electors.	Chief Operating Officer
96(1)	Receipt of general notices of pecuniary interest.	Head of Legal & Democratic Services
96(2)	The officer who shall keep the record of disclosures of pecuniary interest under Section 94 and of notices under Section 96(1).	Head of Legal & Democratic Services
100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Head of Legal & Democratic Services

Section	Description of Function	Proper or designated Officer
100B(7)(c)	The supply to the press of additional material supplied to members of the Council in connection with items of business to be discussed.	Head of Legal & Democratic Services
100C(2)	Preparation of a written summary of those parts of the proceedings of a committee, which disclose exempt information.	Head of Legal & Democratic Services
100D(1)(a) and (5) (a)	Identification of background papers and compilation of list of such documents.	Chief Officer / Corporate Directors responsible for report
100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by members of the Council.	Head of Legal & Democratic Services
115(2)	The officer who shall receive all money due from every officer employed by the Council.	Head of Finance, Procurement & Commercial Services
137A	The Officer who shall receive on deposit a statement (or any report or accounts) provided by an organisation body or fund pursuant to Section 137A (1).	Head of Finance, Procurement & Commercial Services
146(1)(a)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Head of Finance, Procurement & Commercial Services
151	The officer responsible for the proper administration of their financial affairs.	Head of Finance, Procurement & Commercial Services
191(2),(4) (b)	The officer to whom applications under Section 1 of the Ordnance Survey Act 1841 should be sent.	Head of Legal & Democratic Services
210(6) and (7)	Charities.	Head of Finance, Procurement & Commercial Services
225(1) and (2)	Deposit of documents.	Head of Legal & Democratic Services

*228(3)	Accounts of “any proper officer” to be open to inspection by any member of the authority.	Head of Finance, Procurement & Commercial Services
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*Section 228(3) applies automatically to any officer who is designated as “proper officer” for any purpose and who keeps accounts.

229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
234(1) and (2)	The officer who may authenticate documents.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
236(9) and (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Chief Operating Officer
238	The officer who shall certify copies of Byelaws as true copies.	Chief Operating Officer
248 (2)	The officer who shall keep the roll of persons admitted to the freedom of a city or town.	Chief Operating Officer
Sch.12/para4 (1A) (b)	The officer who may authenticate a summons to Council meetings.	Chief Operating Officer
Sch.12/para 4(3)	The officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Chief Operating Officer
Sch.14/para 25 (7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 and 1925 as true copies for production in legal proceedings.	Chief Operating Officer

LOCAL GOVERNMENT ACT 1974

30(5)	Publication of reports issued by Local Commissioner.	Head of Legal & Democratic Services
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

41	Certification of copies of resolutions, minutes and other documents.	Chief Operating Officer
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HIGHWAYS ACT 1980

PART XI	Making up of private streets	Corporate Director of Place & Community
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REPRESENTATION OF THE PEOPLE ACT 1983

8	Registration of parliamentary and local government electors.	Chief Operating Officer
52(2)	Deputy Registration Officer	Corporate Director of Transformation, Housing & Resources
35	Returning Officer for the election of Borough and Parish councillors.	Chief Operating Officer
18 A, 18 B and 18 C & 31	Designation/re-designation of Polling Districts and Polling Places	Chief Operating Officer

CARE ASSISTANCE ACT 2014 (As Amended)

Section	Description of Function	Proper Officer
47	Removal to suitable premises of persons in need of care and attention.	Director of Commissioning, NHS Central Lancashire or any other Executive Director on the NHS Central Lancashire on-call rota.

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984

13,48,59 & 60	Various powers.	Consultant level staff in Cumbria and
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Lancashire Public
Health England Centre

HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Consultant level staff
in Cumbria and
Lancashire Public
Health England Centre

FOOD SAFETY ACT 1990

49 Signing of documents. Corporate Director of
Place & Community

HOUSING ACT 2004

4 and 239 Condition of any residential premises –
official complaints and powers of entry. Corporate Director of
Transformation,
Housing & Resources

249 Signing off a certificate of designation Corporate Director of
Transformation,
Housing & Resources

LOCAL GOVERNMENT AND HOUSING ACT 1989

2(4) Deposit of lists of politically restricted posts. Chief Operating Officer

4 Head of Paid Service. Chief Operating Officer

5 Monitoring Officer. Head of Legal &
Democratic Services

19 Members interests. Chief Operating Officer

REGULATIONS MADE UNDER THE ACT

The Local Government (Committees & Political Groups)
Regulations 1990 Chief Operating Officer

The Local Authorities (Members' Allowances) (England)
Regulations 2003 Chief Operating Officer

LOCAL AUTHORITIES CEMETERIES ORDER 1977

Management Regulation and Control
of Cemeteries.

Corporate Director of
Place & Community

**LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 2006 SCHEDULE 3 AND LOCAL
ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006 SCHEDULE 2**

Rule 50	Receipt from Returning Officer of the notice of the names of persons elected to the Council.	Corporate Director of Transformation, Housing & Resources
Rule 52	Registration Officer, receipt from Returning Officer of election documents.	Corporate Director of Transformation, Housing & Resources
Rule 53	Orders for the production of elections documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
Rule 54	Retention of election documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources

PARISH AND COMMUNITY MEETINGS (POLLS) RULES 1987

Reg 4	Returning Officer for the purpose of conducting Parish Polls	Chief Operating Officer
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LOCAL GOVERNMENT FINANCE ACT 1988

114	Functions as regards reports	Head of Finance, Procurement & Commercial Services
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ENVIRONMENTAL PROTECTION ACT 1990

149	Seizure of stray dogs.	Corporate Director of Place & Community
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LOCAL GOVERNMENT ACT 2000

Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Chief Operating Officer
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Local Authorities (Conduct of Referendums) (England) Regulations 2012	Chief Operating Officer
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Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 - Appointment and dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers.	Chief Officer	Operating Officer except in respect of the dismissal of the Head of the Paid Service when the Corporate Director of Transformation, Housing & Resources or Place & Community will be the proper officer.
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FREEDOM OF INFORMATION ACT 2000

S36	The Officer authorised to fulfil the role of 'qualified person'.	Corporate Director of Transformation, Housing & Resources (where absent Chief Operating Officer).
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2.2 In the cases where the Proper or Designated Officer of the Council is absent or otherwise unable so to act, then the undermentioned officers be authorised to act as such Proper or Designated Officer:

Proper Officer	Officer Designated to Act in the Absence of the Proper Officer*
Chief Operating Officer	Corporate Director of Place & Community Corporate Director of Transformation, Housing & Resources Head of Planning & Regulatory Services Head of Wellbeing & Place Services Head of Environmental Services Head of Housing Services Head of Finance, Procurement & Commercial Services (Section 151 Officer) Head of Corporate & Customer Services

	Head of Legal & Democratic Services (Monitoring Officer)
Corporate Director of Place & Community	Corporate Director of Transformation, Housing & Resources Head of Planning & Regulatory Services Head of Wellbeing & Place Services Head of Environmental Services
Corporate Director of Transformation, Housing & Resources	Corporate Director of Place & Community Head of Housing Services Head of Finance, Procurement & Commercial Services Head of Corporate & Customer Services Head of Legal & Democratic Services
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)
Head of Legal & Democratic Services (Monitoring Officer)	Principal Solicitor (designated as the Deputy Monitoring Officer) Democratic Services Manager

2.3 “Proper Officer” shall be taken to mean the Officer appointed above by the Council for the purpose of this Scheme or in default of such appointment, the Chief Operating Officer.

* Where an officer is designated to act in the stead of the appointed officer this is on the basis that the designated person has responsibility for the relevant directorate or service, e.g. the Head of Housing would be the relevant officer under Housing Act 2004, sections 4 and 239 (condition of any residential premises – official complaints and powers of entry).

3.0 DELEGATION TO OFFICERS

- 3.1 The following powers and duties are delegated to the officers named in 4.0 - 6.0 and Constitution 4.2A – 4.2C within the normal constraints of Council policy. Decisions shall be taken in the name of (but not necessarily personally by) that officer.
- 3.2 In the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act in their stead.
(See also para 4.3 below).

Officer	Officer Designated to Act in their Stead	Matters
Chief Operating Officer	<p>Corporate Director of Place & Community</p> <p>Corporate Director of Transformation, Housing & Resources</p>	<p>All matters</p> <p>All matters, except matters relating to Tawd Valley Development Company</p>
Corporate Director of Place & Community	<p>Corporate Director of Transformation, Housing & Resources</p> <p>Head of Planning & Regulatory Services</p> <p>Head of Wellbeing & Place Services</p>	<p>All matters, except matters relating to Tawd Valley Development Company</p> <p>All Building Control Planning Services (including Development Management, Local Plan, Strategic Planning, heritage & Conservation). All Environmental & Community Protection (including Food & Safety, Environmental Health, Private Sector Housing Standards, Licensing, Emergency Planning, Community Safety and ESAG Event Group).</p> <p>All leisure facilities & contracts (including More Positive Together) All well being and community outdoor recreation (including the ranger service) All Economic Development & Regeneration (including Markets & Car Parking)</p>

	<p>Head of Environmental Services</p>	<p>All Waste Management (including Waste Transfer Station and Fleet Services) All Clean & Green (including Environmental Enforcement, Technical Services, inc drainage, engineering, trees & pest control. All Environmental Sustainability</p>
<p>Corporate Director of Transformation, Housing & Resources</p>	<p>Corporate Director of Place & Community</p> <p>Head of Finance, Procurement & Commercial Services</p> <p>Head of Housing Services</p> <p>Head of Corporate & Customer Services</p>	<p>All matters</p> <p>All Financial & Audit matters (including risk & insurance), Procurement, Estates & Valuation and Information Governance (DPO) All Housing Regulations, quality & strategy tenancy management (including independent living, homelessness, neighbourhood officers) All Property Services (including facilities management, caretaking & cleaning, compliance, DFGS, Investment, repairs & maintenance investment) All Income & Inclusion matters</p> <p>All Business, Transformation & Change, , Human Resources & Organisation Development, Customer experience, communications & engagement, business support and revenue & benefits</p> <p>All Legal & Democratic Services (including elections)</p>

	Head of Legal & Democratic Services	
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)	All matters designated to the Section 151 Officer
Head of Legal & Democratic Services (Monitoring Officer and most senior Legal officer)	Principal Solicitor (designated as the Deputy Monitoring Officer) Principal Solicitor	All matters designated to the Monitoring Officer and legal matters Legal matters

4.0 DELEGATIONS TO BOTH THE CHIEF OPERATING OFFICER AND THE CORPORATE DIRECTORS

- 4.1 To manage buildings under their control.
- 4.2 To incur revenue expenditure/receive income within the Council's approved budgets subject to compliance with the Financial Regulations of the Council.
- 4.3 To incur expenditure on individual capital schemes or on design preparation of a scheme in accordance with Contracts Procedure Rules and Financial Regulations provided that, if the details of the Scheme vary significantly from that described in the capital budget, prior consultation takes place with the relevant portfolio holder(s) or Chairman.
- 4.4 To approve price variations under contracts containing fluctuation clauses and to authorise variation orders in accordance with Contracts Procedure Rules.
- 4.5 To maintain registers of contracts placed by them, where required.
- 4.6 To implement and take action under policies approved by Cabinet or the Council in consultation with the relevant Portfolio Holders.

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- 4.7 To determine and approve, in consultation with the Chief Operating Officer, the regrading of posts in accordance with the job evaluation assessed grade for the duties, in their respective Services below those staff employed on chief officer conditions, within the approved service manpower budget subject to the right of staff to recourse to the appeals procedure.
- 4.8 To appoint, take disciplinary action against, (including suspending employees from work:
- (a) where the employee's continuing presence at work compromises disciplinary investigation or impairs the efficient exercise of the Council's functions and
 - (b) on medical grounds when supported by appropriate medical opinion. This includes the dismissal of staff on the grounds of inability to attend work on a regular basis due to ill health) or terminate 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.
- 4.9 To grant special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies and all other special and other leave covered in the appropriate Policies.
- 4.10 To grant, in consultation with the Chief Operating Officer, allowances and car loans for appropriate members of staff in accordance with the approved scheme and approve either essential, casual or no car categorisation of posts within their service in accordance with the agreed categorisation criteria.
- 4.11 To approve training courses, including seminars for staff.
- 4.12 To deal with lost or uncollected property.
- 4.13 To determine in accordance with agreed Council policies, all other personnel management matters within their Directorate or Services including changes to the establishment, the filling of casual vacancies, the employment of temporary staff, the employment of agency staff, the granting of overtime, the granting of merit increments, granting applications for leave under the family friendly policies provided that agreed budgets are not exceeded.
- 4.14 In consultation with the Chief Operating Officer and their respective relevant Portfolio Holders,
- (a) to approve or refuse applications for voluntary redundancy in accordance with the Council's Redeployment and Redundancy Scheme,
 - (b) to approve the retirement of the Green Book and Craft employees on the grounds of Ill Health Retirement in cases that are supported by the appropriate medical advice and recommendation,
 - (c) to approve the Payment of Preserved Pension benefits in line with the Local Government Pension Scheme Regulations and

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- (d) to approve the granting of Flexible Retirement in line with the Local Government Pension Scheme Regulations.
- 4.15 To determine grievances for all employees other than those employed on chief officer conditions.
- 4.16 To take all action in connection with the invitation of tenders or quotations for any scheme which has been approved in the appropriate capital or revenue budget or where funding is provided by an external source and to accept the lowest tender or quotation for the scheme, if payment is to be made by the Council, or the highest tender or quotation if payment is to be received by the Council; or the most suitable tender where authorised by Council, Cabinet, Committee or sub-committee (as appropriate); or where the Chief Officer in consultation with the relevant Portfolio Holder determines (in accordance with this delegation) that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process the successful tender/quotation identified by the application of that tender evaluation process, subject to the tender/quotation price not exceeding the amount which has been earmarked for that scheme in the capital or revenue budget and if the details of the scheme vary significantly from that described in the capital and revenue budget or when the external funding was agreed, prior consultation takes place with the relevant Portfolio Holder(s) or Chairman.
- 4.17 To remit charges or to write off debts which are deemed to be irrecoverable up to a limit of £5,000 in individual cases after consultation with the Head of Finance, Procurement & Commercial Services.
- 4.18 To dispose of obsolete property/equipment up to a value of £1,000 for each item.
- 4.19 In consultation with the Head of Finance, Procurement & Commercial Services, to write off any stock or stores deficiency less than £1,000 in value.
- 4.20 To select contractors to tender for work or the supply of services to the Council.
- 4.21 To take any action on behalf of the Council, following consultation with the Leader and relevant Portfolio Holder or the Chairman of the appropriate committee, in cases of urgency requiring immediate decisions, and where it would be unreasonable or impractical to convene a meeting.
- 4.22 To act as chief officers in accordance with the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 and to appoint officers to undertake the appropriate duties as described in the Act and Code or any re-enactment thereof.
- 4.23 To sign statements of truth and to identify relevant officers falling within the definition "persons holding a senior position in the Council" for the purposes of signing statements of truth in relevant cases.
- 4.24 To engage specialist or consultant services where necessary, provided the costs are met from within agreed budgets.

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- 4.25 After consulting the relevant Portfolio Holder or the appropriate Chairman or the Mayor, to respond to consultation papers where the timescale for reply does not allow time for consideration by the Cabinet, relevant committee or by the Council, subject to a report back in the appropriate Members' Update

(Note: That, where practicable, the comments of a wider group of Members be sought on consultation documents via the e-mail system to inform those making the decision on a response.)

- 4.26 To submit bids for external funding/grants in accordance with agreed Council policies where the timescale for submission does not allow time for consideration by the Cabinet, relevant committee, Cabinet or by the Council subject to a report back in the appropriate Members' Update.
- 4.27 Within their respective Directorates or Services to authorise persons to enter onto land/premises for any statutory purposes.
- 4.28 To instruct the Head of Legal & Democratic Services to take any action including the institution of court proceedings, for the recovery of Council land, buildings or property occupied by any third party without the licence, consent or other permission of the Council.
- 4.29 To authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.

(In practice this power is usually limited to the Chief Operating Officer, Corporate Director of Place & Community and Corporate Director of Transformation, Housing & Resources).

N.B. The Chief Operating Officer **must** authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.

- 4.30 To appoint officers to attend the Magistrates' Court to seek orders approving the grant or renewal of authorisations for direct surveillance, covert human intelligence sources and acquisition of communications data.
- 4.31 To make, in consultation with the Chief Operating Officer, enquiries in respect of previous convictions of prospective or current employees of the Council.
- 4.32 To exercise responsibility for the management and operation of their Directorates or Services in accordance with the established policies and practices of the Council.
- 4.33 To update the Directorate/Service Safety Policy and appendices as appropriate.
- 4.34 To sign documents as authorised by the Council or under delegated authority.
- 4.35 To determine, in relation to the Freedom of Information Act 2000, whether to release information in accordance with the procedures outlined in the Council's "Dealing with Requests for Information" document.

- 4.36 To authorise amounts of up to £10,000 to be taken from a reserve controlled by him/her provided that its use is in line with the stated purpose of the reserve.
- 4.37 To authorise the use of money from a reserve controlled by him/her in excess of £10,000 after consultation with the Portfolio Holder for Resources and Transformation and other relevant Portfolio Holders provided that its use is in line with the stated purpose of the reserve.

NB. The Council's Reserves Policy sets out which Officer controls each reserve.

A. DELEGATIONS TO THE CHIEF OPERATING OFFICER

1. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
2. To approve and issue all official publicity, press statements and official publications which do not fall within the remit of any Corporate Director or Head of Service.
3. To exercise a power delegated to any officer when that officer is unable or unwilling to act.
4. To deal with requests for permission to reproduce the Coat of Arms of the Council.
5. To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, after consultation with the Mayor (Chairman of the Council) and the Leader of the Council.
6. To sign and seal documents in accordance with Section 3.14 (Finance, Contracts and Legal Matters) of the Constitution.
7. To amend the list of politically restricted posts as appropriate (Local Government and Housing Act 1989).
8. To determine, after consultation with the Leader or Deputy Leader of the Council those chief officer vacancies where the members will be involved in the recruitment process.
9. To set up appropriate consultation arrangements with Trade Unions and Staff Representatives including the operation of the Corporate Consultative Group.
10. To take decisions, after consultation with the Leader and Deputy Leader of the Council, to support staff in private prosecutions in cases where staff have been subject to assault.
11. To appoint Inspectors under the provisions of Section 110A of the Social Security Administration Act 1992 and such Inspectors to enter business premises and to make enquiries in accordance with the provisions of Section 110B of the Social Security Administration Act 1992.
12. To conduct JNC procedures relating to discipline and capability for all officers employed on JNC Conditions.
13. To appoint external advisers to assist in the conducting of disciplinary investigations and to appoint external consultants to assist in conducting grievance investigations.
14. To make exemptions to Contracts Procedure Rules where he/she is satisfied the exemption is justified in special circumstances subject to a report back in the appropriate "Members Update."

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15. To act under the Council's Standards Committee procedures.
 16. To submit, in consultation with the Leader of the Council, nominations for invitations to Her Majesty's Royal Garden Parties.
 17. To update as necessary the Monitoring Officer Protocol (Section 3.13A) in consultation with the Leader of the Council.
 18. To introduce arrangements to ensure that they are aware of and satisfied with the exercise by the Council of the powers under the Regulation of Investigatory Powers Act 2000 and to authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.
 19. To act in the capacity of Designated Person in compliance with the Regulation of Investigatory Powers Act as required.
 20. To authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.
 21. To make appointments to outside bodies made by either Council or Cabinet, in consultation with the Leader and the Deputy Leader
 22. In consultation with the Leader, to put forward nominations for LEA governorships, should any Councillor wish to put their name forward, for appointment by Lancashire County Council as a School Governor.
 23. To amend, in consultation with the Head of Legal & Democratic Services and the Head of Finance, Procurement & Commercial Services, and re-issue the Protocol for Partnership Arrangements.
 24. In relation to the Indemnity for Officers and Members (Constitution 17.3) to give prior authorisation where the defence of defamation proceedings, criminal proceedings or Code of Conduct proceedings is involved.
 25. To submit claims for grants to government departments and other bodies (in consultation with the relevant Corporate Director or Head of Service, if appropriate) and applications for funding.
 26. In consultation with the Leader to review and determine future subscriptions to outside bodies and organisations, including provision to give relevant notices.
 27. In relation to Assets of Community Value, to carry out listing reviews and compensation reviews as the Officer of appropriate seniority and to make the relevant decision, under the Assets of Community Value (England) Regulations 2012.

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28. To update the Edge Hill University/West Lancashire Borough Council Forum Constitution to reflect changes in circumstances.
 29. To designate/re-designate Polling Places within the Borough to suitable venues in consultation with the Leader, the Leader of the main opposition group and the Ward Councillors, in exercise of the powers conferred by Sections 18A, 18B, 18C, 18D and 31 of the Representation of the People Act 1983 (as amended).
 30. To issue vary or discharge closure notices for a maximum 48 hour period under Part 4 Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
 31. That the Chief Operating Officer, in consultation with the Tawd Valley Developments Shareholders Committee, be authorised to determine all matters, as the Shareholder for Tawd Valley Development Company, on behalf of the Council.

TO THE CORPORATE DIRECTOR OF PLACE & COMMUNITY

A. ENVIRONMENTAL SERVICES

(i) Waste & Fleet Services

1. To enter into productivity or similar agreements with the workforce and their representatives.
2. To seek quotation/tenders and to place orders for the supply of goods or materials or for the execution of work .
3. To dispose of surplus plant, machinery, equipment or man hours in accordance with Financial Regulations.
4. To agree charges at which services may be made available to Council Services or appropriate outside bodies.
5. To submit tenders and estimates for work to be carried out by Contracting Services and persons acting on its behalf.
6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report back in the appropriate Members' Update.
7. To prepare and approve with the relevant Portfolio Holder, the Vehicle Replacement Programme (following an evaluation of the business and service needs prevailing at the time), subject to details of the approved Programme being circulated to Members via an appropriate Members' Update, and in this respect to invite Tenders and to accept the lowest most suitable tenders for the purchase of vehicles detailed in the Programme.
8. To maintain all accounting procedures and records as determined in consultation with the Head Finance, Procurement & Commercial Services and prepare accounting information at the end of each financial year in accordance with the requirements specified by law, or by the Council.
9. To carry out work which has been previously won under compulsory competitive tendering or best value such as refuse collection and street cleansing together with anything incidental thereto.
10. To serve Notices and to take all necessary action under the Refuse Disposal (Amenity) Act, 1978, and Road Traffic Regulation Act 1984, in connection with the removal of abandoned vehicles.
11. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.

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12. To develop and implement a range of appropriate education, promotion and enforcement practices in order to raise recycling levels and deal with litter issues.
 13. In consultation with the relevant Portfolio Holder, to implement the single standard service for the collection of bulky household waste.
 14.
 - (a) To appoint authorised officers for the purpose of Schedule 4 to the Environmental Protection Act 1990 in respect of Abandoned Shopping and Luggage Trolleys.
 - (b) To increase the fee for returning shopping trolleys impounded under the provisions of Schedule 4 to the Environment Protection Act 1990 in line with inflation.
 15. To administer the agency for highway functions in accordance with the Public Realm Agreement and the guidelines and codes of practice set out by Lancashire County Council.
 16. To exercise the powers of the Street Authority under the New Roads and Street Works Act 1991 within the prescribed areas.
 17. To enter all appropriate Waste Management Cost Sharing Agreements with the Disposal Authority together with all related documents including Deeds of Extension and Variation, in consultation with the Portfolio Holder.

(ii) Cemeteries

1. To grant exclusive right of burial in the Council's cemeteries.
2. To determine all applications for the erection of headstones in the Council's cemeteries.

(iii) Technical Services

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
 - (a) Section 15 - To survey land to be acquired compulsorily with power to authorise persons to carry out the same.
 - (b) Section 16 - To serve Notices to obtain particulars of persons interested in land and to take all necessary action in respect thereof.
 - (c) Section 23 - To take all necessary action when a Notice to deal with dangerous trees is served on the Council under this section.
 - (d) Section 24 - To serve Notices to make safe dangerous trees
 - (e) Section 25 - To serve Notices with respect to dangerous excavations.

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- (f) Section 26 - To authorise persons to enter onto land.
2. To accept donations for the provision of seating or trees.
 3. To serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs within the Ormskirk Town Centre Conservation Area after consultation with the Head of Legal & Democratic Services.
 4. To exercise the powers of the Street Authority under the New Roads and Street Works Act, 1991 and the Traffic Management Act 2004, within the prescribed area.
 5. To deal with matters arising from day to day operation of Borough Council markets and to deal with any lost property within the markets.
 6. To deal with urgent repairs in private streets within the urban core under Section 230 of the Highways Act, 1980.
 7. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
 8. To deal with applications for the use of Council owned sites in Ormskirk Town Centre for business or promotional purposes.
 9. To administer the agency for highway functions in accordance with the Street Services Agreement and the guidelines and codes of practice set out by the Lancashire County Council.
 10. To administer the relevant sections of the Highways Act 1980 and any Act or Acts extending or amending the same or incorporating the same therein; including the serving of notices, the issuing of licences, enforcement, the laying of informations and complaints to the Magistrates Courts and the carrying out of any work in default including recovery of the costs.
 11. The power to examine and test drains and other apparatus believed to be defective.
 12. To erect street nameplates under Section 19 Public Health Act 1925.
 13. To serve notices under the Public Health Act 1936 concerning the culverting of watercourses.
 14. To exercise the powers within the Land Drainage Act 1991.
 15. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984.
 - (a) To arrange for the affixing of traffic signs to buildings or structures in or fronting to or constructed over roads under Section 11.
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- (b) To apportion charges for the cleansing or repair of private sewers under Section 22.
- (c) To recover the cost of making good damage to grass verges on footways under Section 12.
16. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
17. To receive notices in respect of and authorisation of reinstatement works under the New Roads and Street Works Act 1991.
18. To consent to the holding of car boot sales on land not owned by the Council subject to the agreed criteria.
19. To adopt highways etc. which are subject to an Agreement under Section 38 of the Highways Act, 1980 with effect from the issue of the Final Certificate or those which are not subject to such Agreements subject to satisfactory condition and capacity.
20. To respond to the County Council's road safety programme subject to reporting any major changes of County Council policy to the Executive.
21. To adopt highways constructed by or on behalf of the Council.
22. To adopt footpaths constructed under the provisions of Section 37 of the Highways Act 1980.
23. In cases where a developer defaults in his obligations and commitments to maintain a highway, pursuant to Agreements under Section 38 of the Highways Act 1980, to take all appropriate action, including the invitation of tenders and the acceptance of the lowest tender, to secure completion of works specified in the appropriate Agreement provided the cost of such works can be funded either by the bond in its entirety or, in cases where the bond is insufficient, by contributions from Lancashire County Council.
24. To determine the making of Orders under the provisions of the Road Traffic Regulation Act 1984 to provide designated disabled parking bays, subject to the applicant meeting the Lancashire County Council criteria.
25. To determine the making of Traffic Regulation Orders pursuant to the provisions contained in the Road Traffic Regulation Act 1984 following consultation with the appropriate portfolio holder and the ward councillors and to introduce such orders in the event of there being no outstanding objection or objections to the proposals.
26. In consultation with the Chairman of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the

Highways Act 1980 and the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.

27. In consultation with the Chairman of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
28. In consultation with the relevant Portfolio Holder and relevant Ward Members to respond on behalf of the Council, to consultations from Lancashire County Council in respect of highway and public rights of way matters.
29. To make Orders to prevent obstructions in streets during public processions etc., under Section 21 of the Town Police Clauses Act 1847.

(iv) Arboricultural Services

- **1. To deal with and determine applications for consent for works to trees the subject of Tree Preservation Orders, or lying within designated conservation areas.
2. To authorise the Head of Legal & Democratic Services to make, vary and revoke Tree Preservation Orders, including, where appropriate, a direction under Section 201 of the Town and Country Planning Act 1990 and to confirm Orders where no valid objections are received.
3. To exercise the Council's power and duties for making observations on consultation requests submitted to it by the Lancashire County Council, the Forestry Commission, or other parties for applications for felling licences under the Forestry Act, 1967.
4. Under the relevant sections of the Anti-Social Behaviour Act 2003 to:-
 - instruct the Head of Legal & Democratic Services to issue and serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70.
 - take all necessary action in respect of appeals made under Section 71.
 - authorise persons to enter land for the purposes of Sections 74 and 77.
 - prosecute for offences, including the laying of informations, under Section 75 and 77, and
 - take all necessary action to recover expenses under the provisions of Section 77.
 - carry out the functions of Part 8 of the Act – High Hedges and the associated regulations.
5. In consultation with the relevant Portfolio Holder to implement the West Lancashire Free Tree Scheme, subject to finance being made available in the Capital Programme.

6. To accept donations for the provision of seating or trees.
7. To manage, publish and set fees for entries on the Council's Tree Contractor List.
8. To implement future changes in the fees for high hedge applications in line with the Fees and Charges Policy.

(v) **Environmental Strategy (Climate Change)**

1. In consultation with the relevant Portfolio Holders develop an Assistance Package for private owners to enable them to be part of a comprehensive Energy Efficiency Scheme

B. REGULATORY SERVICES

(i) Corporate Health and Safety

1. To update the Corporate and Community Services Enforcement Policies, in consultation with the relevant Portfolio Holder, in accordance with any new or revised government legislation or Statutory Guidance and in this respect any wholesale changes in guidance or legislation resulting in major changes to the policy to be brought back for approval (Cabinet/Council as appropriate).
2. To produce and update all the Council's Health and Safety Policies and procedures in the line with current legislation and best practice, in consultation with the relevant Portfolio Holder.
3. To implement, publish and keep under review the Safeguarding Policy 2019, to update the Safeguarding Policy 2019 as necessary and to nominate an officer as the Designated Safeguarding Officer.
4. In consultation with the relevant Portfolio Holder, to progress and (as appropriate) confirm the Council's membership of the Integrated Community Partnership/Multi Speciality Community Provider (ICP/MCP) and to provide future updates at relevant stages of the partnership development process.

(ii) Public Health

1. To administer relevant provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in respect of offences in appropriate cases, under the following enactments and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts.
 - Open Spaces Act 1906
 - Dogs Act 1906
 - Public Health Acts 1936 and 1961

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- Prevention of Damage by Pests Act 1949
 - Pet Animals Act 1951
 - Zoo Licensing Act 1951
 - Animal Welfare Act 2006
 - Performing Animals (Regulation) Act 1925
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Act 1964
 - Home Safety Act 1961
 - Agriculture (Miscellaneous Provisions) Act 1968
 - Late Night Refreshment Houses Act 1969
 - Local Government Act 1972
 - Control of Pollution Act 1974
 - Health and Safety at Work etc., Act 1974
 - Slaughterhouse Act 1974
 - Guard Dogs Act 1975
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - County of Lancashire Act 1984
 - Public Health (Control of Diseases) Act 1984
 - Food and Environment Protection Act 1985
 - Environmental Protection Act 1990
 - Food Safety Act 1990
 - Breeding of Dogs Act 1991
 - Dangerous Dogs Act 1991
 - Clean Air Act 1993
 - Noise and Statutory Nuisance Act 1993
 - Sunday Trading Act 1994
 - Environment Act 1995
 - Noise Act 1996
 - Clean Neighbourhood and Environment Act 2005
 - Sunbeds (Regulation) Act 2010
 - Water Industry Act 1991
 - Water Act 2002
 - The Dogs Act 1871
 - The Dangerous Dogs Act 1989
 - Control of Dogs Order 1992
2. To undertake the following registration and licensing functions under the relevant enactment and Regulations including the setting and periodic review of licence fees, and the laying of information and complaints to a Court in respect of legal proceedings in relation to:
- Acupuncture, tattooing, ear-piercing and electrolysis
 - Animal Boarding Establishments
 - Breeding of Dogs
 - Dangerous Wild Animals
 - Selling of animals as pets

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- Hiring out of horses
 - Keeping or training animals for exhibition
 - Food and Food Premises
 - Game
 - Guard Dogs
 - Knackers Yard Licences
 - Late Night Refreshment Houses
 - Pet Animals
 - Rag, Flock and Other Filling Materials
 - Riding Establishments
 - Scrap Metal Dealers
 - Sunday Trading
 - Zoos
 - Sunbeds
3. To appoint officers, where appropriate, as authorised officers or Inspectors and to authorise officers to sign documents and to enter land/premises in connection with their duties under the following enactments or re-enactment thereof:
- Public Health Act 1936 and 1961
 - Prevention of Damage by Pests Act 1949
 - Pet Animals Act 1951
 - Rag, Flock and Other Filling Materials Act 1951
 - Agriculture (Safety, Health and Welfare Provisions) Act 1956
 - Factories Act 1961
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Acts 1964 and 1970
 - Scrap Metal Dealers Act 1964
 - Breeding of Dogs Act 1973
 - Control of Pollution Act 1974
 - Health and Safety at work etc., Act 1974
 - Slaughterhouses Act 1974
 - Dangerous Wild Animals Act 1976
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1984
 - County of Lancashire Act 1984
 - Public Health (Control of Diseases) Act 1984
 - Food and Environment Protection Act 1985
 - Environmental Protection Act 1990
 - Food Safety Act 1990
 - Breeding of Dogs Act 1991
 - Dangerous Dogs Act 1991
 - Clean Air Act 1993
 - Noise and Statutory Nuisance Act, 1993
 - Sunday Trading Act 1994
 - Noise Act 1996

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- Clean Neighbourhoods and Environment Act 2005
 - Sunbeds (Regulation) Act 2010
 - Water Industry Act 1991
 - Water Act 2003
 - The Animal Welfare Act 2006
4. To appoint persons under Part 1 of the Health Act 2006, insofar as it relates to smoke free matters and to administer the relevant provisions of the Act and all relevant legislation.
 5. To arrange for the disposal of all unfit foodstuffs and procuring of samples.
 6. In consultation with the relevant Portfolio Holder to approve the Food Safety Service Plan.
 7. (a) To appoint officers as Inspectors under Section 19(1) of the Health and Safety at Work etc., Act 1974.

(b) To authorise officers so appointed, to exercise, insofar as they relate to the functions of the Council the powers of an Inspector specified in:
 - (i) Sections 20, 21, 22 and 25 of the Health and Safety at Work etc., Act 1974.
 - (ii) Any Health and Safety Regulations, and
 - (iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the Third Column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified as may be in force from time to time.
 8. To authorise competent persons to accompany Inspectors on visits under the Health and Safety at Work etc., Act 1974 in an advisory capacity.
 9. To undertake “transfers of responsibility” under Regulation 5 and “assignments in cases of uncertainty” under Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
 10. To authorise the service of notices requiring information as to the ownership of land/premises.
 11. To authorise officers under Section 39 of the Local Government Act 1988.
 12. To appoint officers as “authorised officers” for the purposes of the Environmental Protection Act 1990 and in particular to appoint Inspectors under Section 16(6) of the Act for the purposes of Part I of the Act and to authorise such officers to sign documents that are given, made or issued under the Act.
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13. To appoint offices as “authorised persons” under the European Communities Act 1972, insofar as it relates to food safety matters and to administer the appropriate provisions of all relevant subordinate legislation.
14. To determine, after consultation with the Head of Legal & Democratic Services whether or not to prosecute persons contravening legislation relating to dogs or other animals
15. To make arrangements for the seizure of animals, and subsequent action in cases of emergency under the Dangerous Wild Animals Act 1976.
16. To authorise a Veterinary Surgeon, or Veterinary Practitioner, or such other person as he deems competent, to inspect any premises where any animal is, or may be held, in pursuance of a Licence which has been applied for, or granted, under the Dangerous Wild Animals Act 1976.
17. To vary Licence Conditions, to allow removal of any animal that is to be kept at premises outside the Borough for more than 72 hours, under the Dangerous Wild Animals Act 1976.
18. To consult with the Secretary of State and other persons necessary to formulate an inspection team and appoint Inspectors on behalf of the Council under the Zoo Licensing Act 1981.
19. To determine applications for the approval of chimney heights, submitted under Section 15 of the Clean Air Act 1993.
20. To determine applications for consent, in relation to construction sites under the Control of Pollution Act 1974, in accordance with BS 5228.
21. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984:
 - (a) To give notice requiring persons to take steps to reduce the emission of dust arising from any building operation, demolition or the cleansing of any building or structure under Section 16.
 - (b) To lay a complaint to a Magistrates’ Court requiring the owner of a chimney to raise its height or do other things because of the emission of gas vapour fumes or soot under the provisions of Section 17.
22. To submit, following consultation with the relevant Portfolio holder and ward councillors, objections to the Secretary of State regarding notifications received from United Utilities that they intend to apply for permission to lower the quality of effluent discharge.
23. To deal with the removal of persons in need of care and attention under the National Assistance Act 1948, Section 47 and National Assistance (Amendment) Act 1951

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- after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
24. To deal with all matters relative to infectious/notifiable diseases including exclusion from work or school to prevent spread of infection, together with payment of compensation where necessary after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
 25. To arrange for the burial and/or cremation of persons where no other person takes the responsibility.
 26. To revise the fixed element of the licence fees for Dangerous Wild Animals and riding establishments at periodic intervals in line with inflation.
 27. To review the level of charges for copies of entries in the Food Premises Register and the Environmental Protection Act Register on an annual basis.
 28. To review and update as necessary pest control charges for non-domestic work on an annual basis.
 29. To waive payment of seizure and detention charges and the prescribed fee (but not kennelling charges) on the first occasion that a particular stray dog is seized and thereafter only in exceptional circumstances, and to review the charges annually for the return of a stray dog to its owner or when the prescribed fee is revised by statute.
 30. To reduce charges for stray dog kennelling in special circumstances.
 31. To authorise officers to enter and/or remove vehicles, equipment and machinery in connection with their duties under the Noise and Statutory Nuisance Act, 1993.
 32. To regularly review the fees for animal welfare related licences and to increase those fees in line with inflation.
 33. To administer the provisions of The Clean Neighbourhood and Environment Act 2005 including any Orders made under it and in accordance with The Dog Control (Prescribed Offences and Penalties etc) Regulations 2006 and The Dog Control Order (Procedures) Regulations 2006 to authorise Officers to issue Fixed Penalty Notices under any of the Dog Control Orders and to take proceedings in the Magistrates Court.
 34. To seek a contribution from users of the "Houndogs" Scheme at £15.00 for one dog and a further £1.00 for each dog collected at the same time. Also to review and, if necessary, increase the level of this contribution in line with any increase in the cost to the Council of providing the service.
 35. In accordance with the Environmental Protection Act 1990:-
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- (a) To designate litter control areas under Section 90 and to serve street litter control notices under Section 93.
 - (b) To lay complaints in the Magistrates' Court for Orders under Section 94 removal of street litter and institute proceedings under that section for failure to comply with such Orders.
 - (c) To institute proceedings under Section 87 'offence of leaving litter.'
 - (d) Under Section 88:
 - (i) appoint authorised Officers to issue Fixed Penalty Notices for litter offences.
 - (ii) collect the Fixed Penalty Notices received and forward to Secretary of State annually.
 - (iii) conduct reviews of the notices served.
 - (iv) instruct the Head of Legal & Democratic Services to take action in relation to the non-payment of Fixed Penalty Notices.
36. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
37. To propose under the Clean Neighbourhoods and Environment Act 2005, in consultation with the Head of Legal & Democratic Services, relevant Portfolio Holder and relevant Ward Councillors:-
- the designation of all or part of the Borough as:
 - (a) An Alarm Notification Area
 - (b) An area where it is an offence to distribute free printed material without a consent
 - Amendments to Dog Control Orders and to follow the relevant procedure.
38. To administer, issue consents, set consent fees and enforce the relevant provisions under the Clean Neighbourhoods and Environment Act 2005 in relation to the distribution of free material in recognised public car parks.
39. To take any action in connection with the development and preparation of the Crime and Disorder Strategy, in consultation with relevant Portfolio Holders.
40. To appoint Officers as Inspectors under Sections 57 of the Animal Welfare Act 2006.
41. In consultation with the Head Finance, Procurement & Commercial Services and the relevant Portfolio Holder to determine what proportion of costs to be recovered from "Appropriate Persons" where remediation works are to be undertaken to contaminated land.

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42. In consultation with the relevant Portfolio Holder and in accordance with the provisions of the European Directive on Environmental Liability – The Environmental Damage (Prevention and Remediation) Regulations 2009:
 - (a) to serve any notices
 - (b) to withdraw notices, if necessary
 43. Under the European Directive on Environmental Liability, in accordance with the provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009:
 - (a) to commence legal proceedings in relation to any offence
 - (b) to recover all relevant costs and, if necessary, register a charge on the property in respect of unpaid costs
 - (c) to instruct such contractors as necessary (up to the value of £10,000) in relation to an emergency, to prevent, contain or remedy environmental damage
 - (d) following consultation with the relevant Portfolio Holders and Head of Finance, Procurement & Commercial Services, to instruct such Contractors as necessary in an emergency, to prevent, contain or remedy Environmental Damage, where the value of expected works exceeds £10,000
 44. To undertake a tender exercise and award contracts for the kennelling of stray dogs on behalf of the Council, in consultation with the relevant Portfolio Holder and, in this respect, to advertise in the local press, without compliance with Contracts Procedure Rules 8 and 9, for interested organisations to apply for inclusion on the tender list.
 45. To implement and administer the National Food Hygiene Rating Scheme.
 46. In consultation with the relevant Portfolio Holder, to approve minor changes to the Noise Management Policy that do not affect service delivery.
 47. In consultation with the relevant Portfolio Holder, to approve minor changes to the Environmental Nuisance Policy that do not affect service delivery.
 48. To take all measures to administer and enforce the provisions contained in the Microchipping of Dogs (England) Regulations 2015, including the giving of notices, taking prosecutions, responding to appeals, seizure and microchipping of dogs and recovery of costs.
 49. To make any necessary minor amendments to the Public Open Space Protection Order.
 50. In consultation with the relevant Portfolio Holder, to approve and publish any future minor updates to the Contaminated Land Strategy.
 51. To take all measures to administer and enforce the provisions contained in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations
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2018, including but not limited to the grant, refusal, variation, suspension and/or revocation of licences, appointment and/or instruction of inspectors, appointment of a listed veterinarian, serving notices, providing information to the Secretary of State, entering premises, taking prosecutions, responding to appeals, setting fees along with the assessment and recovery of costs.

(iii) Licensing

1. To be responsible for the issue of the under mentioned licences, permits and registration functions in accordance with the established policies of the Council, subject to the proviso that where he is mindful of refusing, revoking or varying any condition or terms of existing licences/permits these shall be referred to the appropriate committee for determination:

Cinemas and Cinema Clubs	Licensing Act 2003
Gaming machines not on licensed premises	Gaming Act 2005
Hackney Carriage Vehicles And Hackney Drivers	Town Police Clauses Act 1847 (as amended), Local Government (Miscellaneous Provisions) Act 1976 Transport Act, 1985
House to House Collections	House to House Collections Act 1939 (as amended)
Hypnotism	Hypnotism Act 1952
Lotteries (Societies promoting)	Gambling Act 2005
Pleasure Boats and Boatmen	Public Health Acts (Amendment) Act 1907
Private Hire Vehicles, Operators and Drivers	Local Government (Miscellaneous Provisions) Act 1976 Transport Act 1985
Public Entertainments	Licensing Act 2003
Second Hand Goods Dealers	County of Lancashire Act 1984 Police, Factories, etc

Street Collections (Miscellaneous Provisions) Act 1916

Theatres Licensing Act 2003

2. To determine applications under the Licensing Act 2003 as follows:-

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|-----|--|--|
| (a) | Application for Personal Licence | If no Police representation(s) have been made. |
| (b) | Application for Premises Licence/
Club Premises Certificate | If no relevant representation(s) have been made |
| (c) | Application for Provisional Statement | If no relevant representation(s) have been made |
| (d) | Application to vary Premises Licence/
Club Premises Certificate | If no relevant representation(s) have been made except where (K) applies |
| (e) | Application to vary Designated Premises Supervisor | If no relevant representation(s) have been made |
| (f) | Request to be removed as Designated Premises Supervisor | All cases |
| (g) | Application for transfer of premises Licence | If no Police representation(s) have been made |
| (h) | Application for Authority | If no Police representation(s) have been made |
| (i) | Decision on whether a complaint is irrelevant, frivolous, vexatious, etc. | All cases |
| (j) | Application from a Community Premises to remove the requirement for Designated Premises Supervisor | If no Police representation(s) have been made |
| (k) | Application for minor variation to Premises Licence/Club Premises Certificate | All cases |

3. To approve advertisements on hackney carriage and private hire vehicles subject to certain restrictions relating to the advertising of tobacco, alcohol, drugs, sex, politics, betting etc.

4. To refuse the grant of hackney carriage and private hire drivers licences for the reason of failure to pass the knowledge test.

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5. To defer applications for licences, consents and permits where the applicant has legal proceedings or a Council investigation pending against them, until such time as the results of such proceedings or investigations are known.
 6. To appoint authorised officers where required for all licensing functions within the Terms of Reference of the Licensing and Appeals Committee. The Chairman to be advised of any appointment.
 7. To give notice of intention to vary the fees and charges for vehicle, driver and operator licences under Section 70 of the Local Government (Miscellaneous Provisions Act 1976).
 8. To authorise officers of neighbouring authorities to act as agents for the Council to facilitate the enforcement of taxis and private hire legislation in respect of cross-border operations pursuant to Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
 9. To refuse to renew any application for private hire or hackney carriage licences when a Criminal Record Bureau (CRB) check is required when the application for renewal is not accompanied by the appropriate CRB application form.
 10. To object to the Traffic Commissioners, to applications for the grant of Public Service Vehicles Licences in cases where he considers that there are reasons to object.
 11. To administer the Street Trading Consent Scheme, including the power to grant and renew a Street Trading Consent in accordance with the Street Trading Guidance Notes and Standard Conditions, but where he is mindful of refusing, revoking or varying a Consent, and the Consent-holder disagrees with the refusal, revocation or variation, then these be referred to the Licensing and Appeals Committee for determination.
 12. To review the annual fee for a Street Trading Consent on a regular basis to keep it in line with inflation.
 13. To prosecute for Street Trading offences under paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and to appoint authorised officers under the terms of that Act.
 14. To grant, renew, transfer or vary Sex Establishment Licences where there are no objections to the grant, renewal, transfer or variation of a licence, including taking action under paragraph 18(2)(a) and (b) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of applications for variation.
 15. To prepare, publish and consult on draft statements of Sex Establishment Licensing Policy, subject to Council approval of any subsequent changes to the policy.

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16. To make minor and inconsequential amendments to the Statement of Sex Establishment Licensing Policy.
 17. To register, renew and vary entries on the Register of Motor Salvage Operators and to notify applicants of the Council's intention to refuse applications or renewals or to cancel registrations.
 18. Under Section 5 of the Licensing Act 2003 to review the Council's Licensing Policy to prepare and consult upon all future reviews of the Policy prior to reporting to the Licensing and Gambling Committee and Council for approval and adoption of the revised Licensing Policy, and to make any minor/inconsequential amendments to the draft statement.
 19. To undertake a tender exercise and award contracts for MOT testing of private hire and hackney carriage vehicles licensed by the Council, in consultation with the relevant Portfolio Holder and, in this respect, to advertise in the local press, without compliance with Contract Procedure Rules 8 and 9, for interested organisations to apply for inclusion on the tender list.
 20. To make minor procedural changes to the Hackney Carriage and Private Hire Forum's Constitution as may be necessary in order to keep it relevant and up to date.
 21. Under the sections of the Equality Act 2010, set out below relating to Hackney Carriage and Private Hire to:
 - assess and grant applications for exemption under Section 166 (Wheelchair Exemptions)
Section 169 (Assistance Dog Exemptions in Taxi's)
Section 171 (Assistance Dog Exemptions in Private Hire Vehicles)
subject to the proviso that where he is mindful to refuse such applications these will be referred to and determined by the Licensing and Appeals Committee.
 - maintain a list of vehicles under Section 167
 - make minor/inconsequential amendments to the Council's Hackney Carriage and Private Hire Policy.
 - to issue formal cautions and to lay information and complaints in Court in respect of offences under Sections 160 to 173.
 - To publish and maintain the list of vehicles designation for the purposes of Section 165.
 22. To act on behalf of the Council as the Licensing Authority, when taking actions necessary under the Licensing Act 2003.
 23. To suspend Premises Licences and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

(iv) Community Safety

1. Under Sections 19-28 of the Criminal Justice and Police Act 2001 to:-
 - serve closure notices on premises under the terms of Section 19.
 - apply for and serve closure orders on premises under the terms of Section 20 and 21.
 - serve a notice of cancellation under Section 19 and to terminate closure orders under Section 22.
 - appoint authorised persons under Section 25.
 - lay informations for prosecutions under Section 25.
 - take all necessary action to defend appeals brought under Section 24.

2. Under the relevant Sections of the Anti-Social Behaviour Act 2003 to:-
 - prosecute for offences under Section 40(4), closure of noisy premises
 - appoint Officers to serve Penalty Notices under Section 43(1) for graffiti and fly posting
 - prosecute, as appropriate, in respect of relevant offences under Section 44(1), including the laying of informations
 - serve Graffiti Removal Notices under Section 48
 - authorise Officers to take all necessary actions to remove graffiti under Section 48(4)
 - to take all necessary action under Section 49 to recover expenditure incurred in the removal of graffiti, and
 - take all necessary action in respect of appeals under Section 51
 - To enforce the provisions which relate to Anti Social Behaviour Orders.
 - To grant consent to the authorisation of a Dispersal Order in consultation with the relevant Portfolio Holder.
 - To be the Officer consulted on any proposal to withdraw a Dispersal Order on application from Lancashire Constabulary.

3. Under the relevant Sections of the Noise Act 1996 to:-
 - serve Warning Notices under Section 3
 - prosecute for offences where noise exceeds permitted level under Section 4 including the laying of informations.
 - authorise Officers to serve Fixed Penalty Notices under Section 8
 - authorise persons under Section 10 powers of entry and seizure

4. To submit applications for funding, in relation to Community Safety and Social Inclusion, which the Council may be eligible for from time to time.

5. To authorise, in consultation with the Head of Legal & Democratic Services, the release of CCTV photographic skills to the media, in specific (and appropriate) circumstances:-
 - Where the Police seek publicly to find a suspect;
 - Where the public's assistance is needed in order to assist in the identification of a victim, witness or perpetrator in relation to a criminal incident. In line with

the Code of Practice, the wishes of the victim of the incident will be taken into account.

- Where this would assist in the general prevention or reduction of crime or the fear of crime. In these circumstances, however, the stills would only be released if the images of individuals could be disguised or blurred so that individually they are not readily identifiable. An example of these 'appropriate circumstances' might be where images of drunken individuals stumbling around a town centre on a Saturday night might be released to show the proper use of Council and Police resources to combat anti-social behaviour.
6. In consultation with the Head of Legal & Democratic Services, the Leader and the relevant Portfolio Holder to authorise, amend and update the Policy for Publication of CCTV (and other) Images of Convicted Persons.
 7. To authorise promotion and enter into all necessary agreements for the use for this purpose of the CCTV facilities on behalf of all Council Services in accordance with the Policy for Publication of CCTV (and other) Images of Convicted Persons requirements.
 8. In consultation with the relevant Portfolio Holder to publish the CCTV Annual Report.
 9. In relation to the Borough Council area:
 - (a) to take all action necessary to secure an Anti-Social Behaviour Order where there are grounds to do so.
 - (b) to consult with the Chief Officer of Police in respect of applications for Anti-Social Behaviour Orders by either the Council or the Police.
 10. Under the relevant Sections of the Anti-Social Behaviour, Crime and Policing Act 2014
To instruct the Head of Legal & Democratic Services to :-
 - (i) apply for injunctions under the provision of Part 1;
 - (ii) apply for a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1;
 - (iii) apply for a variation of discharge of an injunction obtained under the provisions of Part 1;
 - (iv) apply for a committal application on any breach of an injunction;
 - (v) apply for a Criminal Behaviour Order under the provisions of Part 2, where a person is convicted of an offence following a Council led prosecution and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person;
 - (vi) apply for a variation of discharge of a Criminal Behaviour Order obtained by the Council under the provisions of Part 2;
 - (vii) apply for a warrant to seize items used in the offence of failing to comply with a Community Protection Notice;

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- (viii) apply for an extension of a closure order for a period of closure over 48 hours of discharge of a court extended closure order;
 - (ix) apply to the Magistrates' Court for an order recovering the costs incurred to the Council in cleaning, securing and maintaining a premises subject to a closure order;
 - (x) take all necessary steps to defend the Council against any appeals against the service of a Notice under Part 4.
- 11. To consult with the relevant Youth Offending Team in respect of persons under 18 years old on the application for an injunction, criminal behaviour order or on an application to vary or discharge an existing injunction or criminal behaviour order.
 - 12. To inform and/or consult any body or individual deemed appropriate or specified in Government Guidance on the application for an injunction, criminal behaviour order or Closure Order or on an application to vary or discharge an existing injunction or criminal behaviour order.
 - 13. To request that the Crown Prosecution Service or any other prosecuting authority apply for a Criminal Behaviour Order under the provisions of Part 2 of the Anti Social Behaviour, Crime and Policing Act 2014 where a person is convicted of an offence and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person working, residing or visiting the Borough.
 - 14. To supervise compliance on behalf of the Council with any positive requirement contained in an injunction or Criminal Behaviour Order and to promote such compliance and to inform the appropriate Chief Officer of the Police when the Defendant has fully complied or failed to comply with the positive requirements of the order.
 - 15. Under the following Sections of the Anti Social Behaviour Crime and Policing Act 2014 to issue formal cautions and to lay informations:-
 - (i) under Section 30 for a breach of a Criminal Behaviour Order obtained by the Council;
 - (ii) under Section 48 for the offence of failing to comply with a Community Protection Notice;
 - (iii) under Section 63 or 67 for failing to comply with the prohibitions imposed by a Public Spaces Protection Order;
 - (iv) Under Section 86 for remaining in or entering a premises subject to a Closure Order.
 - 16. To issue Community Protection Notices under Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014.
 - 17. To enter land and premises open to the air and carry out any necessary works to ensure any failure to comply with a Community Protection Notice under Section 47 of the Anti Social Behaviour Crime and Policing Act 2014 and recover the costs of doing so.
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18. To dispose or of destroy of any item used in the commission of the offence of failing to comply with a Community Protection Notice, which a court has ordered be handed over to the Authority under Section 50 of the Anti Social Behaviour, Crime and Policing Act 2014.
 19. To issue fixed penalty notices, where he deems appropriate, for the offence of failing to comply with a Community Protection Notice or for failure to comply with a Public Space Protection Order. The fixed penalty notice be issued for the maximum amount as set by the Anti Social Behaviour, Crime and Policing Act 2014 or amended by subsequent legislation.
 20. To serve Notice to Quit, Notice to Terminate Introductory Tenancy and Notice Seeking Possession on grounds specified in Section 84A and under Grounds 1, 2, 2ZA and 2A of Schedule 2 of the Housing Act 1985 and instruct the Head of Legal & Democratic Services to and apply for possession and warrants of eviction obtained on these grounds.
 21. To issue, vary or discharge closure notices for a maximum 24 hour period under Part 4 Chapter 3 of the Anti Social Behaviour, Crime and Policing Act 2014.
 22. To designate authorised officers to carrying duties specified under Sections 51, 63 and 85 of the Anti Social Behaviour, Crime and Policing Act 2014.
 23. To issue Public Spaces Protection Orders in consultation with the Leader and Portfolio Holder, except where the Prohibitions relates to alcohol, where the Chairman of the Licensing and Gambling Committee shall be consulted.
 24. To undertake all steps necessary to comply obligations under Part 6 of the Anti Social Behaviour, Crime and Policing Act 2014 in relation to Community Remedies and consult where necessary with other statutory bodies.

(v) Gambling

1. To determine applications under the Gambling Act 2005

Application for premises licence	Where no representations received/representations have been withdrawn
Application for a variation to a licence	Where no representations received/representations have been withdrawn
Application for a transfer of a licence	Where no representations received from the Gambling Commission

Application for a provisional statement	Where no representations received/representations have been withdrawn
Application for a club gaming/club machine permits been withdrawn	Where no objections made/objections have
Applications for other permits	All cases
Cancellation of licensed premises gaming machine permits	All cases
Consideration of temporary use notice	All cases

2. Under the relevant sections of the Gambling Act 2005 to:-

- (a) make a recommendation to the Licensing and Gambling Committee to propose to attach a condition(s) to a premises licence under Section 169(1)(a).
- (b) make a recommendation to the Licensing and Gambling Committee to propose to exclude under Section 169(1)(b) a condition(s) that would otherwise be attached to a premises licence under Section 168.
- (c) attach a condition(s) to a new or existing licence under Section 169(1)(a) and/or to exclude a condition(s) under Section 169(1)(b) that would otherwise be attached to a new or existing licence under Section 168, where agreement is made with the applicant, thereby avoiding the need for a hearing before the Licensing and Gambling Committee.

(vi) Emergency Planning

1. To be responsible for emergency planning and the development of response and contingency plans.
2. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
3. To develop and maintain the Corporate Business Continuity Incident Management Plan and the Service Business Continuity Incident Management Plans.

(vii) Private Sector Housing

1. To administer the Council's duty to housing the homeless in accordance with the Housing Act 1996 as amended.

2. To ensure, in consultation with the relevant Portfolio Holder, that suitable arrangements are in place for an Out of Hours Homelessness service.
3. To acquire, hold and dispose of private sector housing land in accordance with the wishes of the Council.
4. To manage consultation forums and panels as required.
5. To be responsible for authorising action under the Housing Act 1988 in relation to protection from eviction.
6. To be responsible for making payments in accordance with Council Policy on Homeloss, disturbance and subsidy.
7. To review and make changes to the Homeless Prevention Fund Policy, in light of changes in legislation or case law.
8. To respond, after consultation with the relevant Portfolio Holder, to the Homes and Community Agency, Ministry of Housing, Communities and Local Government and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Cabinet or Council as appropriate.
9. In consultation with the relevant Portfolio Holder, to prepare, conduct and publish the results of stock condition surveys.
10. To determine applications under Section 268 Public Health Act 1936 (as amended) for the use of land for moveable dwellings subject to any necessary planning permission.
11. To administer the Council's Housing Renewal Assistance Policy and the Regulatory Reform (Housing Assistance) England and Wales Order 2002.
12. To provide an agency service for housing loan, housing grant and disabled facilities grant applicants and make payments as appropriate.
13. To sign contracts making the appointment of Contract Supervisor for Minor Works contracts undertaken in connection with the Council's Grant Agency Service, and to undertake appropriate duties in relation to the said appointment.
14. To administer the relevant provisions of the Law of Property Act 1925 and the Local Land Charges Act 1975 and to implement other necessary action.
15. To administer the relevant provisions of the Criminal Justice and Public Order Act 1994 and Civil Procedures Rules Part 55, give directions, serve Notices, enforce, enter in claims or applications, lay information to Court in respect of offences in appropriate cases, make complaint to Court for Orders in appropriate cases and take steps for ensuring that Orders are complied with, and in administering the Act to

investigate the circumstances of unauthorised campers to ensure that the rights and welfare of children are safeguarded.

16. To waive charges for dealing with unauthorised campers on privately owned land under the Criminal Justice and Public Order Act 1994 if he considers such charges to be irrecoverable except where he considers it would be in the public interest to use those powers under this Act to most effectively deal with an unauthorised encampment.
17. To review and update the Landlord Accreditation Scheme as required in consultation with the relevant Portfolio Holder and to administer the Scheme.
18. To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, set and impose penalty charge notices, review and determine penalty charges where representations are made, authorise applications for rent repayment orders, determine representations made against the notice of intent to serve a rent repayment order, review, determine and impose civil penalties, issue formal cautions and to lay information and complaints to the Court in relation of offences in appropriate cases under the following elements and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:

- Public Health Act (s) 1936 and 1961
- Prevention of Damage by Pests Act 1949
- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Local Government Act 1972
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Building Act 1984
- Housing Act 1985
- Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)
- Local Government and Housing Act 1989
- Environmental Protection Act 1990
- Housing Grants, Construction and Regeneration Act 1996
- Protection from Eviction Act 1977
- Home Energy Conservation Act 1995
- Local Government Act 2000
- Regulations Reform (Housing Assistance) (England and Wales) Order 2002
- Town and Country Planning Act 1990 (Sections 215, 216 and 219)
- Enterprise and Regulatory Reform Act 2013
- The Energy Act 2013 – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (only)
- Housing and Planning Act 2016

19. To carry out enforcement action under the Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014 and to exercise the discretion to impose a lesser monetary

penalty than the £5,000 for failure to comply where there are extenuating circumstances.

20. To undertake the following licensing functions under the relevant enactment and regulations including the making of periodic increases in licensee fees in line with inflation and the laying of information and complaints to a Court in respect of legal proceedings in relation to:

Caravan Sites
Houses in Multiple Occupation

21. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:

Public Health Act(s) 1936 and 1961
Prevention of damage by Pest Act 1949
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Building Act 1985
Housing Act 1985
Local Government and Housing Act 1984
Environmental Protection Act 1990
Housing Grants, Construction and Regeneration Act 1996
Home Energy Conservation Act 1995
Housing Act 1996
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Housing Act 2004
Town and Country Planning Act 1990 (Sections 215, 216 and 219)

22. To authorise the service of Notices requiring information as to the ownership of land/premises.
23. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person when he considers it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
24. To operate the Rental Deposit Scheme in accordance with Council Policy and to grant Rental Deposit Grants in accordance with the provision of the scheme.
25. Be authorised to work with Helena Partnerships to develop and implement an Empty Homes Lease and Repair Scheme.
26. In consultation with the relevant Portfolio Holder, to review and update the Empty Homes Lease and Repair Scheme as required.

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27. In consultation with the relevant Portfolio Holder, to review and make future changes to the Disabled Adaptations Policy in light of any legislative or economic changes.
 28. In relation to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015:
 - (a) To receive written representations from Landlords in receipt of a Remedial Notice; determine what (if any) action is required and to notify the landlord of the decision.
 - (b) To receive in writing from Landlords requests seeking a review of a Penalty Charge Notice; to determine what (if any) action is required and to notify the landlord of that decision.
 - (c) In consultation with the relevant Portfolio Holder, prepare and publish the 'Statement of Principles' which it proposes to follow in determining the amount of a Penalty Notice.
 29. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).
 30. To consider written representations from landlords that have received a Notice of Intent to issue either a civil penalty or a Rent Repayment Order (RRO) and to determine whether to impose a civil penalty, and if so the amount of the penalty, or apply for a RRO, in accordance with the RRO Policy.
 31. The authority to administrate and enforce the relevant provisions of the Building Safety Act 2022.
 32. To appoint Officers where appropriate under the Building Safety Act 2022.

C. WELLBEING & PLACE

(i) Leisure Facilities, Contracts Management & More Positive Together

1. To select suppliers and purchase playground equipment and undertake renovation works ensuring value for money in accordance with Contracts Procedure Rules and Financial Procedure Rules.
2. To arrange for the removal of children's playground equipment in the interests of public safety.
3. To vary the booking fee if it is necessary to relocate a hall user to another facility if relocation results in a higher fee to the user.
4. To determine applications for abatement of income for use of leisure facilities up to £200 within Council policy.
5. To enter into agreements to allow event organisers to make appropriate charges for entrance and car parking at Beacon Country Park and other Pleasure Grounds.

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6. To monitor and administer monthly payments in accordance with the terms of the golf management agreement for Beacon Golf Course.
 7. To take such action as may be necessary, in respect of any use of Council Public Open Space facilities by fairs or circuses.
 8. To determine applications for use of Council-owned land held for recreational use in accordance with Council policy and to levy such additional charges as individual circumstances dictate.
 9. To let all public halls, games facilities, including public open space, swimming pool and facilities, in accordance with Council policy.
 10. To make available the Council's leisure accommodation, free of charge, to approved bodies or organisations of a similar nature, for the purpose of holding approved meetings.
 11. To determine applications for the use of Council bowling greens, without charge, for the purpose of holding approved competitions.
 12. To determine applications for the use of Council squash facilities, without charge, for the purpose of staging events in aid of charity.
 13. To determine applications for the use of Council tennis facilities for training schemes for children.
 14. To arrange for the closure of recreational facilities without notice, in emergencies in the interests of public safety.
 15. To act as or authorise another officer to act as the Council's licensee in relation to Council licensed premises, subject to the obtaining of a Personal Licence and to instruct the Head of Legal & Democratic Services to make applications for any necessary licenses permits.
 16. To approve and issue all official publicity, press statements and official publications in relation to any aspect of the work or functions of the Service.
 17. To alter Council charging policy for the purpose of protecting Council income, and in response to market forces.
 18. To determine the Council's continued involvement in the Green Partnership Awards Scheme in consultation with the relevant Portfolio Holder.
 19. In consultation with the relevant Portfolio Holder, and the Head of Legal & Democratic Services, to negotiate and enter into lease agreements for lease and licence arrangements in respect of the Skelmersdale Meeting Rooms with tenants/licensees providing recreational and community facilities, on such terms

and conditions as he shall (in consultation) determine subject to all statutory and other relevant consents being obtained.

20. In consultation with the relevant Portfolio Holder, and the Head of Legal & Democratic Services, to take all necessary action and enter into all necessary agreements to terminate any lease or licence in respect of the Skelmersdale Meeting Rooms.
21. In consultation with the relevant Portfolio Holder, to review existing allotment agreements and implement new agreements, including the revocation/variation of existing allotment rules and authorisations.
22. To issue agreements for societies, groups and individuals to use Council owned allotments.
23. To take all necessary steps, , to give effect to the management arrangements agreed at Cabinet on 16 March 2010 in respect of the Council's allotment holdings, including putting in place suitable agreements and leases and the obtaining of all necessary consents.
24. To enter into negotiations with the West Lancashire Community Leisure Trust and the Trust Partners Serco Operating Limited and, during negotiations with those bodies, engage consultants and obtain expert legal and financial advice as appropriate.

(ii) Economic Development & Regeneration

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
6. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
7. In consultation with the relevant Portfolio Holder, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

8. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
9. In consultation with the Head of Legal & Democratic Services and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreement(s) and share data, with Business Link Northwest and other partners and stakeholders for the economic benefit of the Borough of West Lancashire.
10. In consultation with the relevant Portfolio Holder to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
11. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
12. To administer the Community Right to Bid process, to include, in consultation with the relevant Portfolio Holder, the consideration and determination of the listing of assets and compensation.
13. To, in consultation with the Head of Finance, Procurement & Commercial Services , the Leader and the Finance Portfolio Holder, determine whether there is a positive business case to purchase up to three of the remaining land auction sites at Whalleys, Skelmersdale (as shown in Appendix 1 of the report to Council on 16 December 2015) prior to the 31 March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so.
14. In consultation with the relevant Portfolio Holder to:-
 - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes and Community Agency and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
 - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
 - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
 - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire

County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).

- Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
15. To determine, in consultation with the relevant Portfolio Holder, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
 16. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
 17. In consultation with the Leader and Portfolio Holder for Economic Regeneration to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
 18. In consultation with the Leader and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
 19. In consultation with the Leader and Portfolio Holder for Regeneration, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
 20. In respect of the Moor Street Gateway Redevelopment Project:
 - a) in consultation with the Portfolio Holder for Regeneration:-
 - negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
 - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
 - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
 - secure appropriate tenants for the ground floor space that will belong to the Council

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- b) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

(iii) Markets and Car Parks

1. To operate and administer car parks and the Ormskirk Bus Station in accordance with Council policy including the removal/relocation of vehicles as provided in the Council's Car Park Control Orders.
2. To determine requests from the duly appointed enforcement contractor, for an increase in the contract price for the enforcement of pay and display car parking in Ormskirk Town Centre to reflect increases in the national minimum wage, in consultation with the relevant Portfolio Holders.
3. To administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.
4. To determine requests for the excess charge, imposed in respect of contraventions of the West Lancashire District Council (Off Street Parking Places) (Consolidation) Order 2008, to be waived.
5. To determine requests in consultation with the relevant Portfolio Holders, for increases in the discount allowed to residential permit holders to park on The Stiles Car Park. This subject to the proviso that only one parking permit be issued per dwelling in accordance with arrangements to the issue of such permits.
- 6.. To suspend or terminate market stallholders occupancy and to determine appeals in respect of written warnings or final written warnings.

E. PLANNING SERVICES

Note

** Notwithstanding the provisions contained in items (i)1, (i)2, (i)9 and A(iv)1, all planning applications, applications for advertisement, listed building and certificate of lawfulness, and consent for works to trees that have been submitted by:-

- (a) elected Members of West Lancashire Borough Council,
- (b) by staff employed in Planning Services,
- (c) employed elsewhere within the Council but involved in any part of the development control/enforcement process or,
- (d) the Chief Operating Officer, Corporate Directors and Heads of Service

or by spouses, partners or close family of such persons as referred to in a, b, c, and d be not delegated to the Corporate Director of Place & Community, but be referred to the Planning Committee for a decision.

(i) DEVELOPMENT CONTROL

- **1. To deal with and determine full planning applications, outline planning applications, applications for approval of reserved matters and applications for listed buildings and (which are considered to be uncontroversial and which would not have a wide and significant environmental impact).
- **2. To deal with the administration of applications and consultations submitted under planning legislation and to have full delegation rights to determine the following classes of development applications/consultations:
- (a) Vehicular accesses
 - (b) Advertisements
 - (c) Electricity sub-stations
 - (d) Certificates of Lawful Development
 - (e) The determination as to whether or not prior approval of the local planning authority is required in respect of agricultural developments covered by the prior notification procedures
 - (f) Applications for development by or on behalf of Electronic Communications Code Operators, submitted for determination under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015
 - (g) The determination as to whether or not the prior approval of the local planning authority is required in respect of proposed demolitions and any proposed restoration of any site in respect of any proposals to demolish under Section 13 of the Planning and Compensation Act 1991 and associated legislation.
 - (h) Industrial/commercial applications on industrial estates which comply with Council planning policies.
 - (i) Development in respect of Housing Estates Remodelling or similar refurbishment schemes.
 - (j) Consultations by neighbouring planning authorities.
 - (k) Prior approval applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order 2015
 - (l) Non-material amendments to previously approved planning and other applications.
 - (m) Environmental Impact Assessment (E1A) scoping/screening.

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3. To determine matters submitted in accordance with the requirements of conditions imposed on any formal approval or permission.
 4. In consultation with the Chairman of the Planning Committee and relevant ward members to respond to consultations from the County Planning Officer on Development Order (IDO) Mineral planning permission submissions.
 5. To issue, serve and withdraw Planning Contravention Notices.
 6. To enter into, modify and discharge Planning Obligations under Section 106 of the Town and Country Planning Act 1990, subject to consultation with the Head of Legal & Democratic Services.
 7. To make objections or lodge appeals on behalf of the Council to applications in respect of Goods Vehicles Operators Licences and in consultation with the Head of Legal & Democratic Services to present the Council's objection at any subsequent public inquiry and take any necessary action in relation to appeals.
 8. To authorise officers to exercise the powers of the Council under Section 225 of the Town and Country Planning Act 1990. (Power to remove or obliterate placards and posters).
 - **9.
 - (a) To circulate to all members of the Council (at weekly intervals) a list of development applications received by the Council.
 - (b) To issue appropriate decision notices in respect of applications in any such lists as is referred to in (a) above three weeks from the date of issue of that list subject to there being no objection, or unresolved query from a member of the Council or outstanding response to consultation or notification (including Parish Councils and neighbours) where the period for response has not expired.
 - (c) To submit a list in Planning Committee Members Update of applications in respect of which he has issued decision notices under the authority contained in (b) above along with a list of any related Appeal decisions.
 10. To instruct the Head of Legal & Democratic Services to serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs..
 11. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Breach of Condition Notices or Enforcement Notices in respect of Breach of Conditions.
 12. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Enforcement Notices, Temporary Stop Notices and Stop Notices in respect of unlawful development that results in identified planning harm; and, to close planning complaint files where it is not considered expedient to pursue further

action save for those sites with expressed elected Member interest or sites of a controversial nature.

13. In consultation with the Chairman of the Planning Committee, To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Untidy Site Notices (Section 215).
14. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
15. In consultation with the Chairman of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.
16. In consultation with the Chairman of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
17. Under the relevant sections of the Clean Neighbourhoods and Environment Act 2005, to require persons of a specified description (following guidance from the Secretary of State) to prepare plans for the management and disposal of waste created in the course of specified descriptions of work involving construction or demolition.
18. In consultation with the relevant Portfolio Holder, to consult on and decide, the local list of planning applications validation requirements as set down in the Appendix to the report to Cabinet on 16 November 2010, and to make subsequent modifications or replace the list in the future.
19. (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and
(b) to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
19. In consultation with the Portfolio Holder for Planning, to consider and authorise any reasonable changes to the details of any approved schemes which include any minor changes to CIL funding or delivery timescales, that may be necessary to facilitate the subsequent delivery of an approved project.
20. To apply surcharges in accordance with the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the said Regulations.

(ii) BUILDING CONTROL

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1. To deal with the administration and determination of applications for Building Regulation Approval.
 2. To exercise the Council's powers in respect of defective premises, demolition etc under Sections 77,78,79,81, 82 and 83 of the Building Act, 1984 and to take such action as is necessary.
 3. To issue notices under Regulation 14 of the Building Regulations requiring work to be uncovered where notice of commencement or other stages of work has not been given to the Council.
 4. To take action, in consultation with the Head of Legal & Democratic Services, under Section 35 of the Building Act 1984 where a person contravenes a provision contained in the Building Regulations.
 5. To take action, in consultation with the Head of Legal & Democratic Services, under Section 36 of the Building Act 1984 requiring work which contravenes Building Regulations to be removed or altered as expedient.
 6. To operate, amend and publicise the Scheme of Charges for Building Regulation work.
 7. To take action to recover charges in accordance with the Scheme of Charges for Building Regulation work.
 8. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).

(iii) PLANNING POLICY & HERITAGE

1. To undertake public consultation on draft Conservation Area documents, in consultation with the relevant Portfolio Holder, prior to reporting to Cabinet on the outcome of such consultation (including consultation with the Planning Committee) with a view to securing approval or adoption of the documents.
2. To authorise the Head of Legal & Democratic Services to issue, serve and withdraw Listed Building Preservation Notices and Urgent Work Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To deal with the numbering of properties and in consultation with the relevant Portfolio holder and appropriate ward councillor(s), the name of the streets and the renaming of streets and to act as the LLPG Custodian and to take all necessary action in respect of the addresses of properties in the Borough.
4. To amend the Street Naming and Numbering Policy, process and charges in consultation with the relevant Portfolio Holder.

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5. In consultation with the relevant Portfolio Holder to approve expenditure of up to £3,000 to match fund schemes brought forward by the West of Lancashire Community Rail Partnership.
 6. In consultation with the relevant Portfolio Holders to implement the actions set out under Section 4.4 of the Report considered by the Cabinet on 3 June 2003 and make the necessary arrangements for publishing the “Design Champion” initiative.
 7. To publish the Annual Monitoring Report.
 8. In consultation with the relevant Portfolio Holder Planning, to update the Local Development Scheme and publish it on the Council's website should any further iterations of the document be required.
 9. In consultation with the Portfolio Holder Planning, to assist in the sustainable energy strategy.
 10. To take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
 11. To implement the provisions of the application process identified in the protocol for amending or adding names to Council owned War Memorials.
 12. In consultation with the relevant Portfolio Holder, to determine any applications for amending or adding new names to Council owned War Memorials in accordance with the agreed protocol and, in consultation with the relevant Portfolio Holder, to make any minor amendments to the protocol following its implementation.
 13. In consultation with the relevant Portfolio Holder to consider applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

(iv) GENERAL – Development Control, Building Control and Planning

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
 - (a) Section 15 - Authority to carry out surveys with power to authorise persons to carry out the same.
 - (b) Section 16 - Authority to serve Notices and to take all necessary action in respect thereof.
 - (c) Section 23 - Authority to take all necessary action when a Notice is served on the Council under this section.

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- (d) Section 24 - Authority to serve Notices.
 - (e) Section 25 - Authority to serve Notices.
 - (f) Section 26 - Authority to authorise persons to enter onto land.
2. To submit and present the Council's evidence at Local Plan and Development Plan Document Examinations in Public, LDF Examinations, Public Local Inquiries and in Planning and Enforcement Notice Appeals and in the Courts.
 3. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision and to publish where appropriate the findings of these assignments.
 4. In consultation with the relevant Portfolio Holders to make minor amendments to the Planning Services Customer Charter.
 5. To dispose of surplus plant, machinery, equipment or man hours in accordance with Contracts Procedure Rules and Financial Regulations.
 6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report on the action taken being reported by including an Article in the relevant Members Update.
 7. To exercise the functions, powers and duties of the Council under Sections 20, 31 and 34 of the County of Lancashire Act, 1984.
 8. To amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements, when adopted. (Minute 135 Cabinet 15 March 2011 refers).
 9. In consultation with the relevant Portfolio Holder to amend the service, procedures, delivery and charging schedule for Energy Assessments for new Residential Properties.
 10. To implement a Cycle to Work Scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
 11. To publish, review and maintain Part 1 of the Brownfield Land Register and to propose land for inclusion in Part 2 of the Register (both aspects) in consultation with the Portfolio Holder for Planning and to carry out all necessary publication, notification and consultation procedures.
 12. To also determine applications for Technical Details Consent.

(v) STRATEGIC PLANNING, REGENERATION AND EXTERNAL FUNDING

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1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
 2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
 3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
 4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
 5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
 6. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
 7. In consultation with the relevant Portfolio Holder, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.
 8. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
 9. In consultation with the Head of Legal & Democratic Services and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreement(s) and share data, with Business Link Northwest and other partners and stakeholders for the economic benefit of the Borough of West Lancashire.
 10. In consultation with the relevant Portfolio Holder to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
 11. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
 12. To administer the Community Right to Bid process, to include, in consultation with the relevant Portfolio Holder, the consideration and determination of the listing of assets and compensation.
 13. To, in consultation with the Head of Finance, Procurement & Commercial Services , the Leader and the Finance Portfolio Holder, determine whether there is a positive business case to purchase up to three of the remaining land auction sites at Whalleys, Skelmersdale (as shown in Appendix 1 of the report to Council on 16 December 2015)

prior to the 31 March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so.

14. In consultation with the relevant Portfolio Holder to:-
- Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes and Community Agency and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
 - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
 - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
 - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
 - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
15. To determine, in consultation with the relevant Portfolio Holder, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
16. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
17. In consultation with the Leader and Portfolio Holder for Economic Regeneration to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
18. In consultation with the Leader and Portfolio Holder for Economic Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
19. In consultation with the Leader and Portfolio Holder for Regeneration, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development

Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.

20. In respect of the Moor Street Gateway Redevelopment Project:

c) in consultation with the Portfolio Holder for Regeneration:-

- negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
- negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
- take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
- secure appropriate tenants for the ground floor space that will belong to the Council

d) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

21. That delegated authority be given to effect transfers to increase the allotment provision within the Borough.

TO THE CORPORATE DIRECTOR OF HOUSING, TRANSFORMATION & RESOURCES

A. GRANTS & PROCUREMENT

1. To approve, in consultation with the Voluntary Sector Grants Working Group, the making of grants to voluntary organisations.
2. To award grants under the Older People's Grant Scheme, in consultation with the Champion for Older People.
3. To draw up, negotiate and enter into a Grant Funding Agreement for the provision of Community Transport in West Lancashire with Lancashire County Council, in consultation with the Head of Legal & Democratic Services and relevant Portfolio Holders.
4. In consultation with the relevant Portfolio Holder to, review, update and reissue the Procurement Strategy as necessary and to produce/amend and issue/reissue all appropriate documentation in support of this Strategy.
5. To produce and update as appropriate a Procurement Action Plan for the Council, in consultation with the relevant Portfolio Holder.
6. To make and approve changes to the Procurement Policy, to reflect any changes to Law or Regulatory Guidance with no further reference to Council.

B. COMMUNICATIONS & ENGAGEMENT

1. To appoint consultants to undertake market research subject to there being appropriate budgetary provision.
2. In consultation with the relevant Portfolio Holder, to update the "Policy on the Publication of the Citizens Guide list of Clubs and Organisations – print and on line" as required.

C. BUSINESS TRANSFORMATION & CHANGE

1. To prepare and issue the Council Plan document.
2. To make any necessary changes, in consultation with the relevant Portfolio Holder, to the performance management framework.
3. In consultation with the relevant Portfolio Holder, to review and update the Organisational Re-Engineering Strategy.
4. In consultation with the relevant Portfolio Holder, , Chief Operating Officer and relevant Head of Service, to select, undertake and implement Organisational Re-Engineering Projects.

5. Together with the Head of Finance, Procurement & Commercial Services, be appointed as Director of the Development Company known as Tawd Valley Developments Limited.
7. In consultation with the Leader of the Council, Portfolio for Housing and Landlord Services and Portfolio Holder for Resources and Transformation, to take all necessary steps to enable the Development Company, known as Tawd Valley Development Company Limited to be set up including making arrangements for the appointment of the two independent Directors to the Development Company Board.

D. ICT

1. To review and update as appropriate in consultation with the relevant Portfolio Holder the Protocol on the use of ICT by Members.

N.B. AGREEMENTS WITH LANCASHIRE COUNTY COUNCIL DIGITAL SERVICES LIMITED

All appropriate delegated authority was given by the Council on 20th July 2011 to give effect to the provisions of the Shared Services Agreement and Secondment Agreement in relation to the partnership with Lancashire County Council and One Connect Limited as stated therein. One Connect Limited changed its name to BT Lancashire Services on 17 April 2014. Delegations then passed to Lancashire County Council Digital Services Limited in 2021.

E. BUSINESS SUPPORT

1. To sign official certificates of search in the register of local land charges and after consultation with the Leader of the Council to set the fee for a local search.
2. In consultation with the Leader and relevant Portfolio Holder to authorise and amend the Land Charges Services and set the relevant fees for such services in future years, having regard to the Guidance, and to publish details of fees.
3. In consultation with the Head of Finance, Procurement & Commercial Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
4. In consultation with the Leader, to make minor amendments to the Corporate Draft Recovery Policy for it to remain effective and relevant.
5. To co-ordinate compliance with the requirements of the Data Protection legislation and to determine requests for disclosure of personal data.
6. To make any consequential amendments to the Council's Data Protection Policy.

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7. To administer the Freedom of Information Act 2000 and to designate the Data Protection Officer to deal with requests under this Act.
 8. To amend and update the Council's Publication Scheme under the Freedom of Information Act 2000 and, in consultation with the Head of Finance, Procurement & Commercial Services and the relevant Portfolio Holder, to set the charge for dealing with requests under the Act (if any).
 9. To update the Council's "Dealing with Requests for Information – Guide for Staff" under the Freedom of Information Act 2000 in consultation with the relevant Portfolio Holder and the Opposition Spokesperson.
 10. To have responsibility for the administration of the Re-use of Public Sector Information Regulations 2005 to include:-
 - The handling of requests for re-use in consultation with the Chief Operating Officer/Corporate Director/Head of Service.
 - The development of standard Licences for re-use.
 - The establishing and publishing of a scale of charges for re-use.
 - The updating of the existing Freedom of Information Request Handling Procedures from time to time to provide for the handling of requests under the 2005 Regulations and any complaints arising from them (including the establishing of an approved process for granting licences for re-use to ensure that issue of licences are fair, transparent and non-discriminatory).
 - The establishment and maintenance (including updating and amending the same), in consultation with the Chief Operating Officer/Corporate Director/Head of Service, an Information Asset Register to be made publicly available through the Council's website.
 11. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.

F. DEMOCRATIC SERVICES

1. To approve any request made by Parish Councils for the loan of a former constituent Authority's Chain of Office on the same terms and conditions previously approved in relation to other Parish Councils, subject to availability.
2. In consultation with the relevant Portfolio Holder to prepare and issue an annual addendum to the Parish and Town Council Charter.

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3. To grant the free use of Council Civic accommodation to bodies such as the Lancashire Valuation Tribunal, Officers Association meetings and other organisations of a similar nature for the purpose of holding approved meetings.
 4. To grant the free use of civic accommodation to voluntary organisations after consultation with the Leader of the Council.
 5. In consultation with the Leader to make minor amendments to the Petitions Scheme.
 6. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
 8. To undertake future reviews of the parliamentary and local government polling districts and polling places in line with legislative and good practice requirements and, where required, report the final proposals to Council for approval.
 8. In consultation with the relevant Portfolio Holder to prepare and issue an annual addendum to the Parish and Town Council Charter.

G. HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT

1. To update and amend, in consultation with the relevant Portfolio Holder and appropriate Corporate Directors/Heads of Service, the Equality Scheme.
2. To report, as appropriate, progress against the Equality Scheme.
3. To update and amend, in consultation with the relevant Portfolio Holder, the Grievance and Disciplinary Policies in the light of developing good practice, case law, future changes to legislation/regulations and experience in their operation.
4. To produce and amend, in consultation with the relevant Portfolio Holder, all Personnel Policies to ensure that the Council complies with current legislation and developing good practice.
5. To determine, in consultation with the relevant Portfolio Holders, payments to employees whose service is terminated on the grounds of interests of efficiency and where a cost recovery can be demonstrated by permanent savings as set out in paragraph A(c) of Minute 19 of the Council held on 14 June 2007.
6. To review and publish the LGPS Statement of Policy on Employer Discretions, in consultation with the Portfolio Holders for Human Resources and Finance.
7. To action any of the Employers discretions contained in the LGPS Employer Discretions Policy Statement, in consultation with the Portfolio Holders for Human Resources and Finance, subject to appropriate budgetary provisions being identified.

8. To implement increases in the Voluntary Living Wage from 1 December each year.

H. ESTATES & VALUATION

1. To grant and accept wayleaves and easements and to approve the consideration payable to, or by the Council.
2. To grant licences to enable prospective purchasers to enter onto Council owned land in order to carry out all necessary site investigations and excavations.
3. To be responsible for the efficient management of the Council's property portfolio in terms of land and buildings, (excluding those public buildings managed or maintained by the Corporate Director of Place & Community) including, the taking and granting of leases, sub-leases or licences of land/property and rent reviews where the financial consideration is up to and including £2000 per annum and where the financial consideration is above £2000 per annum then this shall be in consultation with the Leader and relevant Portfolio Holder. In addition, to be responsible for licences to assign, deeds of variation, surrenders, settlement of dilapidation claims and compensation payments, breach of covenants and forfeiture and other elements of land and property management where the financial consideration is up to and including £2000 and where the financial consideration is above £2000 then this shall be in consultation with the Leader and relevant Portfolio Holder
4. To be responsible for terms for user rights and authorisation of proceedings for arrears and collections of rent in respect of 3 above.
5. To be responsible for termination of leases where there has been breach of covenant or forfeiture in respect of 3 above.
6. To enter into Declarations and Statutory Declarations in relation to contracting out leases from the provisions of the Landlord and Tenant Act 1954.
7. To be responsible for the disposal of Council owned land and acquisition of land, where the financial consideration is below £2,000. Where the financial consideration is between £2,000 and £20,000 then this shall be in consultation with the Leader and relevant Portfolio Holder and where the financial consideration exceeds £20,000 approval shall be sought from Cabinet.
8. To remit charges or write off any debts or other losses which are deemed to be irrecoverable. Where debts or other losses exceed £8,000 then this shall be in consultation with the Leader of the Council and relevant Portfolio Holder.
9. In conjunction with the Head of Finance, Procurement & Commercial Services to authorise expenditure from the Community Related Assets Repairs and Renewals Fund of up to £25,000, and, after consultation with the Leader of the Council to authorise expenditure from this fund of between £25,000 and £50,000, and to report back in the "Members Update."

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10. To be responsible for maintaining the land terrier of Council land ownerships and defending those ownerships against trespass and adverse possession.
 11. To be responsible for maintaining the Council's Capital Assets Register and for preparing the Asset Management Plan.
 12. To be responsible for valuation advice.
 13. To grant long leases of Council flats to secure tenants who under the Housing Act 1985 wish to avail themselves of the right to acquire such leases - to insert, amend or adapt such conditions in the individual leases as may be necessary to protect the Council's interest or necessary in the prevailing circumstances.
 14. To arrange for a Deed of Rectification to be drawn up and executed on behalf of the Council in the event of the Council being notified of any errors relating to "flying freeholds" arising from the transfer of the housing stock of the former Skelmersdale Development Corporation.
 15. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
 16. To take all necessary action to support the operation of the Investment Centre including leasing, subleases, licences, assignments, surrenders, terminations, rent reviews, variations, settlement of dilapidation claims and compensation payments (provided that in granting leases, sub-leases or licences and rent reviews, where the financial consideration is above £2000 per annum, then this shall be in consultation with the Leader and relevant Portfolio Holder), and in consultation with the Head of Legal & Democratic Services to ensure the effective provision of legal services to support the Investment Centre.
 17. In consultation with the relevant Portfolio Holder and the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s), to provide desk space within the Council's Regeneration and Estates Service, to external organisations and agencies, to enable the delivery of shared projects and initiatives for the benefit of West Lancashire.
 18. In consultation with other appropriate Heads of Service to:-
 - (i) participate in the Coal Mining Disclosure of Information Programme.
 - (ii) release the information requested by the Coal Authority.
 - (iii) embed the resulting polygons in the Council's Land Terrier.
 - (iv) sign the proposed memorandum of understanding.

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19. In consultation with the relevant Portfolio Holder be given delegated authority to implement, update and amend the Leasehold Management Policy after consultation, and then every 3 years or when there are legislative changes.
 20. In consultation with the relevant Portfolio Holder be given delegated authority to make any minor or inconsequential amendments to the Leasehold Housing Management Policy 2022
 21. To make any minor or inconsequential amendments to the Community Wealth Building Strategy as deemed appropriate.
 22. In consultation with the relevant Portfolio Holder be given delegated authority in relation to the UK Shared Prosperity Fund to amend the investments proposals/plans as deemed appropriate.
 23. To procure specialist support and advice to ensure the programme of works in relation to the UK Shared Prosperity Fund can be implemented and meet the UKSPF Framework and timescales. The cost of which will be taken from the overall administration and management fees allocation,
 24. In consultation with the relevant Portfolio Holder to make alternative arrangements for the provision of an Independent Partnership Board if at any time the West Lancashire Partnership Board are either unwilling or unable to carry out their function in relation to the UK Shared Prosperity Fund.

I. BENEFITS, DEBTORS & PAYMENTS

(i) Benefits

1. To pursue all cases where payments have been made in respect of Housing and Council Tax Benefit and all other appropriate Social Security Benefits as a result of false or dishonest claims and to have criminal and any necessary recovery proceedings instituted where appropriate.
2. To deal with the administration of the Housing and Council Tax Benefit Schemes for all claimants including those decisions relating to individual applications under legislation at the time in force and in particular to decide:
 - (a) whether to grant benefit to a date prior to the date of the claim; and
 - (b) whether or not to recover any amount of benefit to which has been overpaid where such discretion is allowed.
3. To make Discretionary Housing Payments where appropriate.
4. To enter into a Delivery Partnership Agreement, and any subsequent agreements, with the Department of Work and Pensions (DWP) and other supporting third party

organisations to support residents in West Lancashire who claim Universal Credit, including entering into all necessary documentation and obtaining all necessary consents.

(ii) Benefits Fraud

1. To make minor amendments to the Council's Benefit Sanctions and Prosecution Policy as required, in consultation with the Head of Legal & Democratic Services.
2. To make minor amendments to the Council's Code of Practice for obtaining information from employers, contractors, the self-employed and landlords as required, in consultation with the Head of Legal & Democratic Services.
3. To administer relevant provisions of the Social Security Administration (Fraud) Act 1997 and to institute criminal proceedings for offences in appropriate cases.
4. In consultation with the Leader, to vary the application of the Benefits Fraud Sanctions and Prosecution Policy and the sanctions offered in instances where it is in the public interest, or all parties concerned, or as a result of comments received from the courts in respect of prosecutions.

(iii) Debtors

1. To remit charges or to write off irrecoverable debts up to a limit of £5,000 in individual cases, and to remit or write off debts above £5,000 where any of the following apply:
 - (a) the debtor has gone into liquidation and there is little likelihood of the debt being collected
 - (b) the debtor has absconded and all enquiries have failed
 - (c) the debtor is in prison and has no means to pay
 - (d) the debtor has died and there is no estate.

All sums above £5,000 and not falling within the four categories above shall be reported for write-off to the Cabinet or Council as appropriate.

2. To recover arrears of rent and/or service charges on termination of a tenancy and to authorise the Head of Legal & Democratic Services to institute court proceedings in respect thereof.

(iv) NNDR (National Non Domestic Rates)

1. To determine applications under Sections 47 and 49 of the Local Government Finance Act 1988 in relation to discretionary rate relief/hardship relief after consultation with the Leader of the Council.

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2. To grant Mandatory Non-Domestic Rate Relief to both new and existing applicants.
 3. To grant Discretionary Non-Domestic Rate Relief on an annual basis, to existing beneficiaries, in accordance with Council Policy.
 4. To administer relief for partly occupied hereditaments under Section 44A of the Local Government Finance Act, 1988.
 5. To draw up a local policy for local business rate discounts, in consultation with the relevant Portfolio Holder.
 6. In consultation with the Leader, to finalise and implement the further Local Discretionary Business Rate Relief Scheme.
 7. In consultation with the relevant Portfolio Holder to implement the new Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech in October 2018.
 8. That the Corporate Director of Transformation, Housing and Resources be given delegated authority to make any minor/inconsequential amendments to the following Policies
 - WLBC Council Tax Discretionary Energy Support Scheme – Policy Document
 - Government Council Tax Energy Rebate Scheme CT Bands A-D - Policy Document
 - Government Council Tax Energy Rebate Discretionary Scheme - Policy Document
 - Government NNDR CARF Scheme - Policy Document

(v) Housing Advances

1. To authorise the Head of Legal & Democratic Services in respect of properties in mortgage to the Council to take Possession Proceedings or to stay Possession Proceedings if there are any good grounds for so doing, or if satisfactory arrangements can be made.
2. To make arrangements to sell and dispose of those properties taken into possession, and to make all necessary arrangements so far as other mortgages and encumbrances are concerned.
3. To make such arrangements as may be necessary with mortgagors who have difficulty in meeting their repayments due to circumstances beyond their control.

4. To make arrangements with mortgagors who wish to have their mortgage term extended because of difficulty in maintaining monthly payments.

(vi) Local Taxation

1. To be responsible for the administration, collection and recovery of all local taxation monies including those decisions appertaining to cancellation of summons costs, refunds of monies in accordance with legislation, (including the payment of interest where appropriate) the nomination of officers authorised to represent the Council in all tribunals and courts in connection therewith and the appointment of external bailiffs.
2. To sign, on behalf of the Council, voting Forms to be used in recovery of debt proceedings, where it is necessary to have the Council's interests protected, but is not necessary to use the Council's Seal.
3. To attend meetings of Creditors, etc., and to vote thereat on behalf of the Council to protect the Council's interests in the recovery of sums due to the Council.

(vii) Other Debts

1. To recover debts due to the Council, and to instruct the Head of Legal & Democratic Services to instigate court proceedings in respect thereof.

N.B. AGREEMENTS WITH LANCASHIRE COUNTY COUNCIL DIGITAL SERVICES

All appropriate delegated authority was given by the Council on 20th July 2011 to give effect to the provisions of the Shared Services Agreement and Secondment Agreement in relation to the partnership with Lancashire County Council and One Connect Limited as stated therein. One Connect Limited changed its name to BT Lancashire Services on 17 April 2014. Delegations then passed to Lancashire County Council Digital Services in 2021.

J. HOUSING SERVICES

(vii) Housing (General)

1. To review housing need in accordance with Relevant Legislation.
2. To acquire, hold and dispose of housing land in accordance with the wishes of the Council.
3. To co-ordinate the Council's Housing Strategy and housing investment approvals mechanisms.
4. To administer and manage the sale of Council dwellings and/or land in respect of "Right to Buy" in accordance with Relevant Legislation and Policies of the Council.

5. In consultation with the relevant Portfolio Holder,
 - (a) to make minor amendments to the Housing Strategy 2014-2019 and Year 1 Action Plan and
 - (b) to develop, on an annual basis, a Housing Strategy Action Plan for years 2 to 5 inclusive.
6. To manage consultation forums and panels as required.
7. To be responsible for Part VI of the Local Government and Housing Act 1989 as amended in relation to housing finance.
8. To be responsible for making payments in accordance with Council Policy on Homelessness, disturbance and subsidy.
9. To respond, after consultation with the relevant Portfolio Holder, to the Homes England, Ministry of Housing, for Communities and Local Government and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Cabinet or Council as appropriate.
10. In consultation with the relevant Portfolio Holder, to prepare, conduct and publish the results of housing surveys.
11. To approve and enter into such nomination, management and other agreements as shall be necessary for the implementation of Registered Social Landlords or other Social Housing providers as Managing Agents Schemes and to apply for any consents.
12. To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following enactments and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:

Local Government Act 1972

Local Government (Miscellaneous Provisions) Acts 1976 and 1982

Building Act 1984

Housing Act 1985

Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)

Local Government and Housing Act 1989

Environmental Protection Act 1990

Housing Grants, Construction and Regeneration Act 1996

Home Energy Conservation Act 1995

Local Government Act 2000

Regulations Reform (Housing Assistance) (England and Wales) Order 2002
Town and Country Planning Act 1990 (Sections 215, 216 and 219)

13. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Building Act 1985
 - Housing Act 1985
 - Local Government and Housing Act 1984
 - Environmental Protection Act 1990
 - Housing Grants, Construction and Regeneration Act 1996
 - Home Energy Conservation Act 1995
 - Housing Act 1996
 - Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
 - Housing Act 2004
 - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
14. To authorise the service of Notices requiring information as to the ownership of land/premises.
15. To authorise to undertake the necessary procedures under the Affordable Housing First Steps Scheme Procedure and/or similar equity based products to advertise and administer the scheme in the Borough.
16. In accordance with S323(1) of the Companies Act 2006, to be a Director of ARCH on behalf of the Council along with the Portfolio Holder for Housing and Landlord Services, in order to attend any meeting and execute voting rights.
17. To determine the rent levels to be charged each year for as long as the Government's rent reform arrangement exists and to report this to Members as part of the budget process.
18. To determine service charges in respect of Sheltered Accommodation Schemes in accordance with the Government's Rent and Service Charge Reforms for as long as those conditions existed and to advise Members of those charges as part of the budgetary process.
19. In consultation with the relevant Portfolio Holder to set rent levels for new tenancies in Sheltered Housing in accordance with relevant regulations once these are in place.
20. In consultation with the relevant Portfolio Holder, to proceed with an option appraisal on a scheme by scheme basis of vacant resident warden accommodation to determine future use, and where appropriate to redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.

21. In consultation with the relevant Portfolio Holder, to proceed with an option appraisal on a scheme by scheme basis of Category 1 Communal Lounges to determine future use, and where appropriate, redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.
22. In consultation with the Housing and Landlord Services Portfolio Holder to utilise one to one capital receipt funding together with HRA borrowing to acquire new properties subject to there being a satisfactory business case.
23. In consultation with the relevant Portfolio Holder, be able to make changes to the Rent to Buy and Shared Ownership Policies to ensure compliance with Homes England requirements to reflect changes to regulation, legislation, local operational procedures and make any minor/inconsequential changes as required.

(viii) Housing (Operational)

1. To administer, manage and maintain the Council's Housing Stock in accordance with the Relevant Legislation and Policies of the Council.
2. In relation to the Housing Allocations Scheme/Choice Based Lettings Policy:
 - (a) to review and make changes, in light of legislative changes
 - (b) to administer and manage the Policy, including making nominations to Registered Social Landlords.
 - (c) In consultation with the relevant Portfolio Holder, to consider on a scheme by scheme basis the introduction of a local lettings policy as part of initial Council nominations to any future Registered Provider schemes where those schemes are not covered by local connection criteria as contained in the Council Housing Allocation Scheme/Choice Based Lettings Policy.
3. To authorise lettings of dwellings as part of the Extra Care arrangements with LCC Social Services and also in relation to learning disability arrangements as an exemption to the Council's Housing Allocation Policy.
4. To be responsible for notification and collection of service charges for leased properties.
5. To set service charges at levels that recover the costs of service provision.
6. To repair, maintain and improve the Council's housing stock.
7. To be responsible for monitoring the ethnic origin of those rehoused by the Council.
8. To operate the approved Redecoration Allowance Scheme.

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9. To manage, acquire, let and dispose of garages and garage sites in accordance with Council Policy, to demolish vacant garages and storage compartments where these are not required or are in a dangerous condition and to take action including possession proceedings for the recovery of arrears.
 10. To take timely appropriate action to recover all current and former tenant rent and service charge arrears, including Court action for possession.
 11. In relation to the Borough Council area to take all action to ensure eviction of tenants who are, or accommodate individuals, who receive ASB orders from Her Majesty's Courts Service [HMCTS]
 12. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person where he considers it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
 13. To serve Notices of Seeking Possession of Council dwellings for all the grounds of possession specified in Schedule 2 to the Housing Act 1985 and instruct the Head of Legal & Democratic Services to commence possession proceedings on grounds 1 and 3 to 16 of Schedule 2 to the Act as amended.
 14. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Ground 2 and 2A of Schedule 2 to the Housing Act 1985 as amended and:
 - (a) to instruct the Head of Legal & Democratic Services to apply for Warrants for Eviction
 - (b) to instruct the Head of Legal & Democratic Services to apply for injunctions for breach or anticipated breach of the terms of a Tenancy Agreement
 15. To instruct the Head of Legal & Democratic Services to apply for:
 - (i) injunctions under the provisions of Section 153A-E of the Housing Act 1996 and to apply for a Power of Arrest to be attached to an injunction if appropriate
 - (ii) injunctions for breach of the Council's Tenancy Agreement
 - (iii) an application for Committal for breach of an injunction obtained under part (i) and/or part (ii) above
 16. To serve Notices to Quit in respect of land, Council dwellings, garages and garage sites and to authorise the Head of Legal & Democratic Services to institute possession proceedings if a Notice to Quit is not complied with.
 17. To authorise the Head of Legal & Democratic Services to institute possession proceedings in respect of unauthorised possession of land, Council dwellings and garages.
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18. To arrange, at his discretion, for replacement of broken or cracked glass in Council dwellings.
 19. To make up to a 50% contribution to the cost of maintaining or renewing party fences which delineate the boundary of Council-owned land with private owner-occupiers provided the Council's standard of provision is adopted and that the cost does not exceed the Council's estimate of a reasonable charge for the necessary work.
 20. To deal with requests to use sheltered housing scheme lounges for political surgeries on the following basis:
 - (i) Political meetings (meetings of political parties or general meetings with invited groups or the general public) be not approved.
 - (ii) Surgeries involving individual members of the public meeting with their elected representative (Councillor or MP) on a personal basis, be approved subject to reasonable conditions (to deal with Health and Safety and confidentiality issues especially) and subject to consultation with scheme residents.
 - (iii) Requests to hold other types of meetings continue to be referred to Cabinet for consideration.
 21. To approve Council house adaptations for disabled persons in accordance with available budgets after consultation with the relevant Portfolio Holder, in appropriate cases.
 22. To deal with all aspects of the Right to Manage Process, including the negotiation of necessary management arrangements.
 23. To offer sole tenants the opportunity to include their partner/spouse on a new joint tenancy and additionally, in consultation with the Relevant Portfolio Holder, to assess individual cases and, in appropriate circumstances, to refuse or grant applications.
 24. To grant tenancies to tenants, requiring housing related support services, and to charge for those services as appropriate.
 25. To enter into contracts with the providers of housing related support services for the provision of those services to relevant Council tenants.
 26. To enforce the provisions of the Anti-Social Behaviour Act 2004 as it relates to Tenancy Demotion Orders.
 27. To apply the adopted guidance in relation to Housing Fire Safety in accordance with the relevant legislation.
 28. To grant, in appropriate circumstances, Introductory Tenancies, subject to periodic review and extension if required.

29. To serve tenancy demotion notices in appropriate circumstances and operate an appeals process in accordance with the Demoted Tenants (Review) Regulations 2004.
30. To operate the Furnished Tenancy Scheme in accordance with Council Policy.
31. To operate and support the Tenants and Residents Forum and recognised Tenants and Residents Associations and Council approved tenant co-regulatory arrangements.
32. To make payments of compensation to tenants for improvements in accordance with Section 122 Leasehold Reform and Housing Urban Redevelopment Act 1993.
33. To authorise the carrying out of maintenance works to, non commercial local authority buildings and to certify all necessary accounts.
34. To facilitate the development and procurement of the repairs appointment system utilising BT/Lancashire in partnership with EPIX Systems Limited.
35. In consultation with the Portfolio Holder for Housing and Landlord Services , to make minor alterations to the Tenant Downsizing Scheme in order to make it appropriate and relevant.
36. In consultation with the Portfolio Holder for Housing and Landlord Services, to agree the Council's policy with regard to recognition criteria for tenant panels and to review and update the policy as required.
37. In consultation with the Portfolio Holder for Housing and Landlord, to determine whether tenant panels requesting recognition should be so recognised.
38. To update the Tenants and Residents Forum Consultation as appropriate.
39. In consultation with the relevant Portfolio Holder to make minor drafting updates and changes arising from new legislation as required to the Council Tenure Policy and Housing Allocations Policy.
40. In consultation with the Portfolio Holders for Housing and Landlord Services and Regeneration and Estates to enter into leases of Council dwellings where below social rents are deemed appropriate and, where this delegation is used, that it be reported via a Member Update and to the Landlord Services Committee (Cabinet Working Group).
41. To obtain all necessary consents, approvals and permissions and to enter all necessary documentation in relation to Council Housing Lease Arrangements.
42. To set garage rents at a level to maximise income for the HRA.

43. To exercise discretion in applying the policy of changing baths to showers in sheltered accommodation, ground floor flats and bungalows in properties with less than 3 bedrooms.
44. In relation to alleged behaviour affecting the Council's Housing Management function to instruct the Head of Legal & Democratic Services to apply for:
 - (i) injunctions under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
 - (ii) a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
 - (iii) a variation or discharge of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
 - (iv) a committal application on any breach of an injunction.
45. To service Notice Seeking Possession on the mandatory grounds specified in Section 84A of the Housing Act 1985.
46. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Section 84A and Ground 2ZA of Schedule 2 of the Housing Act 1985 and apply for warrants for eviction obtained on this ground.
47. In consultation with the relevant Portfolio Holder, the relevant Head of Service to make minor updates and changes as required to the Decant Policy.
48. In consultation with the relevant Portfolio Holder, the relevant Head of Service to make minor updates and changes to the Garage Allocations and Management Policy.

K. TO THE HEAD OF LEGAL & DEMOCRATIC SERVICES (AS MONITORING OFFICER & SENIOR LEGAL OFFICER)

(i) Procedural

1. To act as Solicitor to the Council.
2. To seal and attest documents in accordance with Article 14 of the Constitution and to sign documents on behalf of the Council.
3. To enter into all Agreements (as Agent for Lancashire County Council as Highways Authority) under Section 38 of the Highways Act 1980 to adopt highways etc., and to enter into agreements (as Agent for United Utilities) under Section 104 of the Water Industry Act 1991 to adopt sewers etc.
4. To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council.

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5. To affix the Seal of the Council on any documents assigning or transferring the liability for debts due to the Council from one person or body to another or any deeds of indemnity that may be needed.
 6. To take all necessary action, in consultation with the Corporate Director of Place & Community to discharge existing Agreements under Section 106 of the Town and Country Planning Act 1990 (formerly Section 52 of the 1971 Act).
 7. In consultation with the Corporate Director of Place & Community, and the Chairman of the Planning Committee, to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 requiring the cessation of use of land for the holding of car boot sales/markets on more than 14 days per annum on the sites and for the reasons set out in paragraph 3.7 of the reports to the Development and Planning Committee on the 2 October 1997 and 8 January 1998 and the time limit for compliance to be 7 days of such notices taking effect; to take proceedings in the event of non-compliance with the requirements of such Enforcement Notices and to take other appropriate action where it is considered expedient.
 8. To issue, serve and withdraw Breach of Condition Notices, Enforcement Notices and Stop Notices and to apply for Injunctions under the Town and Country Planning Acts in cases of urgency, after consultation with the Corporate Director of Place & Community, and the Chairman of the Planning Committee.
 9. To issue, serve and withdraw Temporary Stop Notices after consultation with the Corporate Director of Place & Community, and the Chairman of the Planning Committee and to take proceedings in the event of contravention of those Notices.
 10. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community.
 11. To make orders, in consultation with the Corporate Director of Place & Community, to close roads in Ormskirk town centre under the Town Police Clauses Act 1847 in connection with 999 Day events and other events likely to cause congestion on roads in the town centre.
 12. To make, (and where appropriate, confirm without modification any unopposed Order) Footpath Orders, Traffic Regulation Orders, and Orders for the renaming of Streets under Section 18 of the Public Health Act 1925, when requested by the Corporate Director of Place & Community Services.
 13. To make Orders under Sections 257/8 of the Town and Country Planning Act 1990 and submit applications under Section 247 of that Act and Section 116 of the Highways Act 1980 to stop up, divert or extinguish highway rights when requested by the Corporate Director of Place & Community Services.
 14. To make Temporary Traffic Regulation Orders and issue Notices under the provisions of the Road Traffic Regulation Act 1984 (as amended) in cases where

the Corporate Director of Place & Community Services is satisfied that such arrangements are necessary in accordance with the provisions of that Act.

15. To seek planning permission for development by the Council.
 16. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
 17. In consultation with the Head of Finance, Procurement & Commercial Services Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
 18. To hear representations from applicants for registration as Motor Salvage Operators whose application is proposed to be refused/renewed/cancelled, renewal is to be refused or licence is to be cancelled and to decide whether or not to refuse/refuse to renew or cancel licences after the 14 day period during which representations may be made.
 19. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
 20. To apply to the Secretary of State for consent to make an Order(s) under Section 13 (Prohibiting Public Processions) and Section 14A (Prohibiting Trespassory Assemblies) of the Public Orders Act 1986 and to take all necessary action relating thereto, including the sealing of the said Order(s).
- N.B.** This authority shall be exercised upon receipt of an application from the Chief Officer Lancashire Police and following consultation if possible with the Leader of the Council or other member of the Cabinet.
21. To undertake the role of the Senior Responsible Officer (“SRO”) in accordance with the Code of Practice for covert surveillance/property interference and Covert Human Intelligence Sources (“CHIS”).
 22. To make amendments, as required, in consultation with the relevant Portfolio Holder to the Guide for Compliance with the Regulation of Investigatory Powers Act 2000.
 23. In accordance with the Regulation of Investigatory Powers Act 2000:
 - appoint a Single Point of Contact from Staff within the establishment in accordance with the requirements of the Act.
 - appoint an outside body to the role of Single Point of Contact, as required

24. To take all necessary action to ensure the effective provision of legal services to support the opening and operation of the Investment Centre, in consultation with the Corporate Director of Transformation & Resources.
25. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community Services.

(ii) Litigation

1. To institute (including the laying of information and complaints), defend, and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal (including determining whether or not to prosecute) on behalf of and in the name of the Council and in particular in respect of all appeals against decisions of the Council or contraventions under any Enactment, Regulation, Order or Byelaw or, if appropriate, to give a formal caution or issue warning letters instead and to issue warning letters in respect of breach of licence conditions.
2. To instruct Counsel and obtain advice in relation to any matter, and to engage appropriate witnesses or external Solicitors (exemption from Contracts Procedure Rules and Financial Procedure Rules being made in respect thereof).
3. To settle proceedings of any description after consultation with the Leader and relevant Portfolio Holder or the Chairman of the appropriate committee together with the appropriate chief officer.
4. To institute proceedings for Injunctive Relief.
5. To authorise officers to appear in the Magistrates' and County Courts, and at Inquiries and Tribunals as appropriate.
6. To take all necessary action to protect the Council's market rights and to apply for injunctions when appropriate in relation thereto.
7. To institute proceedings under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to temporary markets.
8. To take all necessary action, (including the service of Discontinuance Notices, laying of information and prosecution) to secure the removal of any advertisement or signs displayed in contravention of the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
9. To serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70 of the Anti-Social Behaviour Act 2003 in consultation with the Corporate Director of Place & Community.

(iii) Democracy

1. To deal with any request for permanent changes to the Membership of Committees by Political Groups in accordance with their allocation of Committee places.
2. To make minor operational amendments to the Constitution subject to notice of any such amendment being given to all Members immediately after each alteration as set out in Article 15.02 (b).

(iv) Standards

1.
 - (a) To act under the “Standards Regime arrangements”
 - (b) To act under the pre-hearing and hearing procedures for Standards Committee determinations.
 - (c) To act under the procedure for Standards Committee investigations.
 - (d) To make minor amendments, in consultation with the Chairman of the Standards Committee, to the “Standards Regime arrangements” and the pre-hearing and hearing procedures for Standards Committee determinations and the procedure for Standards Committee investigations.
2. To disclose any information held by the Council to an Investigating Officer, whether confidential or otherwise and whether requested or not, which would in his opinion assist an investigation.
3. In consultation with the Chairman of the Standards Committee, in instances where the Independent Person/Reserve Independent Person is unavailable, to appoint Independent Persons from another authority on a temporary basis.
4. In consultation with the Leader and the Leader of the Opposition to grant dispensations, in cases of urgency.
5. To publish details of the address to which written allegations of breach of the Code of Conduct should be sent.
6. To update the procedures and develop the standard documentation to be used in dealing with written complaints of breach of the Code of Conduct and publish as required.
7. In consultation with the Chairman of the Standards Committee to update the Investigation Procedure, the Determination, Pre-Hearing and Hearing Procedures, for dealing with alleged breaches of the Council’s Code of Conduct and of the Codes of Conduct of the Parish Councils in the Borough of West Lancashire, as required.

C. TO THE HEAD OF FINANCE, PROCUREMENT & COMMERCIAL SERVICES (AS SECTION 151 OFFICER)

(i) General

1. To remit charges or to write off irrecoverable debts up to a limit of £25,000 in individual cases, and to remit or write off debts above £25,000 where any of the following apply:
 - (a) the debtor has gone into liquidation or bankruptcy and there is little likelihood of the debt being collected
 - (b) the debtor has moved or absconded and all enquiries to trace them have failed
 - (c) the debtor is in prison and has no means to pay
 - (d) the debtor has died and there is no estate.

All sums above £25,000 and not falling within the four categories above shall be reported for write-off to the Cabinet or Council as appropriate.

2. To be responsible for the accounting arrangements of the Council.
3. To submit claims for grant to government departments and other bodies in consultation with the appropriate chief officer.
4. To deal with the timetabling of estimates for submission to the Council.
5. To make imprest advances as is considered appropriate and instruct on the accounting requirements thereafter.
6. To make payments of all remuneration, compensation and other emoluments as may be deemed necessary.
7. To authorise refunds of superannuation contributions where employees have been dismissed for gross misconduct and where the Authority has suffered no financial loss.
8. To be responsible for the administration of the revenue and capital transactions of the Council.
9. To determine approved contributions to Parish Councils under Section 136 of the Local Government Act, 1972 in accordance with the Council Policy.
10. To approve and prioritise, in consultation with the relevant Portfolio Holder, bids for Parish Council Capital Schemes.
11. In consultation with the relevant Portfolio Holder to implement suitable arrangements for passing on funding which the Government will pay to the Borough Council but

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- which is intended for Parish Councils in relation to the localised Council Tax Support Scheme.
12. To make application for repayment of unclaimed compulsory purchase compensation.
 13. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
 14. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
 15. In consultation with the Corporate Director of Transformation & Resources and the relevant Portfolio Holder to set the charge for dealing with requests under the Freedom of Information Act 2000 (if any).
 17. To undertake appropriate financial assessments and decide whether financial hardship exists and comment on what is "reasonable" (if anything) for "Appropriate Persons" to pay, so not to result in hardship, in cases where remediation works are to be undertaken to contaminated land.
 18. In consultation with the relevant Portfolio Holder be authorised to take all necessary action to apply the High Street Innovation Grant to the proposed uses where feasible and appropriate.
 19. To manage and administer the Richard Berry Charity, the Ruff Public Park and Pleasure Ground Charity and the Jervis Charity for which the Council acts as sole trustee and report the financial position and activity of these funds each year in the statement of accounts.
 20. In consultation with the Finance Portfolio Holder to decide whether to join or leave the Lancashire Business Rates Pool each year, and to enter into any necessary arrangements and to take all necessary actions to administer the pooling arrangements.
 21. To, in consultation with the Corporate Director of Place & Community, the Leader and the Finance Portfolio Holder, determine whether there is a positive business case to purchase up to three of the remaining land auction sites at Whalleys, Skelmersdale (as shown in Appendix 1 to the report to Council on 16 December 2015) prior to the 31 March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so. (I'm not sure if this is still required)
 22. Together with the Corporate Director of Transformation & Resources be appointed as Directors of the Development Company known as Tawd Valley Development Limited.

23. To make investments in accordance with the Commercial Property Strategy, subject to approval of scheme funding of up to £5m by the Strategic Assets Purchasing Committee and approval by Council of schemes for over £5m.

24. To make and approve changes to the Social Value Policy to reflect any changes to Law or Regulatory Guidance .

(ii) Audit

1. To deal with the examination and audit of the accounting, financial and other transactions of the Council, including such investigations as may be deemed necessary.

2. In consultation with the relevant Portfolio Holder to update and amend the Anti-Fraud and Corruption Policy as appropriate.

3. In consultation with the Chief Operating Officer to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.

(iii) Insurance

1. To arrange insurance cover and to deal with the administration of all insurance arrangements and insurance claims, including any settlement of those claims uninsured up to a limit of £1,000 in each case, and to take all necessary action to establish, maintain and administer such insurance funds considered appropriate and to arrange for the provision of such insurance services considered necessary.

2. To deal with all Risk Management matters, including the appointment when necessary of external advisers.

(iv) Housing Finance

1. To use the services of debt collection agencies to trace former tenants with significant rent arrears where considered appropriate.

(v) Treasury Management

1. To manage the movement between the borrowing and long term liabilities figures within the Authorised Limit for external debt and the Operational Boundary.

2. To operate such banking arrangements as may be considered necessary.

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3. To raise finance by way of leasing for vehicles, plant, machinery and equipment where this is the most efficient means of acquisition and there is an appropriate budget provision in place.
 4. To be responsible for the financial administration of car loans.
 5. To deal with the administration of loans advanced to outside bodies, including the inspection of business accounts prior to such advances being granted.
 6. To take all executive decisions on borrowing, investment or financing in accordance with the CIPFA Code of Practice for Treasury Management in local authorities and to report to Council.
 7. To deal with the financial arrangements of a Cycle to Work Scheme and to take all necessary action relating thereto.

Scheme of Delegation to Cabinet and Portfolio Holders

The Leader has determined that all executive decisions will be made collectively by Cabinet unless covered in this Scheme of Delegation or the Scheme of Delegation to Chief Officers.

1.0 TO THE LEADER OF THE COUNCIL & PORTFOLIO HOLDER FOR LEGAL AND DEMOCRATIC SERVICES

- 1.1 To set the details of each Cabinet Portfolio.
- 1.2 To agree responses to external consultation documents within their area of responsibility which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 1.3 Where details of schemes, within their portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.
- 1.4 To issue public consultation documents prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 1.5 To take any decision in respect of any Cabinet function which by reason of urgency cannot wait until the next meeting of the Cabinet.
- 1.6 To appoint Cabinet Working Groups/Panels, subject to reporting back the same for noting.
- 1.7 To determine in each individual case, in consultation with the relevant Portfolio Holder, whether images should be released in accordance with the Policy for Publication of CCTV (and other) Images of Convicted Persons.
- 1.8* To consider, together with the Portfolio Holder for Finance, in consultation with the Chief Operating Officer, the Head of Finance, Procurement and Commercial Services and the Corporate Director of Place and Community, cases referred to them, where there has been evidence of a breach of a condition in relation to the disposal of all or part of a grant assisted asset, under the Pilot Land and Property and Inspire Projects, and in consideration of the need for clawback use the criteria as outlined at paragraphs 5.3 and 5.4 of the report to Cabinet on 18 September 2007.
*See also paragraph 8.6 and also delegation at Section 4.2 of the Constitution, paragraph 4.28.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

2.0 TO THE DEPUTY LEADER OF THE COUNCIL & THE PORTFOLIO HOLDER FOR PLANNING AND COMMUNITY SAFETY

- 2.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 2.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.
- 2.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 2.4 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.
- 2.5 To determine in each individual case, in consultation with the relevant Portfolio Holder, whether images should be released in accordance with the Policy for Publication of CCTV (and other) images of Convicted Persons.
- 2.6 To amend the Scheme of Charges for Building Regulation Work.

3.0 DEPUTY LEADER & PORTFOLIO HOLDER FOR GREEN GROWTH

- 3.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 3.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, and where budget provision is not exceeded.
- 3.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 3.4 To remit charges or to write off debts above £5,000 not falling within the four categories referred to in C(i) 1 (a) to (d) of the delegated authority to the Borough Treasurer.
- 3.5 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

4.0 PORTFOLIO HOLDER FOR LEISURE

- 4.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 4.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.
- 4.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 4.4 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

5.0 TO THE PORTFOLIO HOLDER FOR HEALTH AND WELLBEING

- 5.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 5.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.
- 5.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 5.4 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

6.0 TO THE PORTFOLIO HOLDER FOR COMMUNITIES

- 6.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 6.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.

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- 6.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
 - 6.4 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.
 - 6.5 To determine applications from the Community Chest.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

7.0 TO THE PORTFOLIO HOLDER FOR HOUSING

- 7.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 7.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.
- 7.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 7.4 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

8.0 TO THE PORTFOLIO HOLDER FOR STREET SCENE

- 8.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 8.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, where budget provision is not exceeded.
- 8.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 8.4 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

9.0 TO THE PORTFOLIO HOLDER FOR FINANCE(*including Economic Regeneration*)

- 9.1 To agree responses to external consultation documents affecting the portfolio which do not have significant implications for Council strategies or services, after prior notification by e-mail to all Councillors.
- 9.2 Where details of schemes, within the portfolio, vary significantly from that described in the capital or revenue budgets or when external funding was agreed, to agree those variations, and where budget provision is not exceeded.
- 9.3 To issue public consultation documents within the portfolio prior to consideration by Cabinet unless they include proposals which would have significant implications for existing Council strategies or services.
- 9.4 To remit charges or to write off debts above £5,000 not falling within the four categories referred to in C(i) 1 (a) to (d) of the delegated authority to the Borough Treasurer.
- 9.5 To take any decisions within the portfolio which by reason of urgency cannot wait until the next meeting of the Cabinet.
- 9.6* To consider, together with the Portfolio Holder for Economic Regeneration, in consultation with the Chief Operating Officer, Head of Finance, Procurement and Commercial Services and the Corporate Director of Place and Community, cases referred to them, where there has been evidence of a breach of a condition in relation to the disposal of all or part of a grant assisted asset, under the Pilot Land and Property and Inspire Projects, and in consideration of the need for clawback use the criteria as outlined at paragraphs 5.3 and 5.4 of the report to Cabinet on 18 September 2007.

*See also paragraph 1.8 and also delegation at Section 4.2 of the Constitution, paragraph 4.28.

N.B. All decisions made to be reported back in the “Members Updates” unless reported elsewhere.

Notes

In exercising these delegations Cabinet Members must comply with the following:

- (a) All decisions must be in accordance with the approved policy framework and budget.
- (b) All decisions must be taken in accordance with the requirements of law and the constitution.

- (c) Before taking a key decision all the requirements relating to key decisions must be met.
- (d) Cabinet Members will always have the option of referring matters for collective decision by the Cabinet.
- (e) Where a Cabinet Member has a personal and prejudicial interest in a matter coming before him/her for a decision, the Leader of the Council may take the decision delegated to that Portfolio Holder in their stead.
- (f) Where the Leader has a personal and prejudicial interest in a matter coming before him or her for a decision the Deputy Leader in the first instance or another Portfolio Holder may take the decision delegated to the Leader in his/her stead.
- (g) In the absence of the Leader/Deputy Leader or relevant Portfolio Holder another Portfolio Holder may take the decision delegated to the Leader, Deputy Leader or the relevant Portfolio Holder in their stead.

Part 4 – Rules of Procedure**1. Council Procedure Rules**

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1. ANNUAL MEETING OF THE COUNCIL

1.1 The annual meeting will take place on the third Wednesday in May at 7.30 pm.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor for the ensuing municipal year;
- (iii) appoint the Deputy Mayor for the ensuing municipal year;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vii) elect the Leader;
- (viii) note the appointment of a Deputy Leader and members of the Cabinet;
- (ix) appoint the Overview and Scrutiny Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (those other committees are set out in Part 3 of this Constitution) and to appoint Area Consultative Forums (if any).
- (x) appoint Chairmen and Vice-Chairmen of Committees and Area Consultative Forums (if any) for the ensuing municipal year and nominate which of the Overview and Scrutiny Committee Chairman is to be the senior;
- (xi) agree that part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xii) approve a programme of ordinary meetings of the Council for the year if this has not previously been determined; and
- (xiii) consider any business set out in the notice convening the meeting.

1.2 Selection of councillors on committees and outside bodies

At the annual meeting, the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;

- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at or prior to the Council's annual meeting which may be varied in exceptional circumstances by the Mayor. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, members of the Cabinet or the Chief Operating Officer;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

The Chief Operating Officer may call Council meetings in addition to ordinary meetings and those listed below may request him to do so:

- i) the Council by resolution;
- ii) the Mayor;
- iii) the Monitoring Officer;
- iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

Unless decided otherwise at the annual meeting of the Council each political group on the Council may, subject to Rule 2 of the Overview and Scrutiny Committee Procedure Rules, nominate one or more substitute members for any meeting of a committee or sub-committee by notifying the Legal and Democratic Services Manager by 12 noon on the day of the meeting. This rule should only apply to Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

4.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the member for whom they are substituting.

4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute; and
- (ii) where the ordinary member will be absent for the whole of the meeting.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Operating Officer and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Operating Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Operating Officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chairmen of committees and sub-committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. If after a period of fifteen minutes has elapsed there are not sufficient members present to constitute a quorum the remaining business will be deferred to a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting will adjourn immediately upon conclusion of the item of business under discussion at 11.00 pm on the day of the meeting. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY MEMBERS**10.1 On reports of the Cabinet or committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.4, a member of the Council may ask:

- the Mayor;
- the Leader; or
- the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the borough.

10.3 Questions on notice at committees and sub-committees

Subject to Rule 10.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the borough and which falls within the terms of reference of that committee or sub-committee.

10.4 Notice of questions

A member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least three working days notice in writing of the question to the Chief Operating Officer; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Operating Officer by 12 noon on the day of the meeting.

10.5 Response

- (i) An answer may take the form of:
 - (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (ii) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

11. MOTIONS ON NOTICE

11.1 Notice

- (A) Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least one member subject to 11.B below, must be delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceding the meeting. These will be entered in a book open to public inspection.
- (B) Save that in the case of a notice of motion that the Leader of the Council ceases his/her term of office before the statutory period comes to an end, the notice must be signed by not less than one half of the members for the time being of the Council and such a resolution must include a motion to appoint another named Councillor as Leader.

11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the borough.

11.4 Automatic reference to Cabinet or Committee

If the subject matter of any motion to which this Rule applies comes within the province of the Cabinet or any committee or sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet or that committee or sub-committee for consideration.

Provided that the Mayor may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting on which it is brought forward.

11.5 Acceptance of Motion

- (a) If notice is given of any original motion which, in the opinion of the Chief Operating Officer is out of order, illegal, irregular or improper, the Chief Operating Officer shall forthwith submit such notice to the Mayor and it shall not be accepted and placed on the agenda without his/her sanction. In the event on non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.

- (b) In the event of the volume of items creating difficulty for the management of Council business or jeopardising the efficient running of Council business the Chief Operating Officer may make decisions about the priority and number of notices to be accepted in consultation with those submitting Notice and the Mayor. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of his decision.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 11.00 pm;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

13.3 Seconded's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

13.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the new substantive motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn the debate; or
 - (iv) to adjourn the meeting.
- (b) If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover

of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

13.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

14. STATE OF THE AREA ASSEMBLY

14.1 Calling of Assembly

The Leader may call a state of the area Assembly annually on a date and in a form to be agreed with the Mayor.

14.2 Form of Assembly

The form of any Assembly will be in accordance with the Council Meeting as an Assembly Procedure Rules, (see Constitution 5.2) agreed by the Council, for such an Assembly.

14.3 Chairing of debate

Any Assembly will be chaired by the Mayor.

14.4 Results of debate

The results of the debate in any Assembly will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) where appropriate, considered by the Cabinet in proposing the budget and policy framework to the Council for the coming year.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 14 members.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 14 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15.3 Recommendations from Committee

Rules 15.1 and 15.2 shall not apply to a motion moved in pursuance of a recommendation of the Cabinet or a Committee.

16. VOTING

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

16.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

16.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 **Ballots**

The vote will take place by ballot if two members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

16.5 **Recorded vote**

If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes, save that immediately after any vote is taken at a budget decision meeting on any motion or amendment there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting ("budget decision meeting" means a meeting at which the Council makes a calculation in respect of the setting of Council Tax or issues a precept and "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept.) A demand for a recorded vote will override a demand for a ballot.

16.6 **Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.7 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

17. **MINUTES**

17.1 **Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

- (a) Where the person who should have signed the minutes is unable to perform that duty the Chairman or Vice Chairman of the body is authorised to sign as a correct record the minutes of a previous meeting of that body.
- (b) Where a body ceases to exist, the Councillor who chaired the last meeting of that body is authorised to sign the minutes as a correct record.

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Mayor standing

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move

that the member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

20.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

21.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Procedure Rules except Rules 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

Procedure Rules cannot be suspended in respect of a motion under Council Procedure Rule 11.1B that the Leader cease his/her term of office before the statutory period has come to an end.

22.2 Amendment

Any motion to add to, vary or revoke these Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23. USE OF E MAIL AND FAX

For the avoidance of doubt, where in the Constitution reference is made to a written notice, signed by a Member or Members, this shall include delivery by fax or e-mail, subject to confirmation of identity by the Member or Members concerned.

24. AUDIO OR VISUAL RECORDING OF PROCEEDINGS

- (i) Audio recordings of the proceedings of any Council or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question.
- (ii) Photographing or filming of the proceedings of a Council, or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council (except from the Councillor benches) with the agreement of the Mayor or Chairman of the meeting in question.
- (iii) In the event of the Mayor or Chairman of the meeting in question wanting to prohibit the photographing filming or audio recording of the proceedings as per (i) and (ii) above, they shall provide a reason for this to members of that meeting, and seek their consent to their decision by means of a vote. Where members then vote to allow the photographing, filming or audio recording of the proceedings of that meeting, this shall be allowed.

25. USE OF MOBILE PHONES AND OTHER SOCIAL MEDIA DEVICES IN MEETINGS

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.
- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Mayor/Chairman has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

**26. DISCLOSABLE PECUNIARY INTERESTS AND PECUNIARY INTERESTS-
WITHDRAWAL FROM MEETINGS**

A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where he/she is permitted to remain as a result of the grant of a dispensation or the Code.

27. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Procedure Rules apply to meetings of full Council. None of the Rules apply to meetings of the Cabinet. Only Rules 5 to 13 and 15 to 26 (but not Rule 20.1) apply to meetings of committees and sub-committees with the substitution of the word 'Chairman' where the word 'Mayor' appears.

REMOTE MEETINGS PROCEDURE RULES

These Procedure Rules provide the rules for the conduct of any remote meeting of the Council, Cabinet or its Committees and Sub-Committees, held under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The regulations make provision for remote attendance at, and remote access to, council meetings held on or before 7 May 2021 and remain valid until 7th May 2021.

The regulations enable the council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing.

The 'place' at which the meeting is held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address, or a conference call telephone number.

In order for members to be able to attend meetings of the council remotely, they need not be physically present, provided they are able to hear and be heard (and, where practicable, see and be seen by) other councillors and members of the public attending remotely or in person.

The procedure rules in this constitution apply to remote meetings in the same way as they do for other meetings of the council except where they conflict, in which case these procedure rules takes precedence over other procedure rules in relation to the governance of remote meetings.

1 Access to Information

For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:

- (a) "open to inspection" shall include for these and all other purposes as being published on the website of the council; and
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

2 Remote Access to Meetings

- (a) For all purposes of the Constitution the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
 - (i) "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and
 - (ii) "open to the public" includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote

means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and

- (b) If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chairman shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

3 Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
 - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chairman may, as they deem appropriate;
 - (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established; or
 - (ii) count the number of Members in attendance for the purposes of the quorum and if the meeting is quorate, continue to transact the business of the meeting in the absence of the Member not in remote attendance.

4 Remote Attendance by Members of the Public Exercising a Right to Speak

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak in relation to an item of business being discussed at the meeting is in attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
 - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;

- (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting in relation to that item, and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting remotely.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point during consideration of that item, any of the conditions for remote attendance contained in 4(a) above are not met. In such circumstances, the Chairman may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 4(a) above to be re-established; or
 - (ii) suspend consideration of that item of business until such time other item(s) of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established; or
 - (iii) if steps (i) or (ii) above have not been successful deal with the item of business in the absence of the member of the public in remote attendance.

5 Remote Voting

Unless a recorded vote is called for by a member, the method of voting will, at the discretion of the Chairman, be:

- (a) by the affirmation of the meeting if there is no dissent [by assent]; or
- (b) by the calling out of the name of each member present and voting with the number of votes for or against, or abstaining from the motion or amendment being recorded [by roll-call]

6 Record of Attendance

The requirement for members present during the whole or part of a meeting to sign their name on the attendance sheet before the conclusion of every meeting is dispensed with and instead the Member Services Officer present will introduce the members by name at the start of the meeting, or if they join after the start of the meeting, their name will be announced upon joining the meeting.

7 Member's Conduct

Council Procedure Rules 20.1 and 20.2 of the Council Procedure Rules (standing to speak at Council) are dispensed with.

8 Disclosable Pecuniary Interests and Pecuniary Interests – Withdrawal from Meetings

A Member must withdraw from the remote meeting during the whole consideration of any item of business in which he/she has a Disclosable Pecuniary Interest or Pecuniary Interests except where he/she is permitted to remain as a result of the grant of a dispensation or under any

provision of the Code of Conduct. Where a Member is required to withdraw from the remote meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of that item of business.

9. Exclusion of Public and Press

- 9.1 Where by resolution, the public (and press) have been excluded from a meeting in accordance with Council Procedure rule 19 and Access to Information Procedure Rule 10 every member must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless such persons are entitled to be so present).
- 9.2 Members must declare to the meeting if at any point the requirement at 9.1 is not met.

Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Standards Committee, the Audit and Governance Committee, the Licensing and Gambling Committee, Licensing and Appeals Committee and the Planning Committee and meetings of the Cabinet and any sub-committees appointed by them (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND AND REPORT ON MEETINGS

3.1 Members of the public may attend all meetings and are permitted to report on the meeting, subject only to the exceptions in these rules.

3.2 Oral reporting or oral commentary on a meeting as it takes place is not permitted if the person reporting or providing commentary is present at the meeting.

3.3 'Reporting' means:

- (a) filming, photographing or making an audio recording of proceedings at a meeting,
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available, as the meeting takes place or later to persons not present.

3.4 Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.

3.5 Publication and dissemination may take place at the time of the meeting or occur after the meeting.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council offices, 52 Derby Street, Ormskirk and on the Council's website .

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and where appropriate on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the

summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

6. **SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to councillors in connection with an item if the Legal and Democratic Services Manager thinks fit.

to any person on payment of a charge for postage, copying and any other costs

7. **ACCESS TO MINUTES, DECISIONS ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. **BACKGROUND PAPERS**

8.1 **List of background papers**

Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author:

- (a) disclose any facts or matters on which the decision / report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report or making the decision

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at the Council offices and in respect of executive decisions on the Council's website.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend and report on meetings and to inspect and copy documents is kept at and available to the public at the Council offices, 52 Derby Street, Ormskirk. (See Constitution 3.3 Article 3).

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed and reporting on the meeting will also not be permitted.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed and reporting on the meeting will also not be permitted.

10.3 Meaning of confidential information

“Confidential information” means information given to the Council by a Government Department on terms (however expressed) which forbid its public disclosure, or information which cannot be publicly disclosed by or under any enactment or by a Court Order.

10.4 Meaning of exempt information

Information which falls within any of the descriptions 1 - 7 below is exempt information if and so long, as the Proper Officer considers, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Description	Qualification and Interpretation
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information falling within description 3 is not exempt information by virtue of that description if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) the Companies Act (as defined in Section 2 of the Companies Act 2006). (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993 <p>“financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>“registered” in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file at any building society (within the meaning of that Act)</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>“labour relations matter” means</p> <ul style="list-style-type: none"> (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, (matters which may be the subject of a trade dispute, within the meaning of that Act) or (b) any dispute about a matter falling within paragraph (a) above and for the purposes at this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority. <p>“office-holder” means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p> <p>“employee” means a person employed under a contract of service.</p>

Description	Qualification and Interpretation
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

Notes:

- (i) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (ii) Previous exemptions relating to personal information continue to be protected under the Data Protection Act.
- (iii) The Exemptions relating to commercial interests complement similar provisions in the Freedom of Information Act and Environmental Information Regulations.
- (iv) Information which
 - (a) falls within any paragraphs 1-7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 3 and (i) above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Legal and Democratic Services Manager thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13 to 24 apply to the Cabinet and any committees that it sets up. If the Cabinet or such committees meet to take a key decision then it must also comply

with Rules 1 to 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

If the Cabinet or any of its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 to 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

A key decision is as defined in Article 13.03 of this Constitution.

13. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least five clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or any of its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. **THE FORWARD PLAN**

14.1 **Forward plan notice**

Forward plans will be prepared by the Leader 28 clear days prior to a Cabinet meeting. Supplementary forward plans may be produced if required.

14.2 **Contents of forward plan**

The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, Area Committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and a list of its membership;
- (c) the date on which, or the period within which, the decision is to be made ;

- (d) the documents to be submitted to the decision taker for consideration in relation to the matter and the address where copies of, or extracts from, the documents are available, subject to prohibition or restriction;
- (e) that other documents relevant to these matters may be submitted and the procedure for requesting details of those documents (if any) as they become available;
- (f) details of decisions to be taken in private and a statement of reasons.

14.3 Publication of the forward plan

The forward plan must be published at least 28 clear days before a key decision is made and must be made available for inspection by the public at the Council Offices and on the Council's website.

14.4 Exempt and confidential information

The forward plan must contain particulars of the decision to be taken but may not contain any confidential or exempt information. Documents relating to the decision need not be disclosed to the public and the public may be excluded from the meeting.

15. **GENERAL EXCEPTION**

If a matter which is likely to be the subject of a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date and it is impracticable to publish notice of intention to make a key decision under Rule 14;
- (b) the Chief Operating Officer has informed the Chairman of a relevant Overview and Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Operating Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- (d) at least five clear days have elapsed since the Chief Operating Officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public subject to Rule 10.

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual), the Leader (if the Cabinet is making the decision) or the Chairman of the body making the decision:-

- (a) obtains the agreement of the Chairman of a relevant Overview and Scrutiny Committee; or
if there is no Chairman of the relevant Overview and Scrutiny Committee; or
if the Chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council (the Mayor), or in his/her absence the Vice Chairman (the Deputy Mayor) that the making of the decision is urgent and cannot reasonably be deferred; and
- (b) makes available on the Council's website and at the Offices of the Council a notice setting out the reasons that the meeting/decision is urgent and cannot reasonably be deferred.

17. REPORT TO COUNCIL

17.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure at Rule 15 above; or
- (c) the subject of an agreement with a relevant Overview and Scrutiny Committee Chairman, or the Chairman/Vice Chairman of the Council (the Mayor/Deputy Mayor) under Rule 16;

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Chief Operating Officer, who shall require such a report on behalf of the committee when so requested by the Chairman or any five members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

17.2 Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Annual reports on special urgency decisions

In any event the Leader will submit annually reports to the Council on the decisions taken by the Cabinet or a member of the Cabinet in the circumstances set out in Rule 16 (special urgency). The report will include particulars of each decision made and a summary of the matters in respect of which each decision was made.

18. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Chief Operating Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

20. NOTICE OF PRIVATE MEETING OF THE CABINET

20.1 A private meeting is where members of the public are excluded when it is likely that 'confidential' or 'exempt' information would be disclosed.

20.2 At least 28 clear days before a private meeting, the forward plan will be published giving notice of the intention to hold a meeting or part of it in private and the reasons for it.

20.3 At least 5 clear days before a private meeting, an agenda will be published providing further notice of the intention to hold the meeting or part of it in private and the reasons for it, including details of any representation received about why the meeting should be open to the public and a copy of any response.

20.4 If sufficient notice has not been given as set out in 20.2 and 20.3 the meeting may only be held in private if, the meeting is urgent and cannot reasonably be deferred, and with the agreement of

- (a) the Chairman of the Executive Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the Chairman is unable to act, the Mayor or the Deputy Mayor.

Following agreement a notice must be published at the Council Offices and on its website setting out these reasons.

Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

- a) All members of the Cabinet will be served notice of all private meetings of committees of the Cabinet, whether or not they are members of that committee.

- b) All members of the Cabinet are entitled to attend a private meeting of any committee of the Cabinet.
- c) The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the Chief Operating Officer has been given reasonable notice that a meeting is to take place.
- d) A private Cabinet meeting may only take place in the presence of the Chief Operating Officer or her nominee with responsibility for recording and publicising the decisions.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET/OFFICERS

22.1 Reports intended to be taken into account

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

22.2 Provision of copies of reports to Overview and Scrutiny Committees

On giving such reports to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of individual decisions (Members and Officers)

As soon as reasonably practicable after a decision has been taken by an individual member of the Cabinet or officer, he/she will prepare, or, in the case of a Member, instruct the relevant Head of Service to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet and individual officers and any report or a relevant part of a report considered by the individual making the decision with any background papers will be made available for inspection and published on the Council's website. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, an Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the

possession or control of the Cabinet or its committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Cabinet; or
- (b) any decision taken by an individual member of the Cabinet.

23.2 **Limit on rights**

An Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

23.3 **Requests for copies**

The Cabinet must provide a member of Overview and Scrutiny Committee with the document as soon as reasonably practicable and in any case no later than 10 clear days after receiving the request.

24. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

24.1 **Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting within 24 hours unless either:

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the descriptions of exempt information; or
- (b) it contains the advice of a political adviser.

Documents falling within paragraphs 3 and 6 of the descriptions of exempt information are open to inspection by Members except:

- (c) to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the negotiations for a contract.

24.2 **Material relating to key decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

24.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have

Budget and Policy Framework Procedure Rules

1. The framework for Cabinet decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) The Cabinet will publicise by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, which shall include consultation with the Overview and Scrutiny Committees.
- (b) At the end of the consultation period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations. The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, the Chief Operating Officer will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised and a copy shall be given to the Leader.

- (g) An in-principle decision will automatically become effective five working days from the date of the Council's decision, unless the Leader informs the the Chief Operating Officer in writing within five working days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the Chief Operating Officer will call a Council meeting within a further five working days. The Council will be required to re-consider its decision and the Leader's written submission within ten working days. The Council may:
 - i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority .
- (i) The decision shall then be made public, and shall be implemented immediately;
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.
- (k) The provisions of paragraphs 2 (b) to 2 (i) above shall apply in respect of the Cabinet's proposals for the Budget, Capital Programme and Council Tax levels only where those proposals are submitted to the Council before the 8th February in the financial year preceding that for which the proposals are made.
- (l) Where a decision of the Council involves amendments to the Cabinet's proposals and is urgent in the interests of the efficient execution of the Council's responsibilities, it may have immediate effect if the Leader or in his/her absence the Deputy Leader or in his/her absence a Cabinet Member authorised by the Leader, indicates at the meeting that he/she agrees the amendments made.

3. **Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.

- (b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging executive functions, want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. **Urgent decisions outside the budget or policy framework**

- a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the Council; and
 - ii) if the Chairman of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of the Council and the Chairman of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of a relevant Overview and Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

- b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. **Virement**

- (a) The Council shall have detailed budget information produced each year in its Budget Book .
- (b) Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, Service Heads shall be entitled to vire across budget heads where each individual virement does not exceed £25,000. Chief Officers and Section 151 Officer £50,000. The Cabinet can approve virement in the revenue and capital budgets of up to

£100,000, where the new activity accords with the Council's Policies and Objectives. Such virements cannot be aggregated to achieve a sum for an issue in excess of £100,000. Beyond that limit, approval to any virement across revenue and capital budget heads shall require the approval of the Council.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

7. Call-in of decisions outside the budget or policy framework

- (a) Where an Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The

Council shall meet within fifteen working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

or

- ii) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

or

- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

Cabinet Procedure Rules

1. How does the Cabinet operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out in Part 3 of this Constitution (Section 4). The Leader may provide for executive functions to be discharged by:

- i) the Cabinet as a whole;
- ii) a committee of the Cabinet;
- iii) an individual member of the Cabinet including the Leader;
- iv) an officer;
- v) an Area Committee;
- vi) joint arrangements; or
- vii) another local authority.

1.2 Delegation of executive functions

- (a) Unless the Leader directs otherwise, a committee of the Cabinet or an individual member of the Cabinet responsible for an executive function, may delegate that function to an Area Committee, joint arrangements or an officer.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- (c) A written record of delegations made by the Cabinet is included in Part 3 of this Constitution (Section 4). The Constitution will contain the following information about executive functions in relation to the coming year:
 - i) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
 - ii) the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet members appointed to them;

- iii) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
 - iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
- (d) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its Chairman.

1.3 Conflicts of interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution (Section 16.1).
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution (Section 16.1).
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution (Section 16.1).

1.4 Cabinet meetings – when and where?

The Cabinet will meet regularly at times to be determined by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

1.5 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet, or three, whichever is the larger.

1.6 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution (Section 6).

- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

- i) If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of both the Leader and Deputy Leader, a person appointed by the Leader shall preside.
- ii) The Leader will preside at any meeting of a committee of the Cabinet at which he/she is present, or may appoint another person to do so.
- iii) If there are equal numbers of votes for and against, the person presiding will have a second or casting vote. There will be no restriction on how the person presiding chooses to exercise a casting vote. c.f. Constitution 4.1 Responsibility for Executive Functions.

2.2 Who may attend?

All meetings of the Cabinet will be held in public except where confidential information or information which the Cabinet has decided to exempt is being considered.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Committee Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution (Section 9.1 and 7);
- iv) consideration of reports from Overview and Scrutiny Committees; and
- v) matters set out in the agenda for the meeting. The agenda shall indicate whether any key decisions are being considered in accordance with Rule 15 (General Exception) or Rule 16 (Special Urgency) of the Access to Information Procedure Rules set out in Part 4 of this Constitution (Section 6).

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration

2.5 Who can put items on the Cabinet agenda?

- i) The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not the matter is the responsibility of the Cabinet, or has been delegated to a committee of it or any member or officer. The Chief Operating Officer will comply with the Leader's requests in this respect and include the appropriate item on the agenda for the earliest available meeting. Any request under this paragraph shall be made by no later than 12 noon on the Monday of the week preceding the Cabinet meeting.
- ii) Any member of the Cabinet may require the Chief Operating Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Chief Operating Officer will comply and include the item on the agenda for the earliest available meeting. Any request under this paragraph shall be made by no later than 12 noon on the Monday of the week preceding the Cabinet meeting.
- iii) Overview and Scrutiny Committees or the Council for matters referred by them.
- iv) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered and will set out the item in the terms specified by the member. A request must be made to the Leader and the Leader will indicate his agreement (or otherwise) by no later than 12 noon on the Monday of the week preceding the Cabinet meeting.
- v) The Monitoring Officer (Legal and Democratic Services Manager) and/or the Chief Finance Officer (Head of Finance, Procurement and Commercial Services Services) may include an item for consideration on the agenda of a Cabinet meeting and the Chief Operating Officer will call such a meeting in pursuance of their statutory duties. In other circumstances, where any chief officer is of the opinion that the Cabinet needs to consider a matter that requires a decision, he/she may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the

agenda may also require that a meeting be convened at which the matter will be considered.

Any requirement to convene a meeting under this subsection will be subject to the provisions in the Access to Information Procedure Rules.

2.6 Audio or Visual Recording of Proceedings

- (i) Audio recordings of the proceedings of any Cabinet meeting or part of any such meeting held in public shall be allowed. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question, unless the meeting is being held virtually and available through a webcast.
- (ii) Photographing or filming or the use of any other means for reporting on the proceedings of a Cabinet meeting or part of any such meeting held in public shall be permitted. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question with the agreement of the Leader/Chairman of the meeting, unless the meeting is being held virtually and available through a webcast.
- (iii) In the event of (i) and (ii) above the Leader/Chairman of the meeting will notify members and the public. Oral reporting or oral commentary on a meeting as it takes place by a person present at the meeting will not be permitted.
- (iv) Audio recording, photographing and filming or other reporting of meetings whilst they are not open to the public, is not permitted.
- (v) The Leader/Chairman has discretion to exclude any person, audio recording, photographing and filming or otherwise reporting on proceedings, if a disturbance to the smooth running of the meeting is caused.

2.7 Use of Mobile Phones and Other Social Media Devices in Meetings

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.
- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Leader has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

2.8 A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where he/she is permitted to remain as a result of the grant of a dispensation or the Code.

2.9 Remote Meetings

See Constitution 5.2: Remote Meetings Procedure

Overview and Scrutiny Committee Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

- (a) The Council will have the Overview and Scrutiny Committees set out in Article 6 (Section 3.6) and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Overview and Scrutiny Committee will be:
 - i) to perform the review function on behalf of the Council for those matters set out in Article 6 of the Constitution as allocated to that Overview and Scrutiny Committee. In the event of a subject matter falling within the remit of more than one Overview and Scrutiny Committee, or where there is doubt as to which Overview and Scrutiny Committee is the most appropriate, the Chairmen of the Overview and Scrutiny Committees will determine, by a majority, by which Overview and Scrutiny Committee the subject matter will be considered. If they cannot reach a decision, then the Senior Overview and Scrutiny Committee Chairman will make a ruling.
 - ii) to appoint such sub-committees as it considers appropriate to fulfil those review functions;
 - iii) to receive reports from the Leader from time to time on the Cabinet's priorities and its performance;
 - iv) to approve a work programme, including the programme of any sub-committees it appoints so as to ensure that the committee's and sub-committees' time is effectively and efficiently utilised;
 - v) to put in place a system to ensure that referrals from the Overview and Scrutiny Committee to the Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
 - vi) in the event of the volume of reports to Cabinet creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made.

2. Who may sit on Overview and Scrutiny Committees?

All councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-optees**

Each Overview and Scrutiny Committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. **Meetings of the Overview and Scrutiny Committees**

In addition to ordinary meetings of the Overview and Scrutiny Committees, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman of that Overview and Scrutiny Committee, by any five members of the committee or by the Chief Operating Officer if they consider it necessary or appropriate and the Chief Operating Officer shall make the arrangements for the meeting to be held at an appropriate date and time. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

5. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 (Section 5) of this Constitution.

6. **Who chairs Overview and Scrutiny Committee meetings?**

- (a) Chairmen and Vice-Chairmen of Overview and Scrutiny Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the committee/sub-committee may appoint such persons as it considers appropriate as Chairman and Vice-Chairman.
- (b) In the absence from a meeting of an Overview and Scrutiny Committee/sub-committee, of the Chairman of that Overview and Scrutiny Committee/sub-committee, the Vice-Chairman shall take the Chair.
- (c) In the absence from a meeting of an Overview and Scrutiny Committee/sub-committee, of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair that meeting shall be chosen from those members present at the meeting.
- (d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of the Overview and Scrutiny Committee/sub-committee, it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative arrangements.

7. **Work programme**

The Overview and Scrutiny Committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

8. **Agenda items**

- (a) Any member of the Council may give notice to the Chief Operating Officer, by completing the relevant Member Items/Councillor Call for Action (CcfA) pro-forma, by 12 noon on the Friday (one week following circulation of the Members' Update) of an Overview and Scrutiny Committee, that he/she wishes an item relevant to the functions of that committee or sub-committee to be included on the agenda for its next available meeting. On receipt of such a request the Chief Operating Officer will ensure that it is included on the next available agenda in the terms expressed by the member or co-opted member. A copy of the Protocol is included in the Constitution at 18.3.
- (b) Any member of the Council shall be entitled to give notice to the Chief Operating Officer.
- (i) **Executive Overview and Scrutiny Committee** by 12 noon on the Tuesday of the week preceding the meeting
- (ii) **Corporate Overview and Scrutiny Committee** by 12 noon on the Friday (one week following circulation of the Members Update)

that he/she wishes an item relevant to a report on the Members' Update which relates to the functions of the committee or sub-committee concerned to be included on the agenda for the next meeting of that committee or sub-committee. The procedure for dealing with Members' Updates appears in the Members' Updates Procedure Rules (Section 9.2).

- (c) The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

See Rule 14 for rights to speak

9. **Policy review and development**

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (Section 7).
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, an Overview and Scrutiny Committee or sub-committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.
- (c) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint

advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Operating Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within six weeks of it being submitted to the Chief Operating Officer.
- (c) The Committees have power to make reports and recommendations to the County Council, or its Cabinet and can refer them to relevant Partners and Associate Authorities for information and request comments.

11. Making sure that Overview and Scrutiny Committee reports are considered by the Cabinet

- (a) The agenda for Cabinet meetings shall include an item entitled 'Issues referred from Overview and Scrutiny Committees'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within one month of the Overview and Scrutiny Committee completing its report/recommendations.
- (b) Where an Overview and Scrutiny Committee or sub-committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to an individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Chief Operating Officer and the Leader. If the member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within eight weeks of receiving it. A copy of his/her written response to it shall be sent to the Chief Operating Officer and the Cabinet member will attend a future meeting to respond.

- (c) A number of reports every year may be submitted by each Overview and Scrutiny Committee to the Cabinet.
- (d) Overview and Scrutiny Committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

12. **Rights of Overview and Scrutiny Committee members to documents**

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees (including co-opted members) have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution (Section 6).
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

13. **Members and officers giving account**

- (a) Any Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy; and/or
 - iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that committee will inform the Chief Executive. The Chief Operating Officer shall inform the member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance

14. Attendance by others

- (a) The leaders of the political groups on the Council shall be allowed to attend each Overview and Scrutiny Committee and to speak but not vote on any issue under consideration, with the consent of the Chairman.
- (b) The members of the Cabinet with responsibility for an area of Council activity (i.e. the relevant Portfolio Holders) shall be allowed to attend the relevant Overview and Scrutiny Committee and with the consent of the Chairman to answer questions only but not vote on any issue under consideration affecting that member's area of responsibility save that with the express consent of the Chairman the relevant Portfolio Holder may be invited to address the Committee.
- (c) Members who are not members of an Overview and Scrutiny Committee shall be entitled to attend meetings of that Overview and Scrutiny Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed to speak but not vote, subject to (e) below.
- (d) Subject to (e) below, where a member or co-opted member has given notice for an item to be included on an Overview and Scrutiny Committee agenda, that member or co-opted member may attend and with the consent of the Chairman, speak but not vote on that item provided that a co-opted member will only be able to speak on an item insofar as his/her area of expertise is concerned.
- (e) Any member wishing to exercise the right to speak under Rule 14(c) or 14(d) must have submitted a written or telephoned request to the Chief Operating Officer or his/her representative by 12 noon on the day of the meeting of the committee, indicating the agenda item or items on which they would like to speak.
- (f) Otherwise than as set out in paragraphs (a) to (d) above, any member of the Council may attend, but not speak or vote at, any meeting of an Overview and Scrutiny Committee save that with the express consent of the Chairman a member may be invited to address the Committee.
- (g) An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

15. Call-in

-
- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Leader or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five working days of being made. Chairmen of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Copies will also be sent to all members of the relevant Overview and Scrutiny Committee.
 - (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless members of the relevant Overview and Scrutiny Committee call it in, in the manner set out in (c) below.
 - (c) The Chief Operating Officer shall include an item on an agenda for scrutiny by the relevant Overview and Scrutiny Committee, at its next meeting, if so requested by notice in writing by any five members of the Council no later than 5 p.m. on the Tuesday of the week following publication of the decision. The notice shall specify the reasons for the call in and specify the decision the five members would put in place if the call-in were successful. For the avoidance of doubt, that decision cannot be a deferral for more information. The Chief Operating Officer shall then (a) validate the "call-in" and notify the decision-taker of it (in the case of Cabinet by putting it on the next Agenda) or (b) in consultation with the Chairman of the relevant Overview and Scrutiny Committee, determine that the "call-in" is not valid and notify the 5 members accordingly. Further for the avoidance of doubt, the next meeting of the Overview and Scrutiny Committee must take place within 15 working days of the request for call in.
 - (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to ask a different decision, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the different decision asked for or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
 - (e) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.
 - (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision.

That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, the matter will be included on the agenda for the next ordinary meeting of the Cabinet or the committee following the Council request. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.

- (g) If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.
- (h) Where a Cabinet decision has been taken by an Area Committee, then the right of call-in shall extend to any five members of another Area Committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those five members may request the Chief Operating Officer to call-in the decision. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant Overview and Scrutiny Committee.
- (i) The call-in procedure set out above shall not apply where the special urgency provisions in Rule 16 of the Access to Information Procedure Rules or Rule 4 of the Budget and Policy Framework Procedure Rules apply, or where the decision taken by the Cabinet must be implemented urgently, because any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- (j) The record of the decision, and notice by which it is made public shall state why in the opinion of the decision-making person or body, the matter falls within (i) above and is therefore not subject to call-in.
- (k) The operation of the provisions relating to call-in and urgency shall be monitored from time to time by the Leader and the Chairmen of the Overview and Scrutiny Committees, and a report submitted to Council with proposals for review, if necessary.
- (l) Where there is any dispute or uncertainty as to the relevant Overview and Scrutiny Committee under this or any other Procedure Rule, the dispute or uncertainty shall be determined by the person nominated by the Council as being the senior Overview and Scrutiny Committee Chairman whose decision shall be final. The current senior Chairman is indicated in Part 3 of this Constitution.

16. The party whip

- (a) When considering any matter in the following categories:

the review of any decision of the Cabinet

or

the performance of any member of the Cabinet

in respect of which a member of an Overview and Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes.

17. Procedure at Overview and Scrutiny Committee and sub-committee meetings

- (a) Overview and Scrutiny Committees and sub-committees shall consider the following business:

- i) minutes of the last meeting;
- ii) declarations of interest (including whipping declarations);
- iii) public speaking requests in accordance with the Public Speaking Protocol detailed in Constitution 14.1
- iv) consideration of any matter referred to the committee or sub-committee for a decision in relation to call in of a decision;
- v) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
- vi) the business otherwise set out on the agenda for the meeting.

- (b) Where the Overview and Scrutiny Committee or a sub-committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and

- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

Members' Update Procedure Rules - Information Items

1. Reports on matters which do not require members to make a meaningful decision, namely:
 - (a) information reports providing details of events/happenings;
 - (b) position statements;
 - (c) progress reports;
 - (d) performance monitoring reports;
 - (e) reports back on decisions taken under delegated authority

will not be routinely formally reported to committees or Overview and Scrutiny Committees.

2. All members (including co-opted members) will receive, for the Corporate and Environmental Overview and Scrutiny Committee and each Regulatory Committee meeting, a **Members' Update**. The purpose of the Update will be to highlight issues related to the work of the committee or Overview and Scrutiny Committee which do not require a decision.

In practice this means "Members Updates" will be prepared for the following

- Corporate and Environmental Overview and Scrutiny Committee
 - Planning Committee
 - Licensing and Appeals Committee
 - Licensing and Gambling Committee
3. Each Members Update will be produced, through Member Services, to a corporate standard, and will have a clear identity making it easily recognisable. A timetable for its production and in relation to papers generally will be circulated by Member Services.
 4. Articles for the Members Update should follow the corporate form and be as succinct and informative as possible. Regard should be had to the guidance on Plain English and the excellent work which has been carried out here. It is for the Chief Operating Officer, Corporate Director or relevant Head of Service to determine the contents of each "Members Update." It is crucial that all articles have the appropriate input from the Legal and Democratic Services Manager, Head of Finance, Procurement and Policy, Human Resources and other relevant Heads of Service before being passed to Member Services. Authors will need to devise appropriate consultation arrangements which should also include the

relevant Portfolio Holder as necessary. The Members Update will be assembled by Member Services using the articles received and will be dispatched via an e-mail link to Members and to the Press and made available for public inspection and published on the Council's website.

5. The Chief Operating Officer, Corporate Director or relevant Head of Service also need to identify those items within the Update which may require a more specific media release or briefing.
6. Overview and Scrutiny Committee Procedure Rule 8(b) and Committee Procedure Rule 6(b) provide for an item from the Members Update (including an exempt Members Update) to be placed on a committee agenda.
7. Member Services will collate all items received and put them on the agenda. They will advise the Chief Operating Officer, Corporate Director or relevant Head of Service in order that a response may be prepared.

Regulatory Committee Procedure Rules

NB. Relevant Council Procedure Rules are applied to Committees by virtue of Rule 24 of those Rules.

1. What will be the number and arrangements for Regulatory Committees?

- (a) The Council will have the Regulatory Committees set out in Article 8 and Part 3 (Constitution 4.1) of this Constitution and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Regulatory Committee will be:
 - (i) to discharge the functions delegated to it as set out in Part 3;
 - (ii) to appoint such sub-committees as it considers appropriate to fulfil those functions; and
 - (iii) to consider, and respond as appropriate to, reports from the Council, Cabinet and Overview and Scrutiny Committees.

2. Who may sit on Regulatory Committees?

- (a) All councillors may be members of a Regulatory Committee. The Portfolio Holder for Planning will be a member of the Planning Committee, but will not be the Chairman of that committee. Other Portfolio Holders may be Members of the Planning Committee but will not normally be the Chairman.
- (b) In relation to the Licensing and Appeals Committee, or a sub-committee of that committee, no member of the Cabinet may attend a meeting of the committee, or a sub-committee, if the subject matter is an appeal against a decision of the Cabinet or a delegated decision of a Portfolio Holder or an officer under powers delegated by the Cabinet.

3. Meetings of Regulatory Committees

The Council shall determine, on an annual basis, the meetings to be held each year in order to efficiently expedite the business of the Regulatory Committees. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

4. Quorum

The quorum for Regulatory Committees shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

5. Who chairs Regulatory Committee meetings?

- (a) Chairmen and Vice-Chairman of Regulatory Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the

committee/sub-committee may appoint such persons, as it considers appropriate as Chairman and Vice-Chairman, subject to Rule 2(a) above.

- (b) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman of that Committee/sub-committee the Vice-Chairman shall take the Chair.
- (c) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair the meeting shall be chosen from those members present at the meeting.
- (d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of a Regulatory Committee/sub-committee it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative procedural arrangements.

6. **Agenda items**

- (a) Any member of the Council, shall be entitled to give notice to the Legal and Democratic Services Manager that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Legal and Democratic Services Manager will ensure that it is included on the next available agenda. Other than for meetings to be held on a Monday or a Tuesday, any notice to be given under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week preceding the meeting. For meetings to be held on a Monday or a Tuesday, Notices under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week before the week preceding the meeting. (For the avoidance of doubt, under this provision an item for a meeting to be held on, say Tuesday 15th would be required by noon on Tuesday 1st of that month).
- (b) Any member of the Council shall be entitled to give notice to the Legal and Democratic Services Manager by 12 noon on the Tuesday of the week preceding the meeting that he/she wishes an item relevant to a report on the Members' Update relating to the functions of the Regulatory Committee/Sub-Committee concerned to be included on the agenda for the next meeting of that Committee or Sub-Committee. Notices under this provision shall be submitted to the Legal and Democratic Services Manager in accordance with the timescale as set out in (a) above. The procedure for dealing with Member's Updates Procedure Rules.

7. **Who may attend?**

- (a) The leaders of the two main political groups on the Council shall be allowed to attend each Regulatory Committee and to speak, but not vote, on any issue under consideration.

- (b) Members who are not members of a Regulatory Committee shall be entitled to attend meetings of that Regulatory Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed, with the consent of the Chairman, to speak but not vote, provided notice is given to the Legal and Democratic Services Manager or his/her representative by 12 noon on the day of the meeting.
- (c) Where a member has given written notice for an item to be included on a Regulatory Committee agenda, that member may attend and, with the consent of the Chairman, speak, but not vote, on that item, provided that in cases where disciplinary matters are under consideration, then only the members of the committee or sub-committee appointed by the Council shall be in attendance other than the officers servicing the committee or involved in the disciplinary action.

8. **Appeal or quasi-judicial hearings**

The Licensing and Appeals Committee will, on occasions, meet to determine applications or appeals and will be sitting in a quasi-judicial capacity. For those meetings, the committee may have adopted a procedure to meet the requirements of the rules of natural justice and the conventions in the Human Rights Act 1998. If, on those occasions, any conflict arises between the adopted procedure and these Rules, the adopted procedure will apply.

9. **Party Whip**

When considering any matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet in respect of which a member of a Regulatory Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the details of the whipping arrangement shall be recorded in the minutes, it being noted that it is current practice for the party whips not to be used in respect of quasi judicial decisions.

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SECTION A - FINANCIAL MANAGEMENT AND STANDARDS

1.0 INTRODUCTION

1.1 Financial management covers all the financial responsibilities and accountabilities involved in running the Council. Members and Officers have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by setting out clear standards to work to and ensuring that controls are in place to promote compliance with them.

2.0 FINANCIAL MANAGEMENT STANDARDS

2.1 The key controls for financial management standards are their promotion throughout the Council and a monitoring system to review compliance with them.

2.2 Council, Cabinet and Committees have a role to play in the financial management of the Council as set out in the Constitution. In addition, the respective roles and responsibilities of Officers are also set out in the Constitution, in the [Proper Officer Provisions and Scheme of Delegation](#).

2.3 The Chief Finance Officer (CFO) is responsible for:

- complying with the statutory duties set out in section 151 and 114 of the Local Government Act 1972
- the proper administration of the Council's financial affairs and ensuring that proper professional practices are maintained
- setting financial management standards and monitoring their compliance
- advising on the corporate financial position and on the key strategic controls necessary to secure sound financial management
- providing financial information and advice to enable accurate and timely monitoring and reporting
- reporting potentially unlawful entries, actions and expenditure

2.4 Directors and Heads of Service are responsible for:

- ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed with the CFO
- consulting with the CFO and seeking the necessary Committee approvals before any commitments are made that are liable to affect the Council's finances materially
- promoting and monitoring adherence in their Services to financial standards prescribed by the CFO

3.0 ACCOUNTING POLICIES

3.1 The Chief Finance Officer is responsible for selecting suitable accounting policies and ensuring they are applied consistently in accordance with proper professional practice. These accounting policies will be reviewed and published with the annual financial statements.

3.2 Directors and Heads of Service are responsible for promoting and ensuring adherence to these accounting policies and guidelines.

4.0 **MANAGEMENT OF EXPENDITURE AND INCOME**

4.1 The management of expenditure and income is a key control in ensuring that the Council's budget is adhered to and that limited resources are used in the most efficient, economic and effective way. Effective management ensures that once budgets have been approved, resources allocated are used for their intended purposes and are properly accounted for.

4.2 The Chief Finance Officer is responsible for the overall framework of budgetary management and control and has specific duties relating to write-offs, virement, contingency sums and treatment of year end balances.

4.3 Directors and Heads of Service are responsible for:

- managing budgets responsibly and prudently
- assigning a Budget Manager for each budget heading who understands their financial responsibilities and ensures that there is adequate provision before any expenditure is incurred
- ensuring that official purchase orders are used to place orders with suppliers and contractors, unless there are exceptional circumstances or the supplier is detailed on the approved exemption list. In cases of exceptional circumstances, e.g. emergency telephone orders, an official purchase order should be raised as soon as practicable after the event to ensure there is a clear audit trail and that the commitment can be recognised for budget monitoring purposes
- ensuring an approved certification process is followed for all expenditure
- ensuring operations achieve financial performance targets
- regular monitoring of income and expenditure to ensure adherence to budgets and identify any fluctuation in income against set targets
- maintenance of effective records for all monies due and instigating effective recovery procedures for non-payment of debts
- regular consultation with assigned Accountants on developing or changing issues throughout the financial year
- taking appropriate corrective action where significant variations from the approved budget are forecast

5.0 **ACCOUNTING RECORDS AND RETURNS**

5.1 The proper compilation, maintenance and retention of records is one of the ways in which the Council discharges its responsibility for the proper stewardship of public resources.

5.2 The key controls for accounting records and returns are adherence to accounting policies, standards and timetables, the timely and accurate recording of all transactions, material commitments and contracts and other essential accounting information, adequate reconciliation procedures, retention of prime documents and effective back up of records.

5.3 The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council.

5.4 Directors and Heads of Service are responsible for:

- consulting with the CFO before making any changes to accounting records and procedures
- maintaining adequate records to provide an audit trail from source of income/expenditure through to the accounting statements
- supplying information required to enable the statement of accounts to be completed
- separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums, from the duty of collecting or paying them
- ensuring the proper retention of financial records in accordance with the Council's Retention and Disposal schedule

6.0 **ANNUAL STATEMENT OF ACCOUNTS**

6.1 The Council has a statutory responsibility to prepare its annual accounts to provide a true and fair view of its operations during the year. These accounts are subject to scrutiny by Members, External Audit and the public. The external audit provides assurance that the accounts are prepared properly and that proper arrangements have been made for securing economy, efficiency and effectiveness in the use of resources.

6.2 The Chief Finance Officer is responsible for the proper administration of the Council's financial affairs and the preparation of the statement of accounts in accordance with proper practices. This includes drawing up a timetable for final accounts preparation, the production of supporting working papers and other evidence, reviewing the system of internal control to ensure that it is effective and that financial transactions are lawful and making proper arrangements for the external audit of the accounts.

6.3 Directors and Heads of Service are responsible for complying with accounting guidance provided by the CFO and supplying information for the statement when required.

SECTION B - FINANCIAL PLANNING

7.0 INTRODUCTION

7.1 Financial planning is the development of effective systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. Preparing a policy framework, comprehensive budgets and robust business and performance plans are the key elements to achieving this. By regular monitoring, the Council can ensure that legal requirements and other relevant government guidelines are met and that variances and spending pressures are identified and dealt with promptly.

8.0 BUDGET AND POLICY FRAMEWORK PROCEDURES RULES

8.1 The Council is responsible for agreeing the Budget and Policy Framework, approving procedures for agreeing variations to approved budgets subject to the delegated virement arrangements, approving plans and strategies forming the policy framework, determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework and setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget and policy framework within the financial limits set by the Council.

9.0 THE BUDGET

9.1 The budget is the financial expression of the Council's plans and policies. It must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent.

FORMAT AND PREPARATION

9.2 The Chief Finance Officer is responsible for advising the Cabinet on the format of the budget and ensuring that a revenue budget and capital programme is prepared on an annual basis. The budget format determines the level of detail to which financial control and management will be exercised and must comply with all legal and relevant accounting requirements. The draft budget will include allocation to different services and projects, proposed taxation levels and contingency funds.

9.3 Directors and Heads of Service are responsible for ensuring that budget estimates, reflecting agreed service plans, are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the CFO.

BUDGET SETTING

9.4 The key controls for budget setting are specific budget approval for all expenditure, consultation with budget managers in the preparation of budgets

for which they will be responsible and a monitoring process to review the effectiveness and operation of budget preparation.

- 9.5 The Chief Finance Officer is responsible for encouraging best use of resources and value for money and advising on the medium term implications of spending decisions.
- 9.6 The CFO is also responsible for determining the detailed form of revenue estimates and the methods for their preparation, preparing reports on budget prospects, including resource constraints set by the government, and on the aggregate spending plans of Services, the resources available to fund them and implications for the level of council tax to be levied.
- 9.7 Directors and Heads of Service are responsible for:
- preparing estimates of income and expenditure
 - preparing budgets which are consistent with the Council's annual budget cycle and with guidelines issued by the CFO
 - integrating financial and budget plans into service planning
 - having regard to spending patterns and pressures, legal requirements, policy framework requirements and initiatives already underway when drawing up draft budget requirements

MONITORING AND CONTROL

- 9.8 Budget management ensures that once the budget has been approved by the Council, resources are used for their intended purposes and properly accounted for. Budgetary control is a continuous process enabling the Council to review and adjust its budget targets during the financial year. Variances can be identified quickly and the Council is less likely to overspend.
- 9.9 The key controls for managing the revenue budget are the nomination of a budget manager for each cost centre who accepts responsibility and accountability for their budgets and understands their financial responsibilities, ensuring adequate processes are in place to record and account for all income and expenditure and that performance levels of their service are monitored regularly in conjunction with the budget and appropriate action taken where necessary to align service outputs and budgets.
- 9.10 The Chief Finance Officer is responsible for establishing an appropriate framework of budgetary management and control in line with recommended best practice and providing regular reports to both budget managers and Members on the Council's projected income and expenditure compared with the budget.
- 9.11 Directors and Heads of Service are responsible for:
- ensuring an accountable budget manager is identified for each item of income and expenditure

- managing expenditure within the budget allocated i.e. the planned income and expenditure for a service area or 'cost' centre and ensuring budget heads are not overspent (reflecting their presentation in the budget book as detailed in the [Budget and Policy Framework Procedure Rules](#))
- ensuring budgets are managed in accordance with virement rules laid down in the Budget and Policy Framework
- taking appropriate corrective action where significant variations from the approved budget are forecast and alerting the CFO of any problems
- ensuring expenditure is committed only against an approved budget head, with an approved certification process and in compliance with relevant guidance and financial regulations
- ensuring all income and expenditure is properly recorded and accounted for
- ensuring an effective monitoring process is in place to review performance in conjunction with the budget
- seeking advice from the CFO on any new proposals that could create financial commitments in future years, change existing policies or affect services

RESOURCE ALLOCATION

- 9.12 A mismatch often exists between available resources (staff, money, equipment, goods and materials) and required resources. It is imperative that needs are carefully prioritised and that resources are fairly allocated in order to fulfil legal responsibilities.
- 9.13 The key controls for resource allocation are that resources are acquired in accordance with the law using an approved authorisation process and are used only for the purpose intended with the minimum level of waste, loss or inefficiency, properly accounted for and held securely.
- 9.14 The Chief Finance Officer is responsible for advising on methods available for funding of resources and assisting in the allocation of resources to budget managers.
- 9.15 Directors and Heads of Service are responsible for working within budget limits, utilising resources in the most efficient, effective and economic way and identifying opportunities to minimise or eliminate resource requirements without having a detrimental effect on service delivery.

THE HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN

- 9.16 The HRA Business Plan sets out projections on future expenditure and income for the HRA over the next 30 years. This enables key expenditure and resource issues to be considered in the long term timescale that is required when considering the management and maintenance of the Council's housing stock.
- 9.17 The key controls for the HRA Business Plan are an annual review of the forecasts and projections within the plan and the updating of the forecasts and projections within the plan so that it can influence and inform the Housing budget that will be agreed by Council

9.18 The Chief Finance Officer is responsible for ensuring that the Business Plan is reviewed and updated on an annual basis as part of the budget setting process for consideration by Members.

9.19 The Director of Housing and Inclusion is responsible for:

- preparing estimates of income and expenditure
- integrating financial and business plans into service planning
- having regard to spending patterns and pressures and legal requirements and initiatives already underway when drawing up projections

THE CAPITAL PROGRAMME

9.20 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future. There are prudential and regulatory controls on the financing capacity of the Council which is why capital expenditure must be carefully prioritised in order to maximise the benefit of scarce resources.

9.21 The key controls for capital programmes are Cabinet and Council approval of capital scheme budgets, the development of project plans detailing estimates and targets, accountable officers for individual capital schemes and an effective capital programme monitoring system.

9.22 The Chief Finance Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by Members, issuing guidance concerning capital schemes and submitting financial monitoring reports to Members on approved programmes.

9.23 Directors and Heads of Service are responsible for:

- Complying with CFO guidance on capital schemes
- ensuring all capital proposals have undergone a thorough project appraisal
- proceeding with projects only where there is confirmed and adequate provision of resources in the capital programme
- ensuring adequate records are maintained in respect of all capital contracts
- providing information on the progress of capital schemes for inclusion in financial monitoring reports
- ensuring that credit arrangements, including loans and leases, are not entered into without prior approval from the CFO

MAINTENANCE OF RESERVES

9.24 The Council must decide the level of reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

- 9.25 The key controls for reserves are maintaining them in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting practices and clearly defining the proposed usage and basis of transactions for each reserve established.
- 9.26 The Chief Finance Officer is responsible for maintaining and keeping up to date a reserves policy in line with recommended best practice, advising Members on prudent levels of reserves for the Council and ensuring that resources are only used for the purposes for which they were intended.
- 9.27 Directors and Heads of Service are responsible for recommending to the CFO the setting up of specific earmarked reserves and managing their reserves in line with the requirements of the reserves policy

10.0 **PERFORMANCE PLANS**

- 10.1 Business and performance plans set out the Council's overall priorities and objectives, planned projects, initiatives and targets, current performance and proposals for further improvement and efficiencies.
- 10.2 The key controls for business and performance plans are that they are produced consistently, on time with accurate, complete and up to date data and with improvement targets that are meaningful, realistic and challenging.
- 10.3 The Chief Finance Officer is responsible for ensuring financial performance information is reported to Members and is available for inclusion in business and performance plans and that effective systems are in place to collect accurate financial information.
- 10.4 Directors and Heads of Service are responsible for devising business and performance plans and contributing to the development of initiatives, targets and performance information.

SECTION C - RISK MANAGEMENT & CONTROL OF RESOURCES

11.0 INTRODUCTION

11.1 Robust systems are required for identifying and evaluating all significant operational risks to the Council on an integrated basis. This includes the proactive participation of all those associated with planning and delivering services.

12.0 RISK MANAGEMENT & INSURANCE

12.1 Risk is the chance or possibility of loss, damage or injury or failure to achieve objectives caused by an unwanted or uncertain action or event. By being risk aware the Council is better placed to avoid threats and take advantage of opportunities. A robust risk management system is embedded across the Council to monitor and manage risks and an approved [Risk Management Policy and Strategy](#) is in place outlining processes and officer roles and responsibilities.

12.2 The Chief Finance Officer is responsible for promoting the Risk Management Policy and Strategy, reporting on the effectiveness of the risk management system and ensuring adequate insurance cover for all of the Council's activities and employees.

12.3 Directors and Heads of Service are responsible for:

- taking responsibility for risk management and adhering to the risk management strategy and policy, including regularly reviewing risks in their service areas
- ensuring that business continuity plans are in place for applicable service areas in case of disasters which could result in significant loss or damage
- notifying the CFO immediately of any loss, liability or damage which may lead to a claim against the Council
- reviewing the annual summary statement of insurance cover and throughout the year notifying the CFO promptly of all new risks, properties, assets or vehicles which require insurance and of any alterations or service changes affecting existing insurances
- consulting the CFO and the Borough Solicitor on the terms of any indemnity which the Council is requested to give
- ensuring that Council employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation which may prejudice the assessment of liability in respect of any insurance claim

13.0 INTERNAL CONTROLS

13.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources and ensures statutory obligations are met, risks are managed and the Council's assets and interests are safeguarded.

- 13.2 Robust internal control systems include adequate and effective financial and operational systems and procedures which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and robust information systems.
- 13.3 They also incorporate effective managerial control systems which include defining policies, setting objectives, monitoring performance and taking appropriate anticipatory and remedial action. Control systems should be regularly reviewed, including review by Internal Audit.
- 13.4 The Chief Finance Officer is responsible for assisting the Council in putting in place an appropriate control environment and effective internal controls.
- 13.5 Directors and Heads of Service are responsible for:
- ensuring staff have an understanding of the consequences of a lack of control
 - managing processes to check that established controls are being adhered to and to evaluate their effectiveness in the achievement of objectives and management of risk
 - reviewing existing controls in the light of changes affecting the Council and establishing and implementing new ones in consultation with the CFO
 - ensuring internal control systems comply with all applicable statutes and regulations

14.0 **AUDIT REQUIREMENTS**

INTERNAL AUDIT

- 14.1 Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control and is a statutory requirement for Councils. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.
- 14.2 The key controls for Internal audit are that it is independent in its planning and operation, the Internal Audit Manager has direct access to management and elected Members and internal auditors comply with the United Kingdom Public Sector Internal Audit Standards.
- 14.3 The Chief Finance Officer is responsible for ensuring the independence of the internal audit function and that internal auditors have the authority to access records (including those of third parties), documentation, Council premises and assets and receive information and explanations deemed necessary for any matter under consideration.
- 14.4 Directors and Heads of Service are responsible for:
- ensuring Internal Audit are given access at all reasonable times to premises, personnel and documentation which they consider necessary for the purposes of their work and are provided with any information and explanations requested

- discussing audit reports and implementing agreed actions in line with deadlines detailed in action plans
- ensuring new systems for maintaining financial records or records of assets, or changes to such systems, are discussed and agreed with the Internal Audit Manager before implementation

EXTERNAL AUDIT

- 14.5 All large public sector organisations are subject to external audit. The external auditor has rights of access to all documents and information which are necessary for audit purposes and their objectives are to review and report upon the financial implications of corporate governance arrangements, the financial statements and accounts and value for money arrangements.
- 14.6 The Chief Finance Officer is responsible for ensuring that external auditors are given appropriate access, ensuring effective liaison between External and Internal Audit and advising staff and members on their responsibilities in relation to external audit.
- 14.7 Directors and Heads of Service are responsible for ensuring records and systems are up to date and available for inspection and that External Audit are given appropriate access to them.

15.0 PREVENTING FRAUD AND CORRUPTION

- 15.1 The council will not tolerate fraud, corruption, bribery or malpractice in the administration of its responsibilities and to prevent this has an [Anti Fraud, Bribery and Corruption Policy](#) and [Anti-Money Laundering Policy](#) in place detailing processes and officer roles and responsibilities.
- 15.2 The Chief Finance Officer is responsible for developing, maintaining and promoting both policies and ensuring all irregularities are reported and investigated appropriately.
- 15.3 Directors and Heads of Service are responsible for ensuring awareness of and adherence to the policies, instigating action under the Council's disciplinary procedures where necessary and ensuring the registers of external activity and gifts and hospitality are up to date in line with the procedure laid down in the [Officer Code of Conduct](#) and that all staff under their control report all instances of suspected fraud immediately in accordance with approved procedures.

16.0 STAFFING

- 16.1 In order to provide a good service, the Council must recruit and retain high calibre, knowledgeable and qualified staff in line with its recruitment and selection process.
- 16.2 The key controls for staffing are having an appropriate staffing strategy and policy in place, procedures for forecasting staffing requirements and cost, ensuring staff time is used efficiently and adequate checks are undertaken on staff prior to appointment.

16.3 The Chief Finance Officer is responsible for ensuring that budget provision exists for all existing and new employees.

16.4 Directors and Heads of Service are responsible for providing information to the CFO to ensure appropriate budgets for staffing, ensuring the staffing budget is an adequate forecast of staffing levels and ensuring adequate control over such costs as sickness, overtime, training and temporary staff. Staffing budgets must not be exceeded without due authority and must be managed to enable the agreed level of service to be provided.

17.0 **ASSETS**

17.1 The Council holds assets in the form of land, property, vehicles, equipment, furniture, information and other items worth significant sums of money.

SECURITY

17.2 It is important that assets are safeguarded and used efficiently in the delivery of services and that there are arrangements for the security of assets and information required for service operations.

17.3 The key controls for the security of assets are the maintenance of an up to date asset register, staff awareness of their responsibilities with regard to safeguarding assets, robust information systems and compliance with the Council's [ICT & Data Security Policy](#).

17.4 The Chief Finance Officer is responsible for ensuring that an asset register is maintained for all long term assets with a value in excess of £20,000 and assets are valued in accordance with recommended best practice so that this information can be incorporated into the statement of accounts.

17.5 Directors and Heads of Service are responsible for:

- maintaining a database for all significant properties, plant and machinery and moveable assets currently owned or used by the Council
- ensuring lessees and other prospective occupiers of Council land and buildings are not permitted to take possession until a lease or agreement has been established and the form of lease should be agreed with the CFO and Borough Solicitor where appropriate
- ensuring adherence to building security procedures, the safe custody of all vehicles, equipment, furniture, stock, keys and any other property and reporting any loss or theft immediately to the CFO
- ensuring that no Council asset is subject to personal use by an employee without proper authority
- ensuring that any use of property or establishment by a section other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use
- passing title deeds to the Borough Solicitor.

- ensuring all suspected security incidents are reported appropriately and consulting with the CFO where security is thought to be defective or where it is considered that special security arrangements may be required
- arranging for the valuation of assets for insurance and accounting purposes
- ensuring access to all systems is appropriately restricted, network security procedures are adhered to and that computer usage is in line with the [ICT & Data Security Policy](#)
- ensuring that all employees are aware of their personal responsibility with regard to data protection legislation and the Council's [Corporate Data Protection Policy](#)
- maintaining inventories of all items over £100 including item description, location and value and ensuring attractive and portable items are appropriately marked and insured
- undertaking an annual check of inventories and stocks and taking action in relation to surpluses or deficiencies
- investigating and removing from the Council's records discrepancies as required and obtaining appropriate approval to do so where necessary

DISPOSAL

- 17.6 Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and guidance of the Council. Assets should only be disposed of when it is in the best interest of the Council and best price must be obtained for disposals bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 17.7 The Chief Finance Officer is responsible for providing guidance on disposals or part exchange of an asset and ensuring appropriate accounting entries are made.
- 17.8 Directors and Heads of Service are responsible for seeking advice from the CFO on the disposal of surplus or obsolete materials, stores or equipment where appropriate and ensuring that any income received is properly accounted for. The proposed sale of land, buildings or other significant assets must be discussed with the CFO prior to disposal.

18.0 TREASURY MANAGEMENT

- 18.1 To provide assurances that money is properly managed in a way which balances risk with return the Council has adopted and adheres to the CIPFA Code of Practice on Treasury Management in the Public Services. As the cornerstones for effective treasury management, the Council has in place an approved Treasury Management Policy Statement and Treasury Management Practices. The statement outlines the policies, objectives and approach to risk management of its treasury management activities and the practices set out the manner in which the Council will seek to achieve those objectives and how it will manage those activities.

18.2 The Chief Finance Officer is responsible for:

- the execution and administration of treasury management decisions and acting in accordance with the policy statement and practices and the CIPFA Standard of Professional Practice on Treasury Management
- providing Council with reports on treasury management including an Annual Strategy and Plan and a Mid-year review
- providing regular reports to the Audit & Governance committee for effective scrutiny of treasury management strategies and policies
- ensuring the Council's activities comply with the policy statement and practices

18.3 Directors and Heads of Service are responsible for;

- following any instructions on banking issued by the CFO, ensuring loans are not made to third parties and that interests are not acquired in companies, ventures or other enterprises without consultation with the CFO and approval of the council
- ensuring all trust funds are operated within relevant legislation and the specific requirement for each trust
- arranging, where funds are held on behalf of third parties, for their secure administration and the maintenance of all detailed records of transactions in consultation with the CFO

SECTION D – SYSTEMS AND PROCEDURES

19.0 INTRODUCTION

19.1 Sound systems and procedures are essential to an effective framework of accountability, governance and control. Various systems and procedures are used across the Council to control its assets. These should be well managed with controls to ensure that transactions are properly processed and errors minimised and detected promptly. The financial management information they contain must also be accurate.

20.0 SYSTEMS AND PROCEDURES

20.1 The key controls for systems and procedures are that robust data exists to enable the Council's priorities, budgets and plans to be formulated, performance is communicated to the appropriate managers on an accurate, complete and timely basis, operating systems and procedures are secure and early warning is provided of deviations from targets, plans and budgets that require management attention.

20.2 The Chief Finance Officer is responsible for ensuring that the council's financial systems are sound and must agree any new financial systems or changes made to existing ones.

20.3 Directors and Heads of Service are responsible for:

- ensuring accounting records are properly maintained and held securely and that sound financial processes are in place
- ensuring financial documentation is managed in accordance with the Council's Retention and Disposal Schedule
- ensuring all financial transactions have an adequate audit trail from original document to the accounting records and vice versa
- incorporating appropriate system controls so that input is genuine, complete, accurate, timely and not previously processed, all processing is carried out in an accurate and timely manner and data from the system is complete, accurate and timely
- ensuring an appropriate segregation of duties is in place for all systems
- ensuring systems and procedures are documented and staff are well trained in operations
- ensuring business continuity plans are in place for appropriate service areas
- consulting with the CFO and informing Internal Audit before changing systems or introducing new ones
- establishing a framework of delegation identifying officers authorised to act on their behalf in respect of payments, income collection, placing orders and entering into contracts, including variations, and showing the limits of their authority
- supplying and keeping up to date lists of authorised officers, with specimen signatures and delegated roles, to the CFO and Revenues and Payments

- ensuring staff comply with the [ICT & Data Security Policy](#) paying particular attention to back-up procedures, copyright and data protection

21.0 **INCOME**

21.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all of the income due to the Council is identified, collected, receipted, banked and accounted for properly. Wherever possible, income should be obtained in advance of supplying goods or services to aid cash flow and avoid the time consuming and costly administration of debts.

21.2 The key controls for income are the identification of all income due, effective charging and collection policies, effective recovery action and write off procedures, appropriate retention of income documents and reconciliations of money collected to the Council's financial systems and bank account.

21.3 The Chief Finance Officer is responsible for approving arrangements and procedures for the collection of income and the write off of bad debts, including their appropriate accounting treatment and referring write offs over £5,000 to Cabinet for approval, where appropriate, in line with the [Scheme of Delegation to Chief Officers](#).

21.4 Directors and Heads of Service are responsible for:

- ensuring there is an appropriate and effective set of procedures, systems and documentation in place for the collection of income
- ensuring bills are correctly calculated and served in a timely manner
- regularly reviewing fees and charges, including VAT requirements, for the supply of goods and services
- complying with the Fees and Charges policy
- ensuring discounts or exemptions are applied correctly and consistently and that any system parameters relating to fees and charges are set correctly in line with agreed levels
- ensuring any refunds and credits are applied correctly and consistently
- ensuring an adequate separation of duties between identifying amounts due and collection and reconciliation
- monitoring income and debt levels, establishing and initiating appropriate recovery procedures for unpaid debt and complying with the [Corporate Debt Recovery Policy](#)
- issuing receipts or other approved documentation for income collected
- ensuring there are appropriate arrangements in place so that any income received by post is properly identified and recorded
- ensuring income collection documentation is managed in accordance with the Council's Retention and Disposal schedule
- ensuring income is paid promptly into the Council's bank account in full, with details recorded on paying-in-slips where required
- ensuring payments are immediately and correctly posted to individual accounts or funds
- ensuring there is regular reconciliation of income collected and deposited with bank statements

- ensuring the CFO is aware of all sums due to the Council
- writing off debts which are deemed to be irrecoverable up to a limit of £5,000, or nominating an officer to be authorised to do so (such officers must be included on the authorised signatories list held by Revenues and Payments and Internal Audit should also be informed in advance of any proposed changes)
- consulting with the CFO on the appropriate process for the write off of any debts over £5,000
- accurate records of all write offs must be retained in line with the Council's Retention and Disposal schedule
- notifying the CFO of outstanding income relating to the previous financial year as soon as possible after 31 March

22.0 **EXPENDITURE**

ORDERING AND PAYING FOR WORK, GOODS AND SERVICES

- 22.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. All purchasing should seek to achieve and evidence value for money. These regulations should be read in conjunction with the Council's [Contracts Procedure Rules](#), [Procurement Practice Notes](#), [Purchasing system instruction manual](#) and [Invoice processing instructions](#).
- 22.2 The key controls for ordering and paying for work, goods and services are compliance with the Council's purchasing instructions and contract procedures rules, goods and services ordered, authorised and checked only by appropriate persons, management of transaction and payment documents in line with the Retention and Disposal schedule and accurate recording of expenditure, including VAT, in the accounts. Making payments to the correct person, for the correct amount and only where goods have been received to the correct price, quantity and quality standards are also key controls along with effective processes for the security and integrity of all data.
- 22.3 The Chief Finance Officer is responsible for ensuring that there are sound procedures in place for ordering goods and services and incurring expenditure, approving any amendments to the terms and conditions of the Council's official e-purchasing ordering template, making payments from the Council's funds following appropriate authorisation, providing advice on the most economical payment methods and ensuring that a budgetary control system is established which enables commitments to be taken into account in budget monitoring reports.
- 22.4 Directors and Heads of Service are responsible for:
- ensuring all staff are aware of their responsibility to declare any links or personal interests they have with purchasers, suppliers and contractors in line with the [Officers Code of Conduct](#)
 - ensuring that official orders are issued for all work, goods or services to be supplied to the Council at the time commitments are incurred (except for the approved exceptions contained on the official Exemption list). All purchase orders are to be raised through the Civica electronic purchasing system in accordance with the Council's purchasing instructions and standard terms and

- conditions (except for those transactions secured through housing maintenance contracts which may be processed through the housing maintenance order system or other exceptions agreed by the CFO)
- ensuring orders are only used for goods and services provided to the Council. Individuals must not use official orders to obtain goods or services for their private use, nor must personal or private use be made of Council contracts
 - ensuring value for money is achieved by obtaining and recording competitive prices for goods and services of the appropriate quality in line with CFO guidance and [contract procedure rules](#)
 - ensuring all procurement complies with [contract procedure rules](#) and [procurement practice notes](#)
 - agreeing with the CFO the financial aspects of a contract where appropriate
 - ensuring only those staff they have nominated can raise and authorise orders through the Civica purchasing system and that these names are provided to the Purchasing and Land Charges Manager, the CFO and Revenues and Payments together with any subsequent variations
 - ensuring officers authorising orders are satisfied that goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that contract procedure rules have been complied with
 - ensuring there is an adequate separation of duties in the ordering, receiving, checking and authorisation for payment of goods and services e.g. the authoriser of an invoice is a different officer to the person who authorised the order and who checked the invoice
 - ensuring that goods and services are checked on receipt to verify that they are in accordance with the order and where appropriate entered on inventories or stock records
 - supplying lists of officers authorised to sign invoices, with specimen signatures, to the CFO and Revenues and Payments, together with any subsequent variations
 - ensuring the treatment of invoices is compliant with the [Invoice processing instructions](#) and that VAT is treated correctly
 - ensuring payment is only made where a VAT invoice has been received, checked, coded (where appropriate) and certified for payment
 - ensuring payments are not made on a photocopied or faxed invoice or statement or other document other than the formal invoice, unless there is an adequately documented reason for doing so. Details of these circumstances should be reported to the Internal Audit Manager
 - ensuring Payment Requisition forms are only used in appropriate circumstances, i.e. where payment by invoice is not viable, and that they are signed in accordance with authorised signatory lists
 - ensuring all payment records are managed in accordance with the Retention and Disposal schedule
 - encouraging suppliers to receive payment by the most economical means. Payments made by direct debit must be supported by valid documentation and appropriately authorised
 - ensuring that loans, leasing or rental arrangements are not entered into without prior agreement from the CFO
 - notifying the CFO of outstanding expenditure relating to the previous financial year as soon as possible after 31 March
 - notifying the CFO immediately of any expenditure to be incurred where there is no budgetary provision e.g. as a result of statute/court order

IMPREST ACCOUNTS

- 22.5 Cash imprest accounts are provided to meet minor expenditure. Minor items of expenditure should not exceed the prescribed amounts and the same standard of record keeping should be maintained as for any other type of expenditure.
- 22.6 The Chief Finance Officer is responsible for providing employees with cash imprest accounts and maintaining a record of these, reimbursing when necessary, prescribing rules for their operation, including classes of expenditure which may not be processed through petty cash, determining petty cash limits and rules to ensure the safe custody and control of these advances.
- 22.7 Directors and Heads of Service are responsible for ensuring employees operating an imprest account record transactions promptly, obtain and retain vouchers to support each payment and where appropriate obtain a VAT receipt, hold the imprest securely, reconcile and balance the account at least monthly and provide the CFO with a certificate of the value of the account held at 31 March each year.
- 22.8 Also upon demand be able to produce cash and vouchers to the total value of the imprest amount, never use the float to cash personal cheques or to make personal loans, only pay reimbursements or change into the account and on ceasing to hold an imprest advance, account to the CFO for the amount advanced together with the balance to be paid back in.

HOUSING BENEFITS AND COUNCIL TAX SUPPORT

- 22.9 Housing benefits and Council tax support are a significant area of expenditure for the Council and due care and diligence is required in their administration to ensure a secure and efficient service is provided, claimants are paid correctly and cases of fraud are minimised.
- 22.10 The key controls for this area are robust identification and verification procedures, compliance with current benefit legislation, trained staff and quality control checks, robust anti-fraud procedures and an effective computer system.
- 22.11 The Chief Finance Officer is responsible for reviewing systems and procedures to ensure sound and effective controls are in place and for ensuring that reconciliations are completed between relevant financial systems.
- 22.12 The Deputy Director of Housing and Inclusion is responsible for managing the contract with our service provider and for:
- ensuring identity details and circumstances are checked and verified prior to payment of a claim
 - ensuring all new staff are adequately trained and that regular refresher sessions are provided for existing staff, particularly on the implementation of new legislation
 - ensuring staff are alert to the possibilities of fraudulent claims

- ensuring all payments comply with current benefit legislation and that all tapers, rules and allowances are set correctly within the computer system
- ensuring the correct benefit amount is paid to the correct person
- ensuring benefits are not overpaid
- in consultation with the CFO, ensuring adequate controls are in place on payments and that benefit payments are not duplicated
- ensuring all benefit payments are properly recorded and accounted for
- ensuring records are robust so that the correct subsidy is claimed
- ensuring all documentation and information is retained in line with the Council's Retention and Disposal schedule
- ensuring access to the Benefits and Council Tax systems is restricted, properly password protected and that adequate contingency measures are in place should a system failure occur

PAYMENTS TO EMPLOYEES AND MEMBERS

22.13 Staff costs are a large item of expenditure for most council services. It is important that payments are accurate, timely, made only when they are due for services to the Council and accord with individual's conditions of employment. All payments should be accurately and completely recorded and accounted for.

22.14 The key controls for payments to employees and Members are compliance with HM Revenues & Customs regulations, compliance with the Retention and Disposal scheme, use of approved properly authorised prime documents to initiate payments and frequent reconciliations of payroll expenditure against approved budgets and control accounts and payroll system data. Also submission of timesheets and claim forms where appropriate, proper authorisation procedures and adherence to starter and leaver procedures and the Council's harmonisation and single status document and contracts of employment.

22.15 The Chief Finance Officer is responsible for reviewing systems and procedures to ensure sound and effective controls are in place, completing regular reconciliations of payroll data and monitoring payroll holding accounts.

22.16 The Deputy Director of Housing and Inclusion is responsible for managing the Payroll contracts with our service providers and for:

- ensuring the secure and reliable payment of all monies due to staff and Members
- the accurate and timely administration of all deductions including income tax, national insurance and superannuation contributors
- the local administration of the superannuation scheme
- ensuring that the correct amounts are paid to the correct individuals in line with contracts and conditions of employment
- compliance with HM Revenues and Customs regulations and any other legislator/regulatory requirements
- use of approved, properly authorised documents to initiate, amend or terminate payments

22.17 Directors and Heads of Service are responsible for:

- ensuring appointments are made in accordance with Council regulations and the recruitment and selection policy
- notifying Human Resources of appointments, terminations or variations which may affect the pay, pension or contract of employment of an employee or former employee
- certifying travel and subsistence claims and other allowances in accordance with the rules contained in the [Harmonisation and Single Status Document](#)
- nominating officers authorised to sign claim forms and timesheets and providing specimen signatures to the CFO and Human Resources section in advance, together with any subsequent variations
- seeking advice from the CFO on the payment of self-employed consultants in advance of their appointment
- ensuring payroll documentation is managed in accordance with the Retention and Disposal schedule

23.0 **TAXATION**

23.1 The Council is responsible for ensuring its tax affairs are in order as penalties for incorrect accounting are severe. It is important that all officers are aware of their role.

23.2 The key controls on taxation are that budget managers are kept abreast of tax issues and aware of their record keeping responsibilities, all taxable transactions are identified, properly calculated and accounted for within stipulated timescales and returns are made to the appropriate authorities within stipulated timescales.

23.3 The Chief Finance Officer is responsible for the Council's administration of VAT, completing VAT returns for HM Revenues and Customs and ensuring the VAT manual is up to date. The Deputy Director of Housing and Inclusion is responsible, through our service providers, for completing all HM Revenues and Customs returns regarding PAYE and providing details of the Construction Industry Scheme (CIS), receiving tax credits and maintaining tax records.

23.4 Directors and Heads of Service are responsible for:

- ensuring compliance with the Council's VAT manual and any periodic VAT instructions
- ensuring the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs regulations
- ensuring contractors fulfil the necessary CIS requirements
- ensuring all payments relating to persons arising from their employment by the Council are processed through the payroll system and that tax is deducted from any payments appropriately.

SECTION E – EXTERNAL ARRANGEMENTS

24.0 INTRODUCTION

24.1 The Council provides a leadership role for the community and brings together the contributions of various stakeholders. It also actively seeks to promote and improve the economic, social and environmental well-being of its area. In doing so it will comply with all relevant regulatory regimes, for example E.U. State Aid and competition law requirements.

25.0 PARTNERSHIPS

25.1 Partnerships play a key role in delivering community strategies and contributing to the well-being of the area. They also provide new ways to share risks, access new resources and new and better ways of delivering services. The Council has a comprehensive [Protocol for Partnership Arrangements](#). This outlines officer and partner responsibilities and provides a checklist of all necessary requirements before entering into a partnership, during it and following its cessation.

25.2 The Chief Finance Officer is responsible for advising on effective controls to ensure that resources are used efficiently and effectively and the key elements of funding a project, ensuring accounting arrangements are satisfactory and promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

25.3 Directors and Heads of Service are responsible for:

- adhering to the [Protocol for Partnership Arrangements](#) before embarking on any partnership agreement, ensuring a risk management appraisal is undertaken and obtaining appropriate approvals
- ensuring partnerships do not impact adversely on Council services
- providing appropriate information for the statement of accounts
- maintaining all contract documentation in line with Rule 16 of the Council's [Contract Procedure Rules](#)
- ensuring partners are aware of their obligations with regards to confidentiality, conflicts of interests, communication and financial and contract responsibilities

26.0 EXTERNAL FUNDING

26.1 External funding is potentially an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with Council objectives and that financial liabilities do not remain with the Council at the end of projects. Some funding is linked to tight specifications and may not be sufficiently flexible to link to the Council's overall plan.

26.2 The key controls for external funding are ensuring conditions of funding and statutory requirements are complied with, responsibilities of the accountable body are clearly understood, funds are acquired only to meet the Council's

priorities and that any match funding requirements are given due consideration prior to entering into agreements and that future revenue budgets reflect these requirements.

26.3 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the accounts, audit requirements are met and that match funding requirements are considered.

26.4 Directors and Heads of Service are responsible for ensuring that appropriate authorisations are obtained, claims for funds are made by the due date, that projects progress in accordance with agreed timescales and that all expenditure is properly incurred and recorded. There should also be clear plans or an exit strategy in place to ensure the Council is not left burdened with unfunded liabilities.

27.0 **WORKING FOR THIRD PARTIES**

27.1 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

27.2 The key controls for working for third parties are ensuring that proposals are costed properly, formal approval processes are adhered to and that contracts are drawn up in accordance with proper practices.

27.3 The Chief Finance Officer is responsible for providing guidance with regard to the financial aspects of third party contracts.

27.4 Directors and Heads of Service are responsible for:

- ensuring appropriate approvals are obtained before any obligations are entered into to work for third parties
- maintaining a register of all contracts entered into and ensuring all contracts are properly documented
- ensuring appropriate insurance arrangements are made
- ensuring the Council is not put at risk from any bad debts
- ensuring contracts are not subsidised by the Council
- ensuring appropriate expertise exists to undertake the contract
- ensuring contracts do not impact adversely on the Council's services
- providing appropriate information for the statement of accounts

Contracts Procedure Rules

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CONTRACTS PROCEDURE RULES

Definitions

1. In these Rules:

- (i) “authorised body” - shall mean the Council, Cabinet, committee, sub-committee, Portfolio Holder and any officer, with relevant authority (e.g. authority to take the decision or undertake the relevant action).
- (ii) “contractor” - shall mean any organisation or individual with whom the Council enters into a contract whether that contract is for the provision of materials, goods or work of any kind including professional services

- (iii) “quotations” - shall mean written, e-mail, facsimile or telephoned bids received from potential contractors in response to a written specification or other description of the works required
- (iv) “spending Service” - shall mean that Service of the Council which has responsibility for the budget which will pay for the contract in question or will be credited with any income emanating from the contract in question.
- (v) “Senior Officer” – shall mean the Chief Operating Officer or Corporate Director/Head of Service.
- (vi) “contract” – when the Council purchases any goods, services and/or building works that procurement is a contract irrespective of the value (Note 22).
- (vii) “framework agreement” – shall mean an agreement with a panel of suppliers which sets out the terms and conditions under which individual purchases (call-offs) can be made throughout the term of the agreement.
- (viii) “Works” – shall mean the specific construction and construction-related activities listed in Schedule 2 of the Public Contracts Regulations 2015.

General

- 2. Every contract made by the Council shall comply with the EU Treaty, with any relevant Directives of the EU and with UK law and, except as hereinafter provided, these Rules. (*Note 1 and 2*)
- 3. It shall be a condition of any contract between the Council and any person (not being an officer of the Council) who is required to supervise a contract on their behalf that, in relation to such contract, he/she shall comply with the requirements of these Rules as if he/she were a Senior Officer of the Council.
- 4. (i) Any of the following provisions of these Rules may be waived by Council, Cabinet, committee, sub-committee or the Chief Operating Officer where that body or person is satisfied that to do so is justified in special circumstances and that those special circumstances are identified in the relevant minute or record of decision dealing with that contract. (*Note 15*).
- (ii) Any exercise of the power in (i) by the Chief Operating Officer shall be reported in the relevant Members’ Update.

Contracts £10,000 or less

- 5. Where the estimated value or amount of a proposed contract will not exceed £10,000 the appropriate Senior Officer shall ensure that when the contract is entered into its value should offer good value and reflect competitiveness (in appropriate circumstances this could involve obtaining three quotations). The provision of these Rules shall have no application in respect of such contracts

insofar as they relate to the invitation, submission, custody, acceptance or opening of tenders. (*Notes 2, 11, 16, 20 and 24*)

Contracts over £10,000 but under £50,000

6. Where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate Senior Officer shall obtain not less than three written quotations and accordingly, these Rules shall have no application in relation to such contracts insofar as they relate to the invitation, submission, custody, acceptance or opening of tenders. (*Notes 2, 3, 11, 16 and 24*)

Contracts over £50,000

7. Where the estimated value or amount of a proposed contract exceeds £50,000, and in any other case where an authorised body determine or where required by legislation tenders shall be invited in accordance with either Rule 9, 10, 11 or 12 and shall be the subject of a contract signed by both contracting parties. (*Notes 2, 3, 11 & 16*)

Public Notices

- 8 (i) Where the estimated value or amount of a proposed contract lies between £50,000 and the relevant EU tendering threshold (*Note 1*) a public notice shall appear in Contracts Finder (*Note 4*), and tender or pre-qualification documents shall be made available for downloading from the Council's website or from the Council's e-tendering portal (*Note 4*).
- (ii) Where the estimated value or amount of a proposed contract exceeds the relevant EU tendering threshold (*Note 1*) a public notice shall appear firstly in the Official Journal of the European Union (OJEU) and then in Contracts Finder within 24 hours after publication in the OJEU (*Note 4*).
- (iii) Public notices shall comply with the content and format requirements set out in the Public Contracts Regulations 2015 (*Note 4*).
- (iv) Public notices shall specify a time limit within which tenders or completed pre-qualification questionnaires are to be submitted to the Council. For contracts below the EU tendering threshold the time limit should be not less than 14 days. For contracts above the EU tendering threshold the minimum time limits specified in the Public Contracts Regulations 2015 shall be adhered to (*Note 6*).

Selective tendering - ad hoc list

9. (i) This Rule shall apply where an authorised body has decided that invitations to tender for a contract are to be made to some or all of those persons or

bodies who have completed a pre-qualification questionnaire in response to a public notice.

- (ii) Selective tendering is not permitted where the estimated value or amount of the proposed contract is less than £164,176 (*Note 5*).
- (iii) For Works contracts where the estimated value or amount of the proposed contract lies between £164,176 and the EU tendering threshold (*Note 1*), invitations to tender shall be sent to:
 - (a) not less than 4 of the persons or bodies who applied for permission to tender, selected by the Senior Officer of the spending Service or (*Note 6*)
 - (b) where fewer than 4 persons or bodies have applied or are considered suitable, those persons or bodies which the Senior Officer of the spending Service considers suitable. (*Note 6*)
- (iv) Where the estimated value or amount of the proposed contract exceeds the EU tendering threshold (*Note 1*) invitations to tender shall be sent to the number of persons or bodies set out in the Public Contracts Regulations 2015. (*Note 6 (iii)*).
- (v) The pre-qualification questionnaire evaluation process leading to selection of persons or bodies to which invitations to tender are sent shall be fair and transparent and shall comply with statutory guidance (*Note 6*).

Selective tendering - standing list

- 10. (i) This Rule shall apply where an authorised body has decided that invitations to tender for contracts for certain categories of work are to be limited to those persons or bodies whose names shall be included in a list compiled and maintained for that purpose. (*Note 18*).
- (ii) The list shall: (*Note 7*)
 - (a) be compiled and maintained by the authorised body;
 - (b) contain the names of all persons or bodies who wish to be included and who are approved by the authorised body; and
 - (c) indicate in respect of a person or body whose name is so included, the categories of contract and, where applicable, the values or amounts in respect of those categories for which approval has been given; and
 - (d) invitations to tender shall be sent to all persons or bodies in the categories or values of contract for which they have been approved.
- (iii) Where the estimated value or amount of the proposed contracts utilising the standing list exceeds the EU tendering threshold (*Note 1*), the list shall be compiled and maintained in accordance with the Public Contracts Regulations 2015 (specifically Regulation 33 “Framework Agreements”).

- (iv) A public notice inviting applications for inclusion in the standing list shall be issued in accordance with Rule 8, and the standing list shall be established in accordance with the procedures and restrictions set out in Rule 9.
- (v) Where the standing list is compiled in accordance with Rule 10 (iii) it shall have a maximum duration of 4 years; in all other cases it shall have a maximum duration of 5 years (*Note 8*).

Selective tendering – Constructionline

- 11 (i) Where construction contracts are to be tendered, and the estimated total value of the contract lies between £164,176 and the EU tendering threshold for Works Contracts (£4,104,394) (*Note 1*), and subject to Rule 11 (ii), tenderers can be selected from those pre-qualified organisations listed on Constructionline rather than advertising the tender opportunity in accordance with Rule 9 and where tenderers are so selected the requirements of Rule 9 shall be deemed to be fully satisfied.
- (ii) The authorised body shall always consider whether a construction contract of this value might be of interest to persons or bodies in other EU member states, and if it is, place a public notice in the Official Journal of the European Union (OJEU) rather than selecting tenderers from Constructionline. If it is the considered opinion of the authorised body that the contract will only be of interest to organisations within the UK, Constructionline may be used providing a formal record is made of the rationale for this decision. (*Note 6 (v)*).

Open tendering

12. (i) This Rule shall apply where an authorised body has decided that tenders for a contract are to be obtained by open competition. (*Note 3*)
- (ii) A public notice inviting tenders or applications for tenders shall be issued in accordance with Rule 8.

Submission of tenders

13. (i) Where in pursuance of these Rules an invitation to tender is made, every invitation shall state that no tender will be received unless it is enclosed in a sealed envelope to be supplied by the Council, for this purpose, which shall bear the word “Tender” - followed by the subject to which it relates but no name or other mark indicating the sender (*Note 9(ii)*). Alternatively, where an invitation to tender is made using the Council’s e-tendering system, tenders must be submitted via the system and not in paper form.
- (ii) Non-electronic tenders shall be addressed to the Chief Operating Officer at 52 Derby Street, Ormskirk, Lancashire and shall be kept under lock and key in the custody of the Legal and Democratic Services Manager or such other officer of the Council as may be duly authorised by him in that behalf until the time and date specified for their opening.

- (iii) Tenders submitted via the Council's e-tendering system shall be held within a secure on-line sealed inbox and shall not have their electronic seals broken before the time and date specified in the invitation to tender on the e-tendering system.
- (iv) No tender received after the time and date specified in the invitation shall be accepted or considered under any circumstances unless the Legal and Democratic Services Manager is satisfied that there is clear evidence of it having been posted by first class post at least the day before tenders were due to be returned, or clear evidence of it having been delivered to the Council's office at 52 Derby Street, Ormskirk by the time specified in the tender documents, or clear evidence of the delay being caused by a problem with the e-tendering system or its supporting infrastructure which was beyond the tenderer's control (*Note 9(i) and (ii).*)

Opening and acceptance of tenders

14. (i) Tenders received in sealed envelopes under either Rule 9, 10, 11 or 12 shall be opened at one time and in the presence of:
- (a) two Members of the Council. Each tender will be initialled by the Member present.
 - (b) a representative of the Legal and Democratic Services Manager together with the appropriate officer(s) of the spending Service(s).
- (ii) All tenders received in sealed envelopes shall be dated and time stamped on receipt and recorded consecutively in a register maintained for this purpose by the Legal and Democratic Services Manager.
- (iii) The electronic seals on tenders submitted via the Council's e-tendering system shall be broken by an officer in the Council's Procurement Unit or, in cases where the Council's Procurement Unit has conducted the tendering process, by a non-Procurement Unit representative of the Legal and Democratic Services Manager.
- (iv) The Officer breaking the electronic seals on tenders shall ensure that the details of each tender are recorded in the register referred to in Rule 14(ii).
- (v) A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted except
- (a) as agreed by an authorised body (other than an officer), having considered a report by the appropriate Senior Officer; or
 - (b) where a Senior Officer decides that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process and the Senior Officer in consultation with the relevant Portfolio Holder, has established the criteria and methodology

to be used in the tender evaluation process. In such a case the criteria must include price which shall account for at least 60% of the total score. The remaining criteria shall be relevant to the tender exercise and shall be weighted appropriately but together must not exceed 40% of the total score (*Note 25*).

- (c) where, in the opinion of the Senior Officer of the spending Service, the consideration of sustainability issues, associated with the product/service being procured, means that best value would be obtained by accepting a tender other than the lowest (or highest if payment is to be received by the Council). In such circumstances, the tender which is accepted must not exceed the lowest (or highest) by more than 15% to a maximum amount of £10,000. Where a tender other than the lowest (or highest) is accepted then a written record must be kept of the rationale for the acceptance and this must be initialled by the appropriate Senior Officer. Where a Senior Officer wishes to accept a tender (for sustainability reasons) which exceeds the lowest (or highest) by more than 15% or by more than £10,000, a separate exception to Contracts Procedure Rules shall be obtained on a case by case basis. (*Note 10*).
- (vi) Where the estimated value or amount of a proposed contract exceeds the relevant EU tendering threshold (*Note 1*), the contract must be awarded to the tenderer which has offered the Most Economically Advantageous Tender (MEAT) in order to comply with the Public Contracts Regulations 2015. MEAT does not allow price to be the sole contract award criterion. Tender evaluation criteria and the scoring methodology shall be set out clearly in the invitation to tender documents.

Nominated sub-contractors and suppliers

15. Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions shall have effect:
- (i) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier does not exceed £50,000 then, unless the Senior Officer of the spending Service is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain written competitive quotations, such quotations shall be invited.
 - (ii) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier exceeds £ 50,000 then, unless the authorised body determine in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, such tenders shall be invited in accordance with either Rules 9, 10, 11 or 12 as the case may be.
 - (iii) The provisions of Rules 13 and 14 shall apply to tenders received under this Rule.

- (iv) Some standard forms of contract are prescriptive about how suppliers and/or sub-contractors must be nominated. Where such a standard form of contract is being used and where the requirements of that standard form as regards nomination are incompatible with this Rule then the requirements of the standard form shall take precedence.

Contract conditions

16. (i) Every contract which exceeds £10,000 in value or amount shall: (*Note 2*)
- (a) be in writing and signed by an officer of the Council duly authorised in that behalf EXCEPT THAT where the Contract exceeds £50,000 it shall be made in writing and must either be signed by at least two officers of the Council or made under the common seal of the Council attested by at least one officer.
 - (b) specify the goods or services to be supplied or the work to be executed; the price to be paid together with the statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties, and
 - (c) in appropriate cases, to be determined by the Senior Officer of the spending Service, where a contract exceeds £50,000 in amount or value, provide for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract. (*Note 12*)
- (ii) The Senior Officer of the spending Service may also require a contractor to give sufficient security for the due performance of any contract. (*Note 13*)
- (iii) When specifying the standard of goods/services/works to be provided under a contract the following shall be observed (*Note 14*).
- (a) where a mandatory technical standard is required under UK Law and where that requirement is compatible with EU obligations then that standard shall be specified
 - (b) where there is no mandatory technical standard the following should be used in order of preference:-
 - British standards implementing European standards,
 - European technical approvals (e.g. for new construction materials),
 - Common technical specifications,
 - International standards, or
 - Other technical reference systems established by the European standardisation bodies.
 - (c) where neither (a) or (b) apply then the following can be used but must be accompanied by the words “or equivalent”:-
 - British standards,
 - British technical approvals (e.g. Agreement certificates), or

- British technical specifications relating to the design, calculation and execution of the work or works and the use of the products.
- (iv) The Senior Officer shall be aware of the Bribery Act 2010 which introduces general offences of offering or receiving bribes, a specific offence of bribing a foreign public official, and the corporate offence of failing to prevent bribery; and the Council's Anti Fraud and Corruption Strategy (*Note 23*).

The following clause shall be inserted in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in relation to the improper performance of any function or activity in respect of this or any other Council contract (even if the Contractor does not know what has been done), or
 - (b) commit an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972, or
 - (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause".
- (v) All contracts shall include a prompt payment clause as required by Regulation 113 of the Public Contracts Regulations 2015 (*Note 29*).
- (vi) All contracts whose value or amount exceeds the relevant EU tendering threshold (*Note 1*) shall include a contract termination clause as required by Regulation 73 of the Public Contracts Regulations 2015 (*Note 29*).
- (vii) In all appropriate circumstances the Senior Officer of the spending Service shall ensure that a contractor has appropriate insurances at levels relevant to the contract in question. In this respect regard should be paid to the guidance issued by the Head of Finance, Procurement and Commercial Services. (*Note 17*)

Bulk Buying Etc.

- 17 (i) Where the Council wishes to procure via an existing contract or framework agreement which has been entered into by another public body or by a bulk buying consortium and that contract or framework agreement facilitates participation by public bodies (which include the Council) then the requirement of Contract Procedure Rules Nos. 5 to 14 inclusive shall have no application providing the following requirements are all satisfied (*Note 19*).
- (a) the contract or framework agreement has been the subject of a tender exercise which has involved the placing of a Contract Notice

in the Official Journal of the European Union which required organisations to notify their interests in tendering for the contract or framework agreement.

- (b) the terms of that existing contract or framework agreement allow the Council to make a procurement(s) via that contract or framework agreement.
- (c) the procurement(s) are made in strict accordance with the terms of that existing contract or framework agreement.
- (d) the award of the contract is reported in accordance with Rule 21.

Where a procurement(s) is to be made in accordance with the foregoing the Service Officer of the spending Service shall compile, sign and retain a file note which shall detail the nature of the procurement(s) to be made including values, the title of the existing contract or framework agreement which will facilitate the procurement(s), the name of the organisation which established that existing contract or framework agreement and that the requirements of this Contracts Procedure Rule have been complied with. A copy of the existing contract or framework agreement shall also be retained with the file note.

A copy of that file note (only) shall be provided to the Council's Internal Audit Section for their retention.

- (ii) The requirements set out at Rule 17(i) shall also apply where the Council wishes to procure as part of a consortium and another consortium member will act as lead for the procurement process.

Contract Modifications

- 18 Contracts and framework agreements whose value or amount exceeds the EU tendering threshold (*Note 1*) may only be increased in value or amount within the limits and for the reasons set out in Regulation 72 of the Public Contracts Regulations 2015. (*Note 26*).

Division of Contracts into Lots

- 19 Where the estimated value or amount of a proposed contract exceeds the relevant EU tendering threshold (*Note 1*) the authorised body shall always give consideration to dividing the contract into smaller lots. Where it is determined that such subdivision would be impractical or disadvantageous, the authorised body shall give its main reasons for its decision in the tender documents or in the report referred to in Rule 21 (vi) (*Note 28*).

Retention and Recording of Contracts

- 20 (i) In respect of all contracts which exceed £50,000 in value

- (a) The signed contract documents shall be provided to Legal Services so they can be retained in the Council's central contract document filing system (*Note 21*).
- (b) Summary details of the contract shall be provided to the Purchasing Manager for inclusion in the Council's Contract Register (*Note 21*).
- (ii) Where the value of a contract exceeds £10,000 but does not exceed £50,000 it is the responsibility of the spending Service to retain a copy of the signed contract documents. Those documents shall be retained in accordance with the Council's Retention and Disposal Policy.

Reporting of Contract Awards

- 21.
- (i) In respect of all contracts and framework agreements whose value or amount exceeds the EU tendering threshold (*Note 1*), a contract award notice shall be sent firstly to the Official Journal of the European Union (OJEU) no later than 30 days after the award of the contract or framework agreement, then to Contracts Finder no later than 90 days after the award of the contract or framework agreement (*Note 27*).
 - (ii) A contract award notice shall be sent to Contracts Finder for contracts awarded using a framework agreement where the value or amount of the contract exceeds the EU tendering threshold (*Note 1*) within 90 days of the award of the contract (*Note 27*).
 - (iii) In respect of all contracts and frameworks agreements (including contracts awarded using a framework agreement) whose value or amount lies between £50,000 and the EU tendering threshold, a contract award notice shall be sent to Contracts Finder within 90 days of award of the contract or framework agreement (*Note 27*).
 - (iv) A notice of modification shall be sent to the OJEU when an existing contract or framework agreement whose value exceeds the EU tendering threshold (*Note 1*) is modified in accordance with Rule 18, but only in the circumstances set out in Regulation 72 of the Public Contracts Regulations 2015 (*Note 27*).
 - (v) Contract award and modification notices shall comply with the content and format requirements set out in the Public Contracts Regulations 2015 (*Note 27*).
 - (vi) Within 30 days of awarding a contract or framework agreement that has been established using an EU procurement procedure set out in Part 2 of the Public Contracts Regulations 2015, a formal report shall be compiled in accordance with Regulation 84 of the Public Contracts Regulations 2015 (*Note 27*). The report shall be retained by the authorised body for the duration of the contract or framework agreement.

NOTES – (All these “Notes” are prefixed “N” to make them easily distinguishable from the Contract Procedure Rule numbers).

N1. Rule 2 requires compliance with the EU Treaty (the Treaty of Rome) and with any relevant EU Directives. One of the main principles of European procurement legislation is that nothing should be done which prevents a company in one member state tendering for public contracts in another member state.

European procurement legislation divides public contracts into three categories each with a threshold value below which the full EU procurement rules do not apply.

- (i) Works Contracts (broadly building and civil engineering work) threshold for 2016 and 2017 £4,104,394 (this threshold value will be reviewed 1st January 2018).
- (ii) Supply Contracts (for any type of goods and materials) threshold for 2016 and 2017 £164,176 (this threshold value will be reviewed 1st January 2018).
- (iii) Services Contracts (applies to all contracts which are neither “works” or “supplies”) threshold for 2016 and 2017 £164,176 (this threshold value will be reviewed 1st January 2018).

These thresholds are the total value of the contract over its full duration, including any extension periods and options set out in the procurement documents, and excluding VAT other taxes or duties. EU procurement legislation is very strict requiring that no one must do anything, the purpose of which is to avoid having to tender a contract in compliance with EU requirements.

If a threshold value is going to be exceeded then contact either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) for further advice.

Even where the threshold values given above are not exceeded (or where the service being tendered falls under Schedule 3 of the Public Contracts Regulations 2015) there may still be a need to advertise the tender opportunity throughout Europe. For advice on this matter Officers are referred to Procurement Practice Note No.3 which is available on the Council’s Intranet in the “Document” Section under “Miscellaneous documents” see those documents listed under the sub-heading “Procurement”.

The Public Contracts Regulations 2015 identify a number of goods, services or activities which are either completely exempt from the rules set out in the Regulations, or which are subject to a more relaxed “light touch” procurement regime. These are listed in a Procurement Practice Note on the Council’s intranet.

N2. The Local Government Act 1988 Section 17 (5) lists matters which it deems “non-commercial” and which no local authority should make reference to in any contract documents and which no local authority should take any account of when deciding whether or not to accept a tender. These non-commercial matters

apply to all local authority contracts and the list is reproduced in a Procurement Practice Note for ease of reference. However, Statutory Instrument 2001 No. 909 gives local authorities some latitude in being able to address workforce related issues where this is necessary to achieve best value or to comply with TUPE. Circular 03/2003 contains advice in respect of work force matters and contracts. Officers who wish/need to address such workforce related issues in contract documents/tenderer selection/contract award, should contact either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) for advice.

- N3. (i) There are three main ways in which tender prices can be obtained: (This Note 3 also has some application to written quotations as required by Rule 6, see below).
- (a) selective tendering (covered by Rules 9, 10 and 11)
 - (b) open competition (covered by Rule 12)
 - (c) negotiation.

Use of negotiation in cases where the estimated value or amount of a proposed contract falls within the threshold prescribed in Rules 6 and 7 would require formal steps to be taken under Rule 4. Generally, negotiation is acceptable where it is based on some preliminary form of price competition such as in two stage tendering, or continuation contracts where the earlier contract, for broadly similar work, was won in competition within a year or two of the later contracts. Under E.U. Procurement legislation there are only very restricted cases where negotiations can be used. Prior to use of this procedure contact either the Legal and Executive Services Manager Extn. 5025 or the Procurement Executive Extn. 5022.

- (ii) The Public Contracts Regulations 2015 stipulate that an open competition process must be carried out where the estimated value or amount of a proposed contract lies between £50,000 and £164,176. However, above £164,176 it is advisable to use open competition only in exceptional circumstances and it is recommended that either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) should be contacted for advice.

- N4. The Official Journal of the European Union (OJEU) facilitates the on-line publication of tendering opportunities and contract award information throughout the EU. Contracts Finder is a UK government website which performs the same function as the OJEU for UK contracts which are below the EU tendering threshold, as well as duplicating information that has already been sent to the OJEU. The content and format requirements differ between OJEU and Contracts Finder, and are strictly defined in the Public Contracts Regulations 2015. Publication of notices is arranged by the Purchasing Manager (Ext. 5426) or the Procurement Executive (Extn. 5022). The Council's e-tendering system is designed to publish notices on Contracts Finder and in the OJEU. Notices may be published on Contracts Finder via the e-tendering system by any person

authorised and trained to use the system, but OJEU notices should always be published by the Central Purchasing Unit.

- N5. Regulation 111 of the Public Contracts Regulations 2015 prohibits the use of a pre-qualification stage in any procurement below £164,176 in value. This measure is intended to remove barriers which make it difficult for smaller firms to access public sector contracts. Moreover, for higher-value procurements in which a pre-qualification stage is permitted, use of a standardised pre-qualification questionnaire (or PAS 91 for Works contracts) is mandated. The authorised body must be able to justify the reasons for any deviations from the wordings in the standardised documents and from 1st September 2015 deviations are to be approved by the Procurement Executive and reported to Crown Commercial Service within 30 days of the pre-qualification questionnaire being made available to potential suppliers via Contracts Finder. For advice in respect of this matter contact the Procurement Executive (Extn. 5022).
- N6. (i) In considering whether or not to depart from the periods indicated in Rule 8(iv), it is considered that 14 days shall be regarded as the minimum period for contracts below the EU tendering thresholds. The principle to be followed is that a reasonable and sufficient period shall be allowed. Such reasonable and sufficient timescales can only be identified by officers who are familiar with the market in question and on a case by case basis
- (ii) Where the threshold values given in Note 1 are exceeded the EU procurement legislation sets out the periods which must be allowed for organisations to apply for inclusion on the tender list and the tender periods and specifies that tender exercises need to be advertised in the Official Journal of the European Union. EU tendering timescales are summarised in a Procurement Practice Note on the Council's intranet.
- (iii) Rule 9 (iii) requires that a minimum of 4 tenders be sought. The Public Contracts Regulations 2015 stipulate minimum numbers of tenderers in specified circumstances (e.g. Regulations 28-31).
- (iv) Even where the respective EU threshold value (see N1) is not exceeded general EU procurement law requires that where a tendering opportunity may be of interest to an organisation in another Member State of the EU, that tendering opportunity must be advertised throughout the EU. In such a case an appropriate publication/portal must be identified and an appropriate advert/notice inserted (NB the Official Journal of the European Union is free to use, is accessible throughout the EU and can be used to "advertise" below threshold and Schedule 3 services if a Council so desires).
- (v) Wherever Constructionline is used under Rule 11 for contracts between £164,176 and the EU tendering threshold for Works Contracts (£4,104,394) advice should be sought from either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) regarding the potential for interest from other EU Member States.
- (vi) Use of a standardised pre-qualification questionnaire (or PAS 91 for Works contracts) is mandatory, and the process for evaluating questionnaire

responses is subject to statutory guidance. Advice on this matter should be sought from the Procurement Executive (Extn. 5022).

- N7. In Rule 10 the list will detail the principles and procedure under which organisations contained on the list will be chosen for inclusion for individual tender lists.
- N8. Generally, lists of contractors maintained under Rule 10 shall be kept under continuous review with provision for both deletions and additions when the list is re-tendered. It is important that standing lists shall not become rigid and self-perpetuating and that the entry of new and rising firms be encouraged. In reviewing standing lists those firms who have shown interest in local authority contracts and whose performance has been satisfactory shall, subject to checks on their current viability, be retained. Those who have failed to show an interest or whose performance has been inadequate or whose financial position has become unsatisfactory shall be dropped. Note that although firms may be removed from the list at any time, new ones can only be added when the list is re-tendered.
- N9. (i) In cases of late receipt of a tender then where that tender has arrived via the postal system only official postmarks shall be accepted as evidence of the day of the posting of a tender. Where such postmarks are illegible the tender shall be rejected. The envelopes of admitted late tenders shall be endorsed by the officer responsible and the envelope retained. Late tenders which are not admitted shall be returned to the sender as soon as possible.
- (ii) Where tenders are delivered to the Council's offices at 52 Derby Street, Ormskirk, Lancashire by hand then the person handing the tender in shall be given a receipt indicating the date and time at which the tender was delivered and showing clearly the title of the contract in respect of which the tender is made.
- N10. That the Senior Officer shall in considering the sustainability issues associated with any products/services have regard to the Council's "Environmental Purchasing Guide for Staff". Where that document fails to resolve matters, consideration shall be given to the advice of the Environmental Strategy Officer.
- N11. Where the Council is acting as an agent for another body (e.g. highway work for Lancashire County Council or Department of Transport, sewerage work for the Water Company, etc.) then that body may have special requirements which must be taken into account (e.g. that a particular tendering method has to be used for contracts over a certain size).
- N12. In Rule 16(i)(c) provision is made for the Council to require, in appropriate cases, the payment of liquidated damages for failure to complete a contract, exceeding £50,000 in value, within the stipulated (or extended) time. The following points shall be borne in mind in connection with this Rule.
- (i) Where liquidated damages are provided for in a contract, the amount included for them shall be a genuine pre-estimate of the loss to the

Council/client body which delayed completion is likely to cause. Amounts which are likely to be construed as a penalty shall not be inserted.

- (ii) When considering whether it is necessary to provide for liquidated damages in a contract, the Senior Officer of the spending Service shall satisfy himself/herself that such damages are applicable to the type of work/supplies/services and the form of contract and that they are enforceable and administratively economic to recover, (e.g. in the case of standing-offer type contracts [term contracts] where there may be difficulties in genuinely pre-estimating the loss to the client they may not be appropriate). Where the Council is acting as agent for any other organisation then liquidated damages should be administered in accordance with their requirements.
- N13. Rule 16(ii) provides that the Council may take security for the due performance of a contract. The most common form of security is the performance bond, the cost of which is inevitably met by the Council via the tender. Where proper selective tendering procedures are used, including the investigation of the financial standing of firms, the need for bonds may be reduced. Each contract will, therefore, be considered on its merits and the need for a bond will be dispensed with wherever this seems reasonable. The question of bonding is at the discretion of the relevant Senior Officer and is to be exercised in the light of all relevant circumstances. Guidance on the use of performance bonds has been issued by the local authority associations.
- N14. Rule 16 (iii) requires that certain “standards” are specified in contracts; this is to comply with the general requirements of E.U. Procurement legislation (as set out in the Public Contracts Regulations 2015). If there are no mandatory technical standards compatible with E.U. obligations then it is best to use a British Standard which implements a European standard and these can be recognised as they are prefixed by the letters “BS EN”. As this is a rather technical point of procurement law, should an Officer have any queries these should be raised with the Legal and Executive Services Manager (Extn 5025) or the Procurement Executive (Extn. 5022).
- N15. (i) Rule 4 relates to the waiver of Contract Procedure Rules under special circumstances. Such special circumstances would include
- only one company makes the product which the Council wishes to purchase and no other product is a reasonable substitute
 - a recent tender exercise has shown that one supplier/contractor provides significantly better value than anyone else for the product/work in question
 - urgency, resulting from circumstances beyond the Council’s control, means that there is insufficient time to obtain tenders in accordance with the procedures set out in Contracts Procedure Rules.

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- (ii) Furthermore where an Officer intends to ask Council, Cabinet, a Committee or Sub-Committee to provide a waiver of Contracts Procedure Rule (s) then he/she must ensure that the body in question have the necessary authority.
 - (iii) When the Chief Operating Officer grants an exception to Contracts Procedure Rules in accordance with Rule 4, that exception shall be recorded as a “record of decision taken under delegated authority” which is available from the Member Services Section. That record of decision shall then be included in the next relevant Members Update.
- N16. (i) These Rules consider contracts in three cost bands (up to £10,000; £10,000 to £50,000; over £50,000). These are not annual values, they are the value of the contract for its whole duration including any optional extension periods and options to acquire additional goods, services or building works.
- (ii) No attempt must be made to split a single contract into several lower value contracts to avoid the application of any aspect of these Rules.
 - (iii) Care must be taken where a low value contract is expanded to include additional work because if that additional work moves the contract value into another cost band a waiver of these Rules may be necessary if the requirements of these Rules are not to be breached. Advice on this matter can be obtained from the Legal and Executive Services Manager (Ext. 5025) or the Procurement Executive (Ext 5022).
- N17. Rule 16 (vii) requires contractors to have appropriate insurances. Advice on this topic is contained in a document entitled “Insurance Procedure: Checking Contractors/Consultants Insurances” which is available from the Insurance Section.
- N18. Rule 10 relates to “standing lists”. The Public Contracts Regulations 2015 which is the main domestic legislation to give effect to EU procurement legislation, provide for a category of contracts called “framework agreements”. In specific circumstances, certain framework agreements, can be deemed to operate as standing lists. (True standing lists would generally only apply to tender exercises where the values are below the threshold values given in Note I). For advice in respect of this matter contact either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022).
- N19. In respect of Rule 17 the following advice is offered:-
- (i) where an officer wishes to make a procurement under the terms of an existing contract or framework agreement but where the requirements of Rule 17 are not satisfied it may still be possible to go ahead providing that existing contract was tendered and awarded in a fair, open and transparent manner and in full accordance with all legislation which applies to the Council. In such a case a specific exception to Contracts Procedure Rules must be obtained in accordance with Rule 4.
 - (ii) Some “Services” fall under Schedule 3 of the Public Contracts Regulations 2015 which means that a Contract Notice, as described in Rule 17 (i),

- would not be required by procurement legislation, therefore, the requirements of Rule 17 (i) would not be satisfied. In such cases a specific exception to Contracts Procedure Rules must be obtained in accordance with Rule 4.
- (iii) As compliance with Rule 17 is a technical matter Officers are encouraged to contact either the Procurement Executive (Extn 5022) or the Legal and Executive Services Manager (Extn 5025) whenever they are considering using Rule 17.
- N20. Rule No.5 requires that where contracts are under £10,000 the relevant Senior Officer shall ensure that the accepted price offers good value and reflects competitiveness. The Rule goes on to say that in appropriate circumstances this could include obtaining three quotations. In such circumstances it would be acceptable to obtain quotations via e-mail. This requirement to offer good value and reflect competitiveness could also be satisfied where quotations/tenders have been obtained in the last 12 months for similar work when it would then be in order to award a new contract to the tenderer who was successful in the previous tender exercise providing the new work is the same or similar to the work contained in the previous accepted tender and the new work can be priced by reference to the rates in the previous accepted tender. Where it is proposed to award a contract below £10,000 in value and where value for money and competitiveness will be demonstrated (as required by Rule 5) other than by obtaining three quotes or by reference to a previous quotation/tender exercise (as detailed in this N20) then the advice of the Audit Manager (Extn 2603), the Legal and Executive Services Manager (Extn 5025), or the Procurement Executive (Ext.5022) should be sought. In all cases reasonable evidence must be retained (as an audit trail) to demonstrate that the requirements of Rule 5 have been complied with.
- N21. Rule 20 requires that in respect of contracts over £50,000 in value:-
- (i) The signed copy of the contract documents shall be provided to Legal Services for filing. The Officer to be contacted in this respect is the Managing Clerk (Extn. 5422). Furthermore the contract documents to be provided to Legal Services are the original signed contract documents. The spending Service shall retain appropriate copy(ies) of the signed contract documents to facilitate the proper client management of the contract.
- (ii) Summary details are to be provided to the Purchasing Manager (Extn. 5426) for inclusion in the Council's Contracts Register. Those summary details in respect of each contract shall comprise; the identity of the spending division, the name of the contractor/supplier/consultant, the title of the contract, the total value of the contract over its life excluding any potential extension(s) to the contract period, the start date of the contract, the end date of the contract and any other details which would allow a better understanding of the contract.
- (iii) Should a contract be extended then the Purchasing Manager (Extn. 5426) shall be advised accordingly and shall be provided with appropriate revised summary details in respect of the extended contract.

- N22. Rule 1 contains a definition of the term “contract”. In respect of that definition the following advice is offered. Many small value purchases are made through Council-wide bulk contracts which have been put in place centrally. Such contracts have already been entered into in full accordance with Contracts Procedure Rules and require no further quotation or tender exercise. It is the responsibility of the spending Service to ensure that the Council-wide bulk contract being used allows the purchase of the goods/services/building works being purchased. Queries regarding this matter should be directed to the Purchasing Manager (Extn. 5426) or the Procurement Executive (Extn. 5022).
- N23. Senior Officers may choose to supplement the requirements set out at Rule 16 (iv) by specifying particular requirements, e.g. adherence to the Council’s Anti Fraud and Corruption Policy (as amended from time to time), having regard to risks arising from any particular area of contractual activity. If so they are invited to discuss this with the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022).
- N24. Where quotations are to be sought, care must be taken not to always obtain quotations from the same organisations thereby discouraging the development of price rings. It is important that the entry of new and rising organisations be encouraged. Therefore where appropriate, when seeking quotations include within the organisations who are invited to quote, an organisation which is “new” to the Council (i.e. an organisation who the Council do not regularly do business with and/or invite to submit quotations). However, the relevant Senior Officer must be happy with the financial stability and technical ability of any organisation before a contract is awarded to that organisation.
- N25. Where a tender evaluation methodology is to include criteria other than price (Rule 14(iii)(b) and Rule 14(iv)) care must be taken to ensure that the evaluation methodology is relevant, objective and transparent. The production of a robust tender evaluation methodology is a rather technical matter and advice must be sought from either the Procurement Executive (Ext. 5022) or the Purchasing Manager (Ext. 5426).
- N26. There will be circumstances where it is clearly more convenient or economic to add a new requirement to a suitable existing contract than to pursue a quotation or tendering process. However, the Public Contracts Regulations 2015 place strict limits on the nature and extent of such additions where the original value of the existing contract or the additional requirement exceeds the EU tendering threshold. These limits are summarised in a Procurement Practice Note which can be viewed on the Council’s intranet. The advice of the Procurement Executive (Extn. 5022) should always be sought when considering such changes to existing contracts.
- N27. The reporting requirements relating to contract awards set out in the Public Contracts Regulations 2015 are relatively complex. Publication of contract award notices in Contracts Finder and the OJEU is arranged by the Purchasing Manager (Extn. 5426) or the Procurement Executive (Extn. 5022). A detailed digest of the various requirements are contained in a Procurement Practice Note which can be viewed on the Council’s intranet.

- N28. Regulation 46 of the Public Contracts Regulations 2015 promotes the division of contracts which exceed the EU tendering threshold into smaller lots, with the objective of encouraging wider participation from SMEs in bidding for public sector opportunities. As well as requiring that the reasons for not dividing a contract into lots are documented and transparent, Regulation 46 also requires that tender documents are explicit about how many lots may be awarded to any one supplier and how this will be decided. Detailed guidance on lotting can be found in a Procurement Practice Note on the Council's intranet, and advice may be sought from the Procurement Executive (Extn. 5022).
- N29. Model contract clauses which meet the requirements of Regulations 73 and 113 of the Public Contracts Regulations 2015 are set out in a Procurement Practice Note which is available on the Council's intranet.

Temporary Changes to Contracts Procedure Rules - COVID

In response to the unprecedented challenges resulting from the current coronavirus, COVID-19, outbreak we wanted to inform you about the steps we are taking to make sure we can continue to offer Procurement support and maintain public services.

We recognise that there will be unusual situations arising where it is not possible or practical to follow the normal process and for these cases we will be making the following temporary emergency changes to the current Contracts Procedure Rules;

Non urgent purchases should be deferred wherever possible.

In certain circumstances contracts may be extended or amended during its term following advice from Procurement and Legal teams.

Purchases up to £100,000 – Where possible the officer making the purchase will adopt best endeavours to ensure and demonstrate value for money (if possible and practicable by obtaining 3 quotations) or by comparison to previous or similar purchases. Whilst prices may be higher than would be expected in a regular market, any abnormally high pricing should be approved by the appropriate Manager. If the price is greater than previous purchases then the relevant Manager should be informed for noting, potential challenge to the supplier and budget management purposes. It is important that we continue to achieve value for money and use good commercial judgement during any purchase.

Purchases between £100,000 and the relevant EU tendering threshold – For purchases within this range, advice should be sought from the procurement team who will advise and support you with the route to purchase for your goods or services.

Purchases that exceed the EU tendering threshold – The Cabinet Office have issued a new [Policy Procurement Notice](#) which sets out information and guidance on how the public procurement regulations can be used effectively in responding to challenges faced during these exceptional circumstances. Please seek advice from the Procurement Team to determine which procurement route complies with the new policy.

Departments should ensure that purchases made under the above circumstances are allocated the correct purchase ledger code to ensure that they are tracked as purchased and accounted for when normal operations resume.

IMPORTANT

Only true COVID-19 contract emergencies apply to this guidance.

Failing to plan / allow time to procure is not deemed sufficient reason to not abide by the full Contract Procedure Rules or Public Contract Regulations 2015.

PAY POLICY STATEMENT 2023/24 (Revised February 2023)**1. Introduction and Purpose**

Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees by identifying.

- the methods by which salaries of all employees are determined.
- the details of the remuneration of its most senior staff i.e., ‘chief officers’, as defined by the relevant legislation.
- the relationship between the remuneration of its Chief Officers and other employees

This pay policy statement is effective from 1 April 2023 and will be subject to review on an annual basis, or earlier if required, the policy for the next financial year being approved by 31st March each year.

The current pay line is detailed at Appendix A.

2. Other legislation relevant to pay and remuneration

In determining the pay and remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes legislation such as, but not exclusively, the Equality Act 2010, Part Time Employment (Prevention of Less Favorable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. The Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

3. Pay Structure

The Council uses the nationally negotiated pay spine(s) (i.e., a defined list of salary points) as the basis for its local pay structure, which determines the salaries of the large majority of its workforce together with the use of locally determined rates where these do not apply.

The Council’s pay scales range from Scale 1 to WLa. Scales 1 to PO4 are in line with the National Pay Spine and senior managers on Grades SM1 to WLa are on a locally determined pay spine. Full details are shown in the Appendices A. Variable additional payments may also be made as appropriate in line with the terms and conditions of employment, which completes the total remuneration package.

The Council pays an additional supplement to those Council employees not currently receiving the Living Wage Foundation ‘living wage’ (currently an hourly rate of £10.90). This equates to the current spinal column point 1 and 2 on the Council’s pay scale and consequently an additional supplement is required on the hourly rates paid on

these spinal column points.

The Council adheres to the national pay bargaining arrangements in respect of the establishment and revision of the national pay spine, for example through any agreed annual pay increases negotiated with joint trade unions. All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.

At the time of writing, it should be noted that the NJC pay scale is due to have an annual pay review. The pay award is due 1 April 2023.

Once the outcome is known and the pay award is agreed, the spinal column points noted above will be amended and any amendments will be made to the Pay Policy Statement after this date.

Consequently, whilst there is at present, a differential of up to 11 pence at the lowest point on the scale, this actual difference between the scp's 1 and 2 and the Foundation Living Wage hourly rate of £10.90, will change once the pay award is applied to the pay spine.

The differential amounts are noted below:

Spinal Column Point 1 - £10.79 Differential = £0.11 per hour

Spinal Column Point 2 - £10.89 Differential = £0.01 per hour

It should also be noted that with effect from 1 April 2023, spinal column point 1 will be removed from the NJC pay spine and also from the Council's grade structure. This following an agreement made as part of the April 2022 pay award settlement.

In determining its grading structure and setting remuneration levels for any posts which fall outside the scope of the national pay spine, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who can meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

New appointments will normally be made at the minimum of the relevant pay scale for the grade, although this can be varied where necessary to secure the best candidate. Where the appointment salary is above the minimum point of the pay scale and is not affected by other council policies, for example promotion, redeployment, or flexible retirement, this is approved in accordance with the Scheme of Delegation, contained in the Council's constitution, available on the Council's website.

From time to time, it may be necessary to take account of the external pay levels in the labour market to attract and retain employees with experience, skills, and capacity. This may lead to the payment of a market supplement or retention payment. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.

Any temporary supplement to the salary scale for the grade for this purpose is approved in accordance with the locally agreed Market Premia and Retention Payments detailed in the local conditions of service. A decision in relation to any payment of this nature is delegated to the Chief Operating Officer except for officers on JNC Chief Officer terms and conditions which must be determined by the Council.

The Council also employs a number of Apprenticeships throughout the various services. These are paid in line with National Minimum Wage rates for age. These rates do not form part of the overall grading structure for the Council and are presently as detailed below (6 April 2023 figures):

Hourly rate	Apprenticeship Age Rate
£5.28	Age under 18 years
£7.49	Age 18 – 20
£10.18	Age 21 -23
£10.42	Age over 23 years

These national apprenticeship rates are not included in the pay ratios as they are not part of the Council's pay scale structure.

4. Definitions

The Localism Act refers to the position of Chief Officer, which is defined as:

- Head of Paid Service designated under Section 4(1) of the Local Government & Housing Act (LGHA) 1989
- Monitoring Officer designated under section 5(1) of the LGHA 1989
- Statutory Chief Officer mentioned in section 2(6) of the LGHA 1989
- Non statutory Chief Officers mentioned in section 2(7) of the LGHA 1989
- A Deputy Chief Officer mentioned in Section 2(8) of the LGHA 1989

Within the Council structure this includes the following posts:

Chief Operating Officer, Corporate Director of Place & Community, Corporate Director of Transformation, Housing & Resources, Head of Planning & Regulatory Services, Head of Wellbeing & Place, Head of Environmental Services, Head of Housing Services, Head of Finance, Procurement & Commercial Services and Head of Corporate & Customer Services and Legal & Democratic Services Manager which also assumes the role of Monitoring Officer for the Council.

There are a further series of posts which fall within the definition of Chief Officer by virtue of being “Deputy Chief Officers” i.e., via reporting lines, which have not been specifically listed here but are within the salaries range from PO1 to WLe.

“Lowest Paid Employees” – see Para 14.

5. Terms and Conditions of Employment

There are three posts on JNC Chief Officer terms and conditions of employment are the Chief Operating Officer, Corporate Director of Place & Community and Corporate Director of Transformation, Housing & Resources. All other posts within the Council are employed in accordance with National Joint Council (NJC) terms and conditions for Local Government Services.

Both two groups of officers are subject to any local variations adopted by the Council and detailed in its policy and procedures.

Where the Council is unable to recruit chief officers, or there is a need for interim support to provide cover for a substantive chief officer post, the Council will, where necessary, consider engaging individuals under a contract for service. These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service. In assessing such it should be noted that in respect of such engagements the Council is not required to make either pension or national insurance contributions for such individuals.

The Council does not currently have any chief officers engaged under such arrangements.

6. Recruitment

The Council's policy and procedures with regard to the recruitment of Chief Officers on JNC Terms and Conditions is set out within the Officer Employment Procedure Rules as set out in Part 13.2 of the Council's Constitution.

When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law and its own Equality in Employment, Recruitment and Selection and Redundancy and Redeployment Policies as approved by Council.

The relevant policies are:

Recruitment

- Recruitment Advertising protocols
- Recruitment and Selection (see Chief Officer Appointment details by Committee referred to in paragraph 16 below)
- Secondment Policy
- Staff Recruitment Incentive Scheme - guidance

Redundancy and redeployment

Organisational Change Scheme

The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the

time of recruitment.

With effect from 1 April 2021, the Council introduced a mandatory 2-year gap from when a former employee exits the Council on the ground of voluntary redundancy to when they may be re-engaged in the employment of the Council or engaged as an agency placement or on a contract for service. This is applied across all grades for both NJC and JNC staff and do not take account of whether or not a pension is payable.

There is an exemption to this for emergency situations when former employees may need to be brought back into the employment of the Council on short, fixed term contracts in view of their specialist skills. However, this would be subject to the direct approval of the Chief Operating Officer, in consultation with the Portfolio holder for Human Resources.

Other relevant HR Policies and Procedures

This Pay Policy Statement should be read in conjunction with the following policies on paid terms and conditions as appropriate:

Conditions of service

Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities
National Joint Council (NJC) for Local Government Services
Harmonisation and single status: local conditions of service document

Family-friendly documents

Childcare Vouchers - parent information
Paternal and Maternity Policy

Retirement

Ill-Health Retirement Policy
Flexible Retirement Policy

Training and Development

Training & Development Strategy
Staff Development Appraisal Scheme
Post-Entry Training Policy

All the above Policies are available on the Council's intranet or from the Human Resources & Organisational Development Team.

7. Additions to Salary of Chief Officers

The Council does not apply any bonuses or performance related pay to its Chief Officers. Any changes in duties would be covered in the Harmonisation and Single Status Document.

8. Chief Operating Officer - Remuneration

The current Senior Management structure was approved by the scheme of delegation to the Chief Operating Officer in January 2022. The revised structure became effective from 1 April 2022. The post of Chief Operating Officer remains designated the Head of the Paid Service and Returning Officer.

The post is paid at grade WL_a on the attached Appendix A. This is a spot salary and carries no additional annual increments.

Returning Officer fees are based upon a fee calculated periodically by the Cabinet Office, with the fee being based on a sum of money multiplied per every 10,000 of electorate. The Council pays the fees for the local election while the fees for other elections, such as Parliamentary and County Council, are paid for externally.

9. Corporate Directors - Remuneration

There are two posts of Corporate Director reporting to the Chief Operating Officer:

Corporate Director of Place & Community - WL_b

Corporate Director of Transformation, Housing & Resources–WL_b

The Grade for these posts is at WL_b as indicated above and detailed on the attached Appendix A. There is a spot salary for this grade, which carries no additional annual increments.

10. Other Heads of Service – Remuneration

There are six further posts of Head of Service. The first 4 are noted below:

Head of Planning & Regulatory Services,
Head of Wellbeing & Place,
Head of Environmental Services,
Head of Corporate & Customer Services.

The Grade for these posts is WL_e, which is a 3-increment grade. Progression through the grade occurs through the payment of an additional annual increment on 1 April each year, up to the maximum spinal column point in each grade range.

The fifth and sixth head of services are:

Head of Finance, Procurement and Commercial Services (Section 151),
Head of Housing Services.

The Grade for these posts is WL_d, which is a 3-increment grade. Progression through the grade occurs through the payment of an additional annual increment on 1 April each year, up to the maximum spinal column point in each grade range.

11. Other ‘Chief Officer’ posts as defined within the Localism Act

There are a further series of posts which fall within the definition of Chief Officer by virtue of being “Deputy Chief Officers” i.e., via reporting lines, which have not been specifically listed here but they are in the salary grade range from PO1 to WL_e.

Of note the following post, which is the designated Monitoring Officer, and is a member of the Corporate Management Team, for the Council:

Legal & Democratic Services Manager

This role is graded SM3, which is a 3-increment grade. Progression through the grade occurs through the payment of an additional annual increment on 1 April each year, up to the maximum spinal column point in each grade range.

12. Payments on Termination

The Council's approach to statutory and discretionary payments on termination of employment of chief officers and other groups of staff, prior to reaching normal retirement age, is set out within its Organisational Change Scheme, in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and the Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014.

Any payments falling outside these provisions or the relevant periods of notice within the contract of employment or £100,000 or more shall be subject to a formal decision made by full Council.

With effect from 1 April 2016 regulations included in the Small Business, Enterprise and Employment Act 2015 were planned to be introduced for the recovery of termination payments paid to high earning public sector employees. Under these rules, public sector employees will be required to repay a tapering proportion of a 'qualifying exit payment', if they return to the public sector within a period of 12 months and earn an annual salary of £80,000 or more. Currently these regulations have not been brought in, but when they are the Council will apply them as appropriate.

However, with the presence of the mandatory 2 Year Gap for re-engagement into a contract for employment or service with the Council for any officer who exits the Council's employment via Voluntary Redundancy, should mean the potential for needing to consider this will be limited.

13. Publication

This statement will be published on the Council's website and intranet. In addition, for Senior Officer Posts where the full-time equivalent salary is at least £50,000, the Council's Annual Statement of Accounts will include a note setting out the total amount of

- salary, fees, or allowances paid to or receivable by the person in the current and previous year.
- any bonuses so paid or receivable by the person in the current and previous year.
- any sums payable by way of expenses allowance that are chargeable to UK income tax.
- any compensation for loss of employment and any other payments connected with termination.
- Any benefits received that do not fall within the above.

The information set out within this pay policy statement compliments the data on pay and reward that the Council is required to publish separately under the Accounts and Audit (England) Regulations 2011 and Local Government Transparency Code 2014. This data includes all Senior Officers on a Salary more than £50,000 p.a.

14. Lowest Paid Employees

The lowest paid persons employed under a contract of employment with the Council are employed on full time 36 hours equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure. This excludes Apprenticeships, which are paid in line with National minimum wage rates for age and do not form part of the Council's pay scale structure.

The National Joint Council (NJC) pay spine applied by the Council to its grading structure, ranges from Spinal Column Point (Scp) 1, £20,258 and Scp 43 £49,590 p.a. as of 30 November 2022.

Please note that the April 2023 national pay award is still outstanding, so the annual salaries have not been uplifted since April 2022, at the time of writing.

The lowest paid grade applied to any Council post is grade Scale 1 which is paid at Scp 1 on a grade Scp 1 to scp 3, on the NJC pay spine, with annual incremental progression. These spinal column points are currently supplemented by the voluntary living wage supplement, raising the annual salary for spc's 1 and 2 to £20,461 pa. for a full time (FTE) employee, with effect from 1 December 2022. It should be noted that this uplift is not included in ratios or averages in para 15, due to the base data for these calculations being 30 November 2022.

The relationship between the rate of pay for the lowest paid and Chief Operating Officer and Chief Officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information to ensure that our pay rates are fair, affordable, and competitive in the marketplace.

15. Ratio of Salary Differences

Ratio calculation need to be based on salary point and actual remuneration. The ratio calculations are based on salaries on 30 November 2022.

The full pay spine for 2022 is detailed at Appendix A and is pending the 1 April 2023/24 national pay awards.

The lowest paid employee of the Council is someone employed on Scp 1 on the NJC pay spine within Scale 1. The average annual salary for this grade, not including the voluntary living wage supplement would be £20790.

The Chief Operating Officer and Chief Officer range of salaries (as defined in this policy) spans a minimum of local Scp 53 to 71. This provides an annual mean average Chief Officer salary of £73,194. Consequently, the Chief Officer to lowest paid salary mean

average is a ratio of 1:3.52 (or 1:3.85 when expressed as a ratio of total remuneration). This calculation is based on the salaries for Chief Operating Officer and Corporate Directors and Heads of Service only.

Using the wider definition of Chief Officer including those that could be considered Deputy Chief Officers by virtue of reporting lines would provide a grade range from Scp 29 to 71. This provides a mean average Chief Officer salary of £44,682 creating a ratio of 1:2.15 (or 1:2.33 when expressed as a ratio of total remuneration).

The highest salary paid in the Council is £100,480 p.a. This compares to a median average salary of £26,845p.a. which is a ratio of 1:3.74 (or 1:3.84 when expressed as a ratio of total remuneration). This is well within the recommendations put forward in the Hutton report, Fair Pay in the Public Sector, September 2010, which suggested no more than a ratio of 1:20.

16. Accountability and Decision Making

In accordance with the Constitution of the Council, the following Committees are responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council:

Recruitment and Dismissal of Head of Paid Service, Chief Officers, and Deputy Chief Officers - Where the Council proposes to appoint and it is not proposed that the appointment be made exclusively from among their existing officers, it will do so as outlined below:

Appointment of Head of Paid Service - The full Council must approve the appointment of the Head of Paid Service before an offer of appointment is made to him/her following the recommendation of such an appointment by the Chief Officers Committee. That Committee will include at least one member of the Cabinet.

Appointment of Chief Officers employed on JNC Terms and Conditions - The Chief Officers Committee will appoint these officers. That Committee will include at least one member of the Cabinet.

Other appointments - Appointment of officers below this level is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.

Disciplinary Action - Head of Paid Service - The full Council must approve the dismissal of the Head of the Paid Service before notice of dismissal is given to him/her, following the recommendation of such dismissal by the Investigating Committee. That Committee will include at least one member of the Cabinet.

Disciplinary Action - Dismissal of Chief Officers employed on JNC Terms and Conditions - The Investigating Committee will be responsible for the dismissal of Chief Officers employed on JNC Terms and Conditions and the Section 151 Officer and Monitoring Officer. That Committee will include at least one member of the Cabinet.

Disciplinary Action - Further Provisions – Suspension - The Head of Paid Service, Monitoring Officer, and Chief Finance Officer (Section 151 Officer) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

Other Dismissals and Disciplinary Action – The dismissal of and taking disciplinary action against Officers on NJC Terms and Conditions (other than above) must be discharged on behalf of the Council by the Head of the Paid Service or his/her nominee.

Councillors will not be involved in the dismissal of any officer below Corporate Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members.

17. Engagement of Former Chief Officers in receipt of Pensions

The Council does not have a policy which prevents former Council employees from applying for and being successfully appointed to any Council job including other Chief Officer jobs, because they are in receipt of a Public Sector or Local Government pension. Normal Recruitment and Selection processes would apply in line with the Council's Equality in Employment Policy.

However, the Council does have a mandatory 2 Year gap which must be maintained for any officer, not just Chief Officer, who exits the Council via voluntary redundancy, before they can be re-engaged. This prevents someone being re-engaged by the Council to a temporary fixed term or permanent employment, used as an Agency placement or engaged on a contract for service, for a period of 2 years from the date that they left on voluntary redundancy. This is applicable whether the former employee is in receipt of a pension. There is an exemption for specialist skills required in emergency situations, by direct approval of the Chief Operating Officer, in consultation with the portfolio holder for Human Resources, as noted above.

However, in accordance with the Small Business, Enterprise and Employment Act 2015, regulations relating to the repayment of exit payments, any public sector employees who received an annual salary of £80,000 or above, will be required to repay a tapering proportion of a 'qualifying exit payment', if they return to the public sector and are offered a post within the Council at this Salary level or above within a period of 12 months from the receipt of the original exit payment (subject to this being approved for implementation by the Government). Once this is legislation, this will be applied by the Council

18. Holiday Pay Supplement

The Council pays an additional percentage on all overtime payments, to compensate staff for any additional holiday pay they may be entitled to. This will be an amount equivalent to 7.69% (20/260) of the overtime payment. This percentage considers the number of statutory holidays (20) and typically no more than 260 working days in the year. This additional percentage for the following claimable pay elements:

- Non contractual overtime
- Shift Allowances and Shift Pay
- Call Out and Standby
- Extra Duty and Additional Hours
- Honoraria

19. Policy Review

The Pay Policy Statement will be reviewed annually or earlier if required and agreed by Council before 31 March in each year. Administrative updates, such as pay awards, will be approved via the Corporate Director for Transformation, Housing and Resources in consultation with the Portfolio holder for Human Resources.

20. Employer Pension Contribution

The Council will contribute to the Local Government Pension Scheme in 2023/24 for all its employees who are members based on a rate of 19% of their pensionable pay. Additional contributions will also be made to address the current overall deficit on the Pension Fund. The rate of contribution is set by Actuaries advising the Lancashire Pension Fund and is reviewed on a triennial basis.

21. Employee Pension Contribution

Employees who are members of the Local Government Pension Scheme pay in April 2022 the following annual contributions:

Pensionable Pay	Employee Contributions
Up to £15,000	5.5%
£15,001 to £23,600	5.8%
£23,601 to £38,300	6.5%
£38,301 to £48,500	6.8%
£48,501 to £67,900	8.5%
£67,901 to £96,200	9.9%
£96,201 to £113,400	10.5%
£113,401 to £170,100	11.4%
£170,101 or more	12.5%

Notes

- (1) The salary ratio details shown in this statement are based on the actual earnings in effect on 30 November 2022.
- (2) Total remuneration has been calculated including salary, car expense allowance, over time, extra duties allowance, shift allowance, living wage supplement, standby duty, telephone allowance, election fees and employer's pension contributions. In view of the implementation of the restructure part way through the year, remuneration ratios do not contain full year calculations.

Appendix A

WLBC Grade Bands	Grade Title	SCP	Salary from 1 April 2022	WLBC hourly rate from 1 April 2022
1	Scale 1	1	*£20,258	£10.79
		2	*£20,441	£10.89
		3	£20,812	£11.09
2	Scale 2	3	£20,812	£11.09
		4	£21,189	£11.29
3	Scale 3	5	£21,575	£11.49
		6	£21,968	£11.70
4	Scale 4	7	£22,369	£11.92
		8	£22,777	£12.13
		9	£23,194	£12.36
		11	£24,054	£12.81
5	Scale 5	12	£24,496	£13.05
		14	£25,409	£13.54
		15	£25,878	£13.79
		17	£26,845	£14.30
6	Scale 6	19	£27,852	£14.84
		20	£28,371	£15.11
		21	£28,900	£15.40
		22	£29,439	£15.68
7	SO1	23	£30,151	£16.06
		24	£31,099	£16.57
		25	£32,020	£17.06
8	SO2	26	£32,909	£17.53
		27	£33,820	£18.02
		28	£34,723	£18.50
9	PO1	29	£35,411	£18.86
		30	£36,298	£19.34
		31	£37,261	£19.85
		32	£38,296	£20.40
10	PO2	33	£39,493	£21.04
		34	£40,478	£21.56
		35	£41,496	£22.11

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		36	£42,503	£22.64
11	PO3	37	£43,516	£23.18
		38	£44,539	£23.73
		39	£45,495	£24.24
12	PO4	40	£46,549	£24.80
		41	£47,573	£25.34
		42	£48,587	£25.88
		43	£49,590	£26.42
13	SM1	44	£49,993	£26.63
		45	£50,823	£27.07
		46	£51,654	£27.52
14	SM2	47	£52,678	£28.06
		48	£54,158	£28.85
		49	£55,643	£29.64
15	SM3	50	£55,805	£29.73
		51	£57,909	£30.85
		52	£60,014	£31.97
16	WLe	53	£60,570	£32.27
		54	£60,901	£32.44
		55	£61,458	£32.74
17	WLd	56	£65,726	£35.01
		57	£66,281	£35.31
		58	£66,835	£35.60
18	WLc	61	£79,371	£42.28
19	WLb	62	£87,117	£46.41
20	WLa	71	£100,480	£53.53

***Voluntary Living Wage Supplement brings this annual salary level to £20,461
Salaries shown above have the April 2023 Pay Award pending.**

Officer Employment Procedure Rules

(Chief Operating Officer and Corporate Directors only and in limited circumstances the Legal and Democratic Services Manager and Head of Finance, Procurement and Commercial Services).

1. Recruitment and appointment**(a) Declarations**

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No councillor will seek support for any person for any appointment with the Council. This shall not preclude a councillor from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

2. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

Where the Council proposes to appoint a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

- i) the duties of the officer concerned; and
- ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and**(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.**

3. **Appointment of Head of Paid Service**

- (a) The Council must approve the appointment of the Head of Paid Service before an offer of appointment is made following the recommendation of such an appointment by the Chief Officers Committee. That Committee will include at least one member of the Cabinet.
- (b) The Council may only make an offer of appointment as the Head of Paid Service where
 - (i) the Chief Officers Committee has notified the Proper Officer of the name of the person the Committee wishes to appoint together with any other particulars which the Committee considers are relevant to the appointment.
 - (ii) the Proper Officer has notified every member of the Cabinet of the name of the person and any other particulars relevant to the appointment which the Committee has notified to the Proper Officer and
 - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
 - (1) the Leader of the Cabinet has within the period of 5 working days referred to in (iii) above notified Council that neither he nor any other member of the Cabinet has any objection to the appointment or;
 - (2) the Proper Officer has notified Council that no objection was received by him/her within the period of 5 working days from the Leader of the Cabinet or
 - (3) Council is satisfied that any objection received from the Leader of the Cabinet within the period of 5 working days is not material or is not well-founded.

4. **Appointment of Chief Officers and Deputy Chief Officers**

- (a) The Chief Officers Committee will appoint chief officers and deputy chief officers. That Committee will include at least one member of the Cabinet.
- (b) The Chief Officers Committee may only make an offer of appointment of chief officer or deputy chief officer where:-
 - (i) the Chief Officers Committee has notified the Proper Officer of the name of the person the Committee wishes to appoint together with any other particulars which the Committee considers are relevant to the appointment.

- (ii) the Proper Officer has notified every member of the Cabinet of the name of the person together with any other particulars relevant to the appointment which the Committee has notified to the Proper Officer.
- (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either:-
 - (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Committee that neither he nor any other member of the Cabinet has any objection to the appointment
 - (2) the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council or
 - (3) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well founded.

5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer**

- (a) The Council must approve the dismissal of the Head of the Paid Service, Monitoring Officer and Chief Finance Officer before notice of dismissal is given to him/her, following the recommendation of such dismissal by the Investigating Committee. (That Committee will include at least one member of the Cabinet) and consideration by Council of:-
 - (i) any advice, views or recommendations from the Independent Panel
 - (ii) the conclusions of any investigation into the proposed dismissal and
 - (iii) any representations from the relevant officer.
- (b) The Council may only decide that notice of dismissal be given to the Head of the Paid Service, Monitoring Officer or Chief Finance Officer where:-
 - (i) the Investigating Committee has notified the proper officer of the recommendation to dismiss the Head of the Paid Service, Monitoring Officer or Chief Finance Officer together with any other particulars the Committee considers are relevant to the dismissal

-
- (ii) the Proper Officer has notified every member of the Cabinet of the recommendation to dismiss the Head of the Paid Service, Monitoring Officer or Chief Finance Officer and any other particulars relevant to the recommendation to dismiss which the Committee has notified to the Proper Officer and
 - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
- (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified full Council that neither he nor any member of the Cabinet has any objection to the dismissal,
 - (2) the Proper Officer has notified Council that no objection was received by him or her within the period of 5 working days from the Leader of the Council or
 - (3) Council is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well founded.
- 7. Disciplinary action - Dismissal of Chief Officers and Deputy Chief Officers other than Head of Paid Service, Monitoring Officer or Chief Finance Officer**
- (a) The Investigating Committee will be responsible for the dismissal of Chief Officers and Deputy Chief Officers. That Committee will include at least one member of the Cabinet.
 - (b) The Investigating Committee may only decide that notice of dismissal be given to a chief officer or deputy officer where:-
 - (i) the Investigating Committee has notified the Proper Officer of the name of the Chief Officer or Deputy Chief Officer it wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal
 - (ii) the Proper Officer has notified every member of the Cabinet of the name of the Chief Officer or Deputy Chief Officer the Committee wishes to dismiss and any other particulars relevant to the dismissal which the Committee has notified to the proper officer, and
 - (iii) the period of 5 working days has elapsed since the notification referred to in (ii) above and either
- (1) the Leader of the Council has within the period of 5 working days referred to in (iii) above notified the Committee that neither he nor any other member of the Cabinet has any objection to the dismissal.
 - (2) the Proper Officer has notified the Committee that no objection was received by him/her within the period of 5 working days from the Leader of the Council or
-

- (3) the Committee is satisfied that any objection received from the Leader of the Council within the period of 5 working days is not material or is not well-founded.

8. **Disciplinary action - Further Provisions**

Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

9. **Other Dismissals and Disciplinary Action**

- (a) Officers below Deputy Chief Officers:- the dismissal of and taking disciplinary action against officers below deputy chief officer (other than assistants to political groups) must be discharged on behalf of the Council by the head of the paid service or his/her nominee.
- (b) Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members.
- (c) Assistants to Political Groups - the dismissal of an assistant to a political group shall be made by that political group.

10. **Definitions**

For the purpose of these Rules

- (a) Chief Officer is either a statutory or non-statutory chief officer as defined in Section 2(6) and (7) of the Local Government and Housing Act 1989 and a Deputy Chief Officer is as defined in Section 2(8) of that Act, in practice at West Lancashire Borough Council this means the posts of Chief Operating Officer and Corporate Directors, and in limited circumstances the Legal and Democratic Services Manager and Head of Finance, Procurement and Commercial Services.
- (b) the Proper Officer is the Chief Operating Officer or where disciplinary action is being taken against him/her a Corporate Director.

PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO SPEAK AT THE PLANNING COMMITTEE ON PLANNING APPLICATIONS THAT MIGHT AFFECT THEM

The Council wants to improve the opportunity given to people in West Lancashire to have their say about planning applications that affect them.

Writing in with your comments is still the most effective way of ensuring that your views are known and that they are considered before a decision is taken. The Council have decided that people should also have the opportunity to reinforce their views by talking to the Councillors who make the decision at Planning Committee. This leaflet tells you how to go about it.

1. Development Management - what it is and why we need it

Development Management is a way of facilitating building or other work that affects the environment. In this way we can make sure that developments are suitable for the location they are in.

The Council deals with most planning applications, but there are some - usually those involving quarrying and waste treatment and disposal, or for County Council buildings - that the County Council handles.

We have a Committee of 18 Councillors who meet approximately once a month at the Council Offices in Ormskirk to look at planning applications. Meetings commence at 7.00 p.m.

The Planning Committee do not consider all applications – only those of wider public interest.

2. How can I have my say on Planning Applications that affect me?

(a) Writing to us

Any comments you wish to make should be sent by e-mail to plan.apps@westlancs.gov.uk or can be made online at www.westlancs.gov.uk or you can write to the Corporate Director of Place and Community, Council Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF or e mail us on

(b) Informing your Borough Councillor

You may also wish to inform your Borough Councillor.

(c) Speaking at Committee

In those cases where applications are to be considered by the Planning Committee and if you fall into one of the 3 categories of persons listed at paragraph 3 below you may also request to speak to the Committee at the relevant meeting

You will firstly need to find out whether or not the application on which you wish to speak is to be considered by the Planning Committee. You can do this by ringing the Planning Division on 01695 585115.

You will need to give at least 3 working days' notice prior to the day of the Committee meeting that you want to address the Committee (i.e. by 5pm on the Monday of the week of the Committee meeting) (contact details are at the end of this leaflet). Please also give a brief outline of the points you wish to make. A pro-forma is available for your assistance.

3. Who can speak at meetings - and what can I say?

The people who can request to speak at meetings are:

- anyone who has written objecting to the planning application and who has been consulted under the neighbour notification process by the Council, or his/her representative;

Note: Consultees/Organisations that have been formally consulted on the application will not be invited to speak, as their views will be set out clearly in the Committee reports.

- the Clerk to a Parish Council, or his/her representative where the Clerk is unavailable, to express the view of the Parish Council;
- the applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.

Note: The minimum age for people to address the Committee under this procedure is 16 years.

If there is more than one speaker in any category then the Chairman of the Committee will decide how many can speak. This will be done the day before the meeting and the Member Services Officer will notify you of the Chairman's decision. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf.

Each person will be limited to three minutes. This may not seem very long, but the Chairman has to get through the whole Agenda and give

everyone a fair hearing. Speakers should not circulate any supporting documentation at the Committee meeting.

What you say must be relevant to the planning application only - nothing damaging or personal. You are asked to avoid duplicating points made by other speakers. You should address the meeting, please do not enter into a debate with Councillors.

4. What will happen at the meeting?

If you feel nervous or uncomfortable at speaking in public, then you can ask someone else to do it for you. You can also bring an interpreter if you need one.

When you get to the meeting, the Member Services Officer will show you where to sit and let you know when you will be able to speak. There may be others speaking as well. After you have spoken the Committee may ask you questions and may discuss what you have said along with all other information, and make a decision.

5. General Information

- If you have made a written objection to a planning application after receiving notification under the Neighbour Notification Procedure, and if the application is to be considered by the Planning Committee, we will write and tell you when it is likely to go before the Committee. You can go to the Council's Website www.westlancs.gov.uk and look at the Committee Agenda. This will be available five working days before the Committee sits.
- The Committee may postpone a decision to gather more information or make a site visit. No decision is taken at site visits - they are purely to help Councillors understand the issues better. If the Committee postpones a decision, you will not be allowed to address the meeting again, or address Members at their site visit, but your views will still be considered.
- In some cases planning applications are withdrawn from the Agenda on the day of the meeting. We will try to notify you as soon as possible if this happens.
- After a decision has been made the Council's website will be updated and we will write to those who contacted us about the application and requested notification of that decision. If we have turned down a development, the applicant can appeal against our decision. If this happens, we will tell you how you can make your view known at the

appeal. If we grant planning permission, there is no right of appeal for objectors.

6. Who to contact

If you wish to request to speak to the Committee about an application, (see paragraph 3), Member Services will help you with arranging this. Don't forget you need at least 3 working days' notice. Please contact:-

Member Services, West Lancashire Borough Council, Council Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF

Telephone: 01695 585017

E Mail: memberservices@westlancs.gov.uk

PUBLIC SPEAKING/WRITTEN REPRESENTATIONS - PROTOCOL**(For meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee)****1.0 Public Speaking**

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 A Parish Council Representative may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.

2.0 Written Representations

- 2.1 Residents of West Lancashire may submit written representations, which will be considered by the relevant body if the Resident is unable to attend for any reason.
- 2.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

3.0 Deadline for submission

- 3.1 The prescribed form should be received by Member Services by 10.00 am on the Friday of the week preceding the meeting. This can be submitted by e-mail to member.services@westlancs.gov.uk or by sending to:

Member Services
West Lancashire Borough Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

- 3.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the resident (and representative) and details of the issue to be raised will be published.

- 3.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

4.0 Scope

- 4.1 Any matters raised must be relevant to an item on the agenda for the meeting.
- 4.2 The Legal and Democratic Services Manager may reject a submission if it:
- (i) is defamatory, frivolous or offensive;
 - (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
 - (iii) discloses or requires the disclosure of confidential or exempt information.

5.0 Number of items

- 5.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 5.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, Member Services will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:
- a. The order in which forms were received.
 - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
 - c. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

- 5.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

6.0 At the Meeting

- 6.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite the speakers to make their representations. Speakers will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 6.2 Members may discuss what the speaker/s have said along with any other information/representations submitted under the protocol, when all public speakers on that item have finished and will then make a decision. Speakers

should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.

- 6.3 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, including a Parish or Borough Councillor representative. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.
- 6.4 A Borough Councillor is able to speak on behalf of a resident (without the need for the resident to be in attendance), if requested to do so. However, that Councillor must not be a member of the body considering the item.
- 6.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)



REQUEST FOR PUBLIC SPEAKING/REPRESENTATIONS AT MEETINGS

MEETING & DATE

NAME

ADDRESS

Post Code

PHONE

Email

Please indicate if you will be in attendance at the meeting

<p>YES/NO*</p> <p>*delete as applicable</p>
--

Please indicate if someone will be speaking on your behalf at the meeting.

<p>YES/NO*</p> <p>*delete as applicable</p>
--

If someone is speaking on your behalf please provide their correct details:

NAME

PHONE

Email

Note: This page will not be published.

(P.T.O.)

**West Lancashire Borough Council - Constitution
Part 5 - Codes and Protocols – Approved 23/02/2022****WEST LANCASHIRE BOROUGH COUNCIL, PARISH AND
TOWN COUNCILS****MEMBERS' CODE OF CONDUCT**

1. You are a Member, Co-opted Member or Parish or Town Councillor (where this Code of Conduct (the Code) has been adopted by a Parish or Town Council within the Borough of West Lancashire) hence you shall have regard to the principles set out in this Code and the attached Annex.
2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member and/or Parish or Town Councillor (where applicable).
3. Where you act as a representative of the Council on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or on any other body, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Definitions

4. For the purposes of this Code, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
 - a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authorityand who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".
5. If this Code is adopted by a Parish Council or Town Council within the borough of West Lancashire any reference to "Councillor" and/or "Member" also includes any Parish or Town Councillor.
6. For the purposes of this Code, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities

7. For the purposes of this code the Monitoring Officer means the person appointed by West Lancashire Borough Council (the Council) under section 5 of the Local Government and Housing Act 1989. Contact details can be found on the Council's website.

The Monitoring Officer has three main roles:

- To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.
- To be responsible for matters relating to the conduct of Councillors (including Parish and Town Councillors where the Code is adopted by a Parish or Town Council within the Borough) and officers; and
- To be responsible for the operation of the Council's Constitution.

Purpose of the Code of Conduct

8. The purpose of this Code is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association (LGA) encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

9. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see Annex 1 below).
10. Building on these principles, the following general principles have been developed specifically for the role of councillor.
11. In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
12. In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

13. This Code applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
14. This Code applies to you when you are acting in your capacity as a councillor which may include when:
 - you misuse your position as a councillor
 - your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
15. The Code applies to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication
 - in electronic and social media communication, posts, statements and comments.
16. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.
17. Your Monitoring Officer has statutory responsibility for the implementation of the Code, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code. Town and Parish councillors are encouraged to initially seek advice from their Clerk, who may refer matters to the Monitoring Officer. If appropriate, the Monitoring Officer can be contacted directly.

Part 1 - Standards of Councillor Conduct

1. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Obligations under the Code of Conduct

A. Respect

2. As a councillor:

2.1 I treat other councillors and members of the public with respect.

2.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

3. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
4. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
5. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Code, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

B. Bullying, harassment and discrimination

6. As a councillor:

6.1 I do not bully any person.

6.2 I do not harass any person.

6.3 I promote equalities and do not discriminate unlawfully against any person.

7. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

8. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
9. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
10. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

C. Impartiality of officers of the council

11. As a councillor:

11.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

12. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

D. Confidentiality and access to information

13. As a councillor:

13.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to believe, is of a confidential nature, unless:
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:

- 1. reasonable and in the public interest; and**
- 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
- 3. I have consulted the Monitoring Officer prior to its release.**

13.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

13.3 I do not prevent anyone from getting information that they are entitled to bylaw.

14. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

E. Disrepute

- 15. As a councillor:**

15.1 I do not bring my role or local authority into disrepute.

16. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.
17. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code.

F. Misuse of position

- 18. As a councillor:**

18.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

19. Your position as a Councillor of the local authority/parish or Town council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

G. Use of local authority, Town or Parish Council resources and facilities

- 20. As a councillor:**

20.1 I do not misuse council resources.

20.2 I will, when using the resources of the local authority or authorising their use by others:

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

21. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

22. These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

H. Complying with the Code of Conduct

- 23. As a Councillor:**

23.1 I undertake Code of Conduct training provided by my local authority.

- 23.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 23.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 23.4 I comply with any sanction imposed on me following a finding that I have breached the Code.**
24. It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

I. Obligations

25. As a Councillor:

- 25.1 I act in accordance with all legal obligations, alongside any requirements contained within the Council's, Parish Council's or Town Council's policies, protocols and procedures.**
- 25.2 I have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (as amended)**
- 25.3 When reaching decisions on any matter I will have regard to any relevant advice provided to me by the Council's Chief Finance Officer; or Monitoring Officer where that officer is acting pursuant to his or her statutory duties.**
- 25.4 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by my authority.**

Protecting your reputation and the reputation of the local authority

J. Interests

26. As a councillor:

- 26.1 I register and disclose my interests. – See Part 2 below**
27. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

28. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
29. You should note that failure to register or disclose a disclosable pecuniary interest (see below) is a criminal offence under the Localism Act 2011.
30. Part 2 sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer

K. Gifts and hospitality

31. As a councillor:

- 31.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
 - 31.2 I register in writing with the Monitoring Officer any gift or hospitality you have received as a Councillor with an estimated value of at least £100 within 28 days of its receipt.**
 - 31.3 I register in writing with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**
32. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality.
 33. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. The Monitoring Officer will place your notification on a public register of gifts and hospitality

34. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.
 35. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose
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Part 2 – Registering Interests

1. You must, within 28 days of your election or appointment to office as a Councillor or co-opted member notify the Council's monitoring officer of any disclosable pecuniary interests you have (see paragraph 7 below)
2. You must, notify the Council's monitoring officer within 28 days of becoming aware of any changes to a disclosable pecuniary interest previously notified or of any new disclosable pecuniary interest not previously notified.
3. If a disclosable pecuniary interest, has not been entered onto the Council's register, then the Councillor or co-opted member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable pecuniary interest and where the matter is not a 'sensitive interest' *described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.*
4. Following disclosure of a disclosable pecuniary interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
5. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest.

It is a criminal offence to

- *Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election*
 - *Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register*
 - *Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting*
 - *Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest*
 - *As an executive member discharging a function acting alone and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.*
 - *Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.*
6. The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5
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years. Council Procedure Rules require you to leave the room where the meeting is held whilst any discussion or voting takes place.

Registering and declaring disclosable pecuniary interests

Definitions

7. **Disclosable pecuniary interest** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the <u>Trade Union and Labour Relations (Consolidation) Act 1992</u> .
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant

person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

“relevant person” means M or M’s spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Meeting means any meeting of the Council, the Cabinet, any of the Council’s or Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees.

Registering and Declaring Interests other than Disclosable Pecuniary Interests (Pecuniary and Non-Pecuniary Interests)

Registering Interests

8 You must, within 28 days of your election or appointment to office as a member or co-opted member notify the Monitoring Officer in writing of your non-pecuniary interests where they fall within the following descriptions, for inclusion in the register of interests:

(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

(iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

9. You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph 8. notify the Monitoring Officer in writing of the details of that new interest or change.

10. Declaring interests

- 10.1 (1) Where you have a non-pecuniary interest described in paragraph 8 above or in 10.(2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest, and you attend a meeting of the Council at which the business which related to or is likely to affect that non-pecuniary interest is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) You have a non-pecuniary interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

connected person means (a) a member of your family or any person with whom you have a close association; or (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or (d) any body of a type described in paragraph 8(i) or (ii).

(3) Where you have a non-pecuniary interest in any business of your authority which relates to or is likely to affect a person described in 8(i) or 8(ii)(a), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(4) Where you have a non-pecuniary interest but, by virtue of 10.3 (below), sensitive information relating to it is not registered in the Council's register of members' interests, you must indicate to the meeting that you have a non-pecuniary interest, but need not disclose the sensitive information to the meeting.

(5) Where you have a non-pecuniary interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

10.2 Register of interests

Any interests notified to the Monitoring Officer as above will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

10.3 Sensitive interests

Where you consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the

register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

10.4 Non participation in case of pecuniary interest

(1) Where you have a non-pecuniary interest in any business of your authority that interest will become a pecuniary interest where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business (a) affects your financial position or the financial position of a person or body described in 8, 9 or 10(2); or (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in 8, 9 or 10(2).

(2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority (a) you may not participate in any discussion of the matter at the meeting (b) you may not participate in any vote taken on the matter at the meeting and (c) you must disclose the interest to the meeting.

In addition, Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

(3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

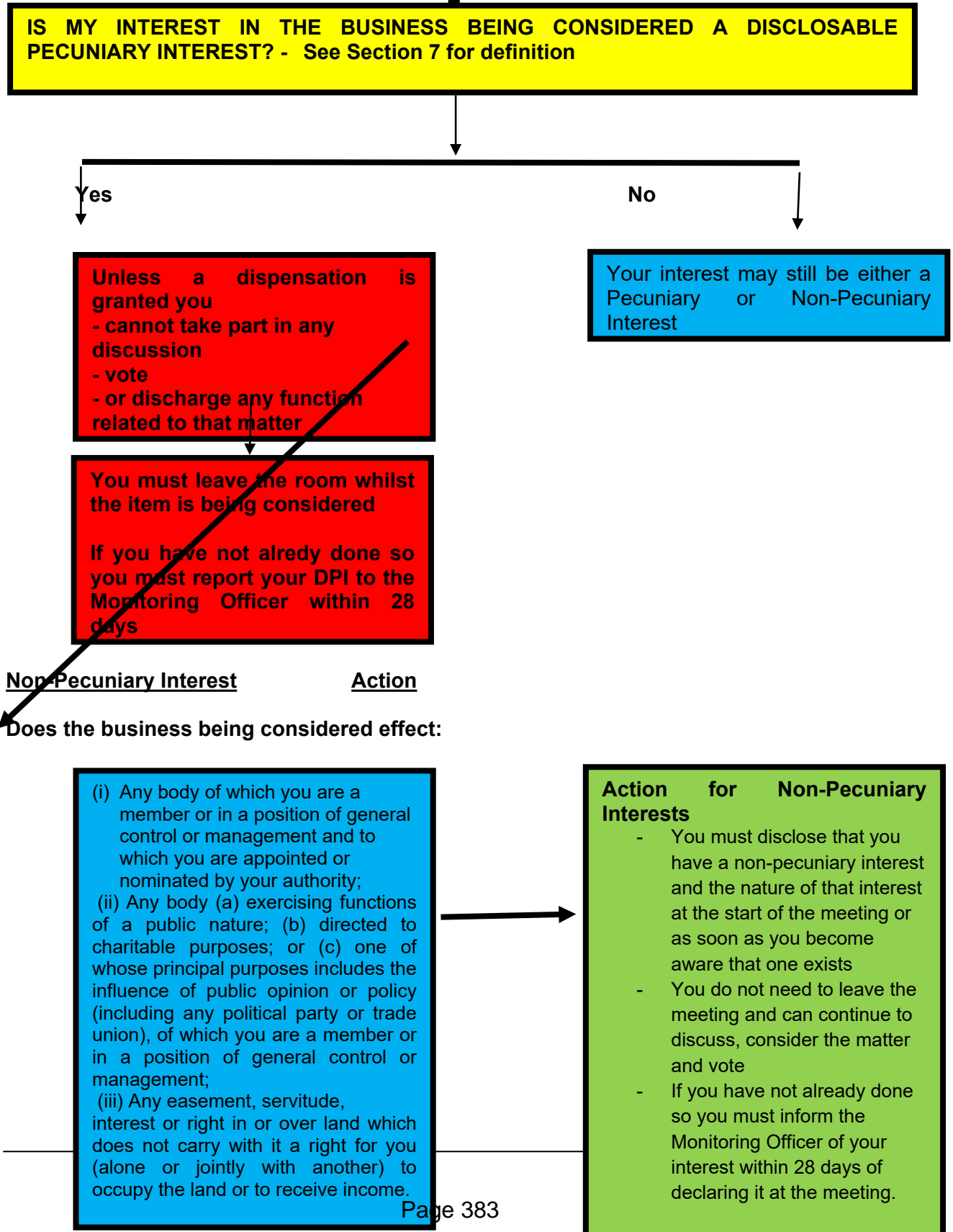
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer in writing of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

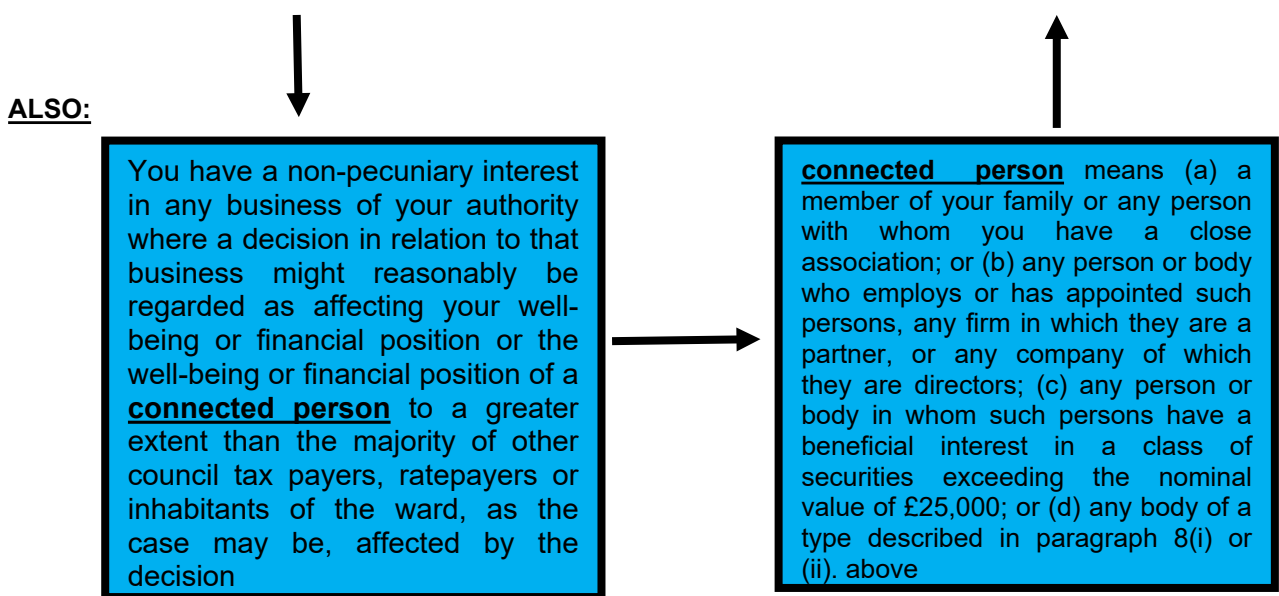
10.5 **Interests arising in relation to overview and scrutiny committees**

In any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

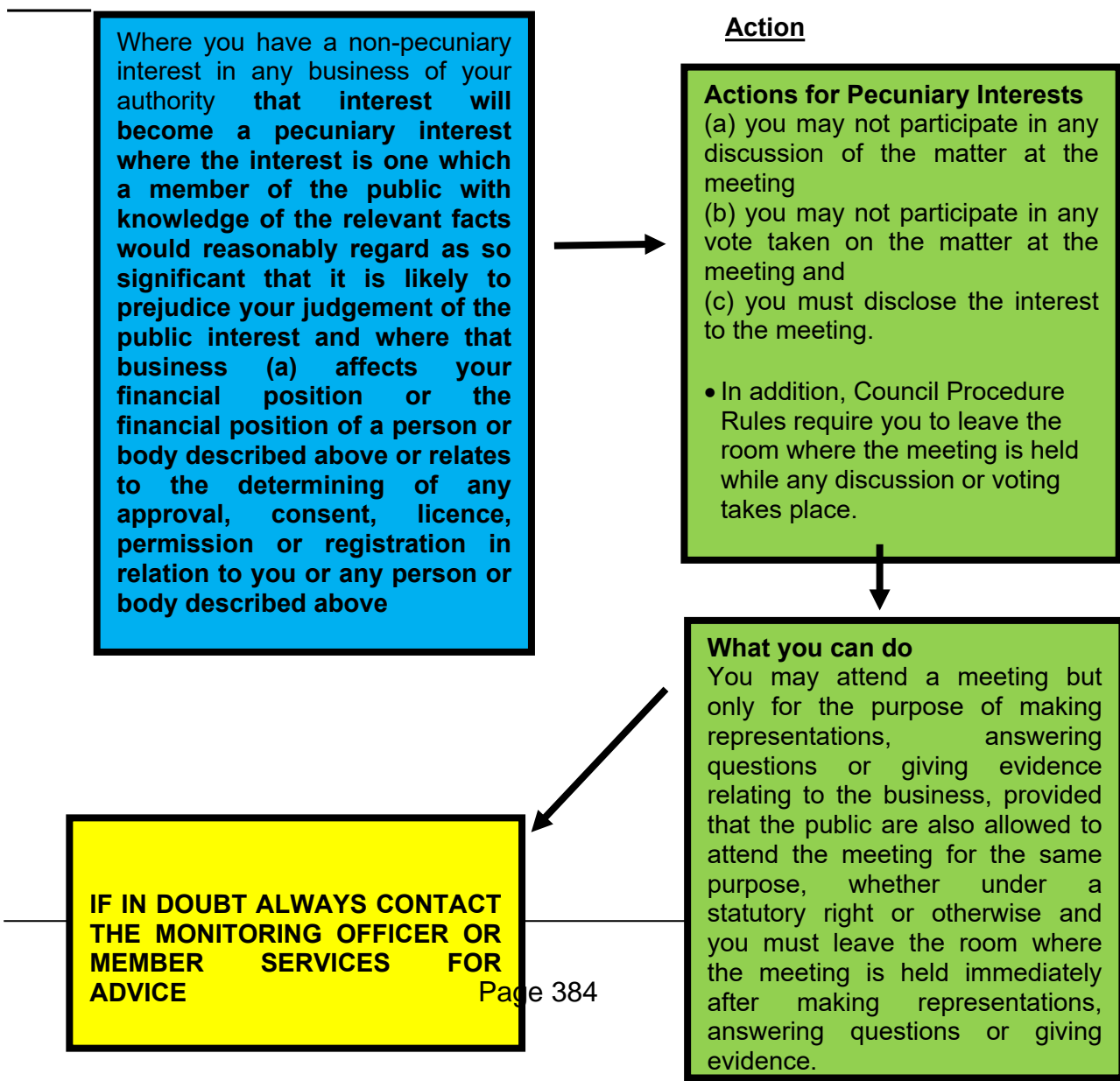
INTERESTS – FLOWCHART

All interests have to be disclosed to the Monitoring Officer within 28 days of becoming a Member or Co-opted Member or becoming aware of the interest





WHEN DOES A NON-PECUNIARY INTEREST BECOME A PECUNIARY INTEREST?



ANNEX 1**NOLAN PRINCIPLES****Selflessness**

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Revision Date : 23/2/27

Protocol on Member/Officer Relations

1. Introduction

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.2 This protocol is to a large extent no more than a written down statement of current practice and convenience. In some respects however, it seeks to promote greater clarity and certainty. This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.3 Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the Direction and control of the Council, their committees or sub-committees.
- 1.4 Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers. In line with the reference to "mutual respect", it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 It is particularly important to recognise that officers giving advice to a Cabinet, a formal committee or Council meeting are constrained in their ability to respond to any behaviour amounting to a personal attack or unnecessarily persistent questioning on the part of a member. It is unacceptable for a member to pursue a course of conduct which places an officer in this position. It is important to remember that officers are under a clear duty to give appropriate advice to members, even where they suspect it might be unpalatable. Officers should not be placed in a position where they are tempted to suppress their professional advice for fear of a member's response. Accordingly, if any member is unhappy with the advice received from an officer they should not persist in raising the matter at the meeting but should register their concern and intention to raise the issue with the appropriate Corporate Director, Head of Service or the Chief Operating Officer at a later time.

- 1.6 The Chairman of the meeting should be very much aware of the need to ensure an officer is not subjected to undue criticism whilst giving advice to elected members and should intervene to prevent such a situation from continuing. If necessary, the Chairman should report the appropriate matter to the Council's Leader following the meeting, so the matter can be referred to and dealt with by the appropriate party leader. A written response should be made to the officer concerned, indicating the outcome of any referral.
- 1.7 This Protocol has no direct function in regulating comments which members may wish to make in private, including in conversation with senior and chief officers. However, members must draw the line in an appropriate place and realise that issues of a serious nature should be raised on a formal basis in the manner discussed in Paragraph 1.6 above.

2. Officer advice to party groups

- 2.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, but will only do so with the prior agreement of the Chief Operating Officer.
- 2.2 The support provided by officers can take many forms, ranging from a briefing meeting with a single member prior to a meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 2.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:-
- (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on matters of *party* business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
 - (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - (c) similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, Cabinet, relevant committee or sub-committee when the matter in question is considered.

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- 2.4 It is inappropriate for officers to be involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers are not able to provide the appropriate level of information and advice.
 - 2.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
 - 2.6 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Operating Officer who will determine them after discussion with the relevant group leader(s).
 - 2.7 Whether or not an employee is in a politically restricted post the need to maintain political impartiality and to serve the needs of the Council as a whole is paramount. Employees should recognise this as essential and should treat all members with appropriate regard, courtesy and respect, irrespective of the member's political affiliation. It is important that both parties recognise the fundamental need for political neutrality on the part of officers, and as result it is imperative that an officer does not find himself in a situation where he is being drawn into a political dispute between members of different political groups or within a political group.

3. Support services to members and party groups

- 3.1 The only basis on which the Council can lawfully provide support services (eg stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

4. Members' access to information and to Council documents

- 4.1 Members are free to approach the Chief Operating Officer, any Corporate Director or Head of Service to provide them with such information, explanation and advice (about a Services' functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a Services' activities to a request for specific information on behalf of a constituent.
- 4.2 As regards the legal rights of members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 4.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Cabinet, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the Cabinet, committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also

to any relevant background papers. This right to inspect does not however apply to certain items which contain exempt information (pink papers) ie exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations nor does the right apply to background documents which contain exempt information.

- 4.4 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the “need to know” principle.
- 4.5 The exercise of this common law right depends therefore upon the member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the Chief Operating Officer, Corporate Director or Head of Service who holds the document in question (with advice from the Legal and Democratic Services Manager). In the event of dispute, the question falls to be determined by the relevant body, i.e. the Council, Cabinet or committee in connection with whose functions the document is held.
- 4.6 In some circumstances (eg a committee member wishing to inspect documents relating to the functions of that committee) a member’s “need to know” will normally be presumed. In other circumstances (eg a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
- 4.7 Whilst the term “Council document” is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a member of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 4.8 Further and more detailed advice regarding members’ rights to inspect Council documents may be obtained from the Legal and Democratic Services Manager.
- 4.9 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member’s duties as a member of the Council. This point is emphasised in the Code of Conduct As a councillor or a cabinet or committee or sub-committee member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the council or anyone else.
- 4.10 The relevant Procedural Rules confer rights on members to attend meetings and sometimes to speak and vote where they are not members of the body in

question. Members should ensure from the seating arrangements that their position is clear and that they comply with any appropriate restrictions.

5. Officer/Chairman or Portfolio Holder relationships

- 5.1 It is clearly important that there should be a close working relationship between the Chairman of a committee/Portfolio Holder and the chief officer and other senior officers of any Service which reports to that committee/Portfolio Holder. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups.
- 5.2 Whilst these members may be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Head of Service will be under a duty to submit a report on a particular matter. Similarly, Corporate Director or Head of Service will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chairman/Portfolio Holder and a Corporate Director or Head of Service in this area should be referred to the Chief Operating Officer for resolution in conjunction with the Leader of the Council.
- 5.3 In relation to action between meetings, it is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken by a committee, a sub committee or an officer. In relation to Executive functions the law does now allow for such decisions to be taken by the Leader or Portfolio Holder, in relation to other functions it does not allow decisions to be taken by a Chairman or other single member. In accordance with Constitution 4.2 "Proper Officer Provisions and Scheme of Delegation to Chief Officers etc" and 4.3 "Scheme of Delegation to Cabinet and Portfolio Holders" decisions/action can be taken between meetings.
- 5.4 Where named officers are authorised to take action in consultation with the Chairman or Portfolio Holder, it is the officer, rather than the Chairman/Portfolio Holder, who takes the action and it is the officer who is accountable for it.
- 5.5 Finally, it must be remembered that officers within a Directorate/Service are accountable to their Corporate Director/Head of Service and that whilst officers should always seek to assist a Chairman/Portfolio Holder (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Corporate Director/Head of Service.

6. Correspondence

- 6.1 Correspondence between an individual member and an officer may be copied (by the officer) to any other member.
- 6.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (eg representations to a Government Minister) for a letter to appear in the name of a member, but this should be the exception rather than the norm. Letters which for example, create obligations or

give instructions on behalf of the Council should never be sent out in the name of a member.

7. Involvement of ward councillors

- 7.1 Whenever a public meeting is organised by the Council, Cabinet or committee to consider a local issue, all the members representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.
- 7.2 Officers will not be obliged to attend public meetings called by individual councillors.

8. Spouses/partners

- 8.1 Whilst paragraph 4.1 of the Officers "Code of Conduct" (Constitution 17.1) and paragraph 1.4 above, states or infers that close personal familiarity between individual councillors and officers should be avoided, this is not intended to be an absolute bar on the spouses or partners of councillors being employed by the Council. In those circumstances the Codes will be interpreted as complied with provided councillors do not have any portfolio responsibility for the area of work of the partner or spouse.

9. Arbitration

- 9.1 The Protocol is intended to act as a guide for both members and officers. Should any difficulties arise they should in the first instance be raised with the relevant Corporate Director who can then discuss the matter with the officer(s) and/or member(s) concerned. The Chief Operating Officer should then consider any continuing difficulties.

10. Contributions to Journals/Publications by Officers

- 10.1 The agreement of the Chief Operating Officer and the relevant Portfolio Holder should be sought to the submission by Officers (in their professional capacity) of Articles for Journals/Publications etc.
- 10.2 Advance notification of submission of such Articles should be given to the relevant Shadow Portfolio Holder.

10.1 Review of Protocol

- 10.1 The Protocol is intended to provide members and officers with guidelines to determine their roles and their relations with each other.
- 10.2 It is intended to be a "live" document and will be reviewed from time to time to reflect changing circumstances.

10.3 Members or officers with queries about this protocol should contact the Chief Operating Officer or Legal and Democratic Services Manager.

PLANNING CODE OF GOOD PRACTICE

Background

The Members' Planning Code of Good Practice is derived from an existing national model code recently revised by Lawyers in Local Government (LLG), in order to promote best practice in the planning process.

The drafting of the original model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Association, the local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

The Code takes into account the changes to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013. For further reading please refer to 'Probity in Planning' issued by the Local Government Association.

Introduction

The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.** You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with, namely the rules on Disclosable Pecuniary Interests, Pecuniary Interests, Non-Pecuniary Interests and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of development management. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Interests under the Members' Code of Conduct

- **Do** disclose the existence and nature of your interest as required by the Members' Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that

*"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have an interest under the Members' Code of Conduct, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have an interest.

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- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest (for instance if you are an applicant for planning permission) or other personal conflict of interest and note that:
 - you should send the notification no later than submission of an application where you can;
 - where an application has been submitted by you, your spouse, or by a member of your close family it will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable that you consider the appointment of an agent to act on your behalf in respect of the proposal when dealing with officers and in circumstances where you are eligible to address Committee under the Council's public speaking rules in the same way that an ordinary member of the public would.

3. **Fettering Discretion in the Planning Process** (natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
 - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take into account material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations,

- **Do** be aware that you may be perceived to be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of, for example, both Cabinet and Planning Committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal at Planning Committee where you are also a member of a consultee body (for instance where you are a member of a parish council) provided:
 - you do not have a disclosable pecuniary interest, or pecuniary interest in the proposal (which may arise for instance in circumstances where an application is made by the consultee body itself) and
 - you made it clear at the consultee stage (in circumstances where you chose to comment on the proposal, for instance at a Parish Council meeting), that:
 - your views are expressed on the limited information before you only and these views do not commit yourself as to how you or others may vote when the proposal comes before Planning Committee;
 - you reserve judgement and the independence to make up your own mind on the proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning Committee and you hear all of the relevant information; and
 - you inform the Planning Committee, during its consideration of the proposal, of any prior involvement by you at the consultee stage
- **Do** consider yourself able to take part in the debate on a proposal at Planning Committee where the Council is a consultee on a matter to be determined by another body in circumstances where you serve on the decision making committee of that other body (for instance where the proposal relates to a planning matter to be determined by the County Council and you serve on both the Planning Committee and the County Council's Development Control Committee) provided:
 - you do not have a disclosable pecuniary interest, or pecuniary interest in the proposal
 - you make it clear to Planning Committee that
 - your views are expressed on the information before you and these views do not commit yourself as to how you or others may vote when the proposal comes before you for consideration by the decision making body;

- you reserve judgement and the independence to make up your own mind on the proposal, based on your overriding duty to the whole community served by the decision making body as and when the proposal comes before that body and you hear all of the relevant information; and
- you inform the decision making body, during its consideration of the proposal, of any prior involvement by you at the consultee stage”
- **Do** alternatively explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** consider taking the opportunity where you have fettered your discretion but do not have a disclosable pecuniary interest, pecuniary interest or other personal conflict of interest to exercise any separate speaking rights as a Ward Member that you may have, in accordance with the Regulatory Committee Procedure Rules.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting requests from applicants, developers or groups of objectors. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that meeting yourself but should request the Corporate Director of Place and Community to organise it. Planning officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
 - follow the rules in paragraph 5 on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted with a meeting request; and
 - report to the Corporate Director of Place and Community any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of public presentations by applicants/developers:

- **Do** attend formal planning presentations by applicants/developers where you feel that this will assist you in understanding planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application.
- **Do** be aware that a presentation is a form of lobbying. You must take great care when expressing any views on the merits or otherwise of the proposal presented not to fetter, or give the appearance of fettering, your discretion on any subsequent application.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. (An offer of hospitality of a bare minimum, such as a tea or coffee may be accepted where this is appropriate in the circumstances of the engagement).
- **Do** copy or pass on any lobbying correspondence you receive to the Corporate Director of Place and Community at the earliest opportunity.
- **Do** promptly refer to the Corporate Director of Place and Community any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties;

- making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a Ward Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals unless you notify the Corporate Director of Place and Community of your involvement in the organisation and are prepared to step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but do consider whether you should seek to disclose your membership to aid transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee

- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Corporate Director of Place and Community about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Corporate Director of Place and Community, which may be incorporated into any committee report).
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation that you set out your planning reasons in writing. This will then be referred to in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** ensure you have sound planning reasons for a request to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. Where you propose a decision contrary to officers' advice you should state clearly and precisely your reason(s) specifying all matters, policies and proposals relevant to your reason(s) including why you disagree with the reasoning in the officer's report which led to that recommendation. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** ensure that you co-operate with the following procedures:

Where a motion is to be put to a meeting, which if successful would result in the overturning of the recommendation of the Corporate Director of Place and Community, with regard to the determination of an application, the Chairman will ensure the following steps have been taken before putting the motion to the vote:

1. Officers have been given the opportunity to explain the reasons why the application has been recommended for refusal/approval.
2. That the motion includes:
 - a) A summary of the reasons why the mover of the motion considers the application should be approved/refused ideally by reference to

the Development Plan, local and national planning policies (including the NPPF) and all other relevant material planning considerations.

- b) Where necessary, a summary of the reasons why the mover of the motion disagrees with the reasoning in the officer report which led to the recommendation, ensuring, where appropriate, all relevant policy tests are considered.
 - c) Where the motion is to approve - appropriate delegation to the Corporate Director of Place and Community (in consultation with the Chairman or Vice Chairman) in order to ensure that appropriate planning conditions can be drawn up and/or a section 106 planning obligation is entered into (or other matters dealt with) prior to approval.
3. That the motion has been recorded by the Member Services Officer in writing and subsequently read out so members of the Committee and all relevant parties (including members of the public present) are clear as to what has been proposed.

11. Training

- **Do** make every effort to attend the planning training sessions provided by the Council.
- **Do** endeavour to attend any other relevant training sessions provided by the Council.

Protocol on the use of ICT by Members

1.0 Introduction

- 1.1 The Council offers Councillors a laptop or IPad to use to facilitate the performance of their duties as Councillors. The Council is committed to the development of e-Working to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business remotely. The use of these laptops/Ipads can make Councillors much more effective, but there are risks associated with such use. This protocol sets out the conditions on which IT equipment is provided, in order to minimise those risks both to the Council and to individual Councillors.
- 1.2 Each Councillor is required to sign a copy of this protocol as a condition of being provided with IT equipment and must comply with its terms. For this purpose, "WLBC IT equipment" means the laptop or IPad provided to the Councillor by the Council, together with any hardware, software or materials provided for use with the equipment.
- 1.3 Councillors are required to use their own broadband.
- 1.4 Councillors can also have Council emails redirected to their own personal email accounts on their own computer or mobile device where it is appropriate to do so. This can be arranged by contacting the ICT Customer Services Help Desk on 03001236795. This is subject to appropriate controls on access to these accounts / devices being operated eg. password protection and, where necessary, encryption.
- 1.5 Members who are also Lancashire County Councillors have the option of accessing the secure Council network through the LCC secure private network, they will be advised of any relevant requirements by ICT Help Desk personnel.
- 1.6 Cabinet Members, Leader of the Opposition and Deputy Leader of the Opposition are offered the use of a mobile phone. The mobile phone will be chosen in consultation with the Legal and Democratic Services Manager, to suit the requirements of the role.
- 1.7 Councillors will be provided with a user name and password and this can be used when logging into the network. Councillors are able to log into any spare PC in Council Buildings in order to manage e-mails or access the payroll system. Spare PC's can be found in the Members Room, the Conservative Office or Member Services. Councillors should log off when they have finished using PCs in the Council offices.
- 1.8 It is intended that this protocol will be subject to an annual review by the Legal and Democratic Services Manager due to the speed and growth in potential new technologies.

2.0 Security of WLBC IT Equipment and Network

- 2.1 The Councillor accepts responsibility for the safekeeping of WLBC IT equipment made available for their use. The WLBC IT equipment should be kept in a secure environment. It should not be exposed to extremes of heat or humidity, nor should it be exposed to water, dust or dirt. Drinks and food should be kept well away from the IT equipment. When the IT equipment is being transported, a carrying case should be used to reduce the risk of accidental damage. Protective covers for iPads are available to order from Member Services on 01695 585016.
- 2.2 If the WLBC laptop or iPad is left unattended it should be kept in a securely locked building or room, password protected and set with an automatic shutdown and if this is delayed manual shutdown will be required on leaving the device.
- 2.3 When WLBC equipment is being transported a carrying case should be used to reduce the risk of theft and subsequently, unauthorised access and loss of data. It must not be left unattended in a vehicle unless all doors, windows and other means of access have been secured and locked and all keys of the vehicle removed to a place of safety, and the equipment placed in the boot of the vehicle. The insurers accept that the rear compartment of a hatchback vehicle is considered to be the boot as long as the equipment is stored under the factory fitted cover. Failure to adhere to this will mean that insurance cover will not be available and that the Council may look to the Councillor for indemnity.
- 2.4 When using IT equipment in a public place, users should be vigilant as theft is common. Sensitive information (e.g. personal data or confidential information) should not be displayed in a public place where it could be overlooked.
- 2.5 The Councillor should not access the WLBC network if there is any doubt as to its safety. WLBC laptops should only be repaired by ICT Services staff or organisations approved by ICT Services. The Councillor should contact the ICT Customer Services Help Desk on 0300 1236795 or log a call on the ICT Portal via the intranet Repairs to iPads should be requested via Member Services. New equipment must not be used under any circumstances until it has been electronically tested (PAT tested) by a qualified electrician (this requirement may need to be refreshed from time to time in accordance with relevant programmes for this work).

Note: ICT are not able to provide support or repair equipment owned by Councillors.

- 2.6 Access to the WLBC network is subject to password security. The Councillor shall ensure that no-one other than the Councillor is given access to that network and Council e-mails and shall not reveal any

such password to any other person. It is a requirement that passwords are changed regularly. If you require any assistance or guidance on this please contact the ICT Customer Services Help Desk

- 2.7 Deliberate unauthorised access to copy, alter or interfere with any computer system, program or data is prohibited.
- 2.8 Most proprietary software used by the Authority is licensed for use on a single computer system only. Copies of software should not be made (except for backup purposes) without the written permission of the Chief Operating Officer..

3.0 Use for Council Business

- 3.1 WLBC IT equipment is provided to the Councillor specifically to facilitate the discharge of the Councillor's functions as a Councillor. The Councillor must therefore not use the WLBC computer in any manner which will prevent or interfere with its use for that purpose.

- 3.2 Accordingly, the Councillor must not:

- 3.2.1 Misuse the WLBC IT equipment in such a manner as to cause it to cease to function.

- 3.2.2 Install or use any equipment or software which may cause the WLBC IT equipment to malfunction.

- 3.2.3 Install software where a corporate licence is not held.

- 3.3 The Councillor must:

- 3.3.1 Ensure that the WLBC IT equipment is maintained in a working condition.

- 3.3.2 Report any faults promptly to the ICT Customer Services Help Desk on 0300 1236795 or via the ICT Portal on the Intranet.

- 3.3.3 Provide regular access to ICT to service, maintain and repair the equipment.

- 3.3.4 Accept responsibility for the content of all text, audio or images that they place or send over the Authority's e-mail and Internet. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on the Authority's e-mail and Internet system should contain the Councillor's name. Information sent to another individual outside the Authority via e-mail are statements that reflect on the Authority.

- 3.3.5 Ensure that all communications sent comply with this and other Council policies and may not disclose any confidential or propriety Council information.
- 3.4 The Council provides IT equipment together with ancillary equipment and materials required for the Councillor's functions as a Councillor. Accordingly, the Council may decline to provide further equipment or material beyond a certain allowance where the use of such equipment or material appears to the Council to be required for private (non-Council) use.
- 3.5 Councillor's WLBC IT equipment will be replaced/renewed approximately every 4 years as part of a rolling programme. Priority will be given to Cabinet Members to ensure that they have WLBC equipment with a level of performance and functionality to carry out their duties. WLBC IT equipment will then be replaced on an 'oldest first' basis. However, any Councillor with WLBC IT equipment, which is experiencing performance issues and is not fit for purpose will have it replaced as a matter of urgency if upgrade or repair is not viable.
- 3.6 Councillors who are entitled to mobile phones will have their equipment and needs evaluated every 12 months. Equipment will be replaced only on the approval of the Legal and Democratic Services Manager.
- 3.7 Each Councillor will have their computer training needs assessed and will be provided with the appropriate training. Councillors should contact Member Services if they have any specific training requirements.
- 3.8 Voice recognition software will be available to Councillors with a relevant disability or medical condition together with an appropriate microphone.

4.0 Other Use

- 4.1 Where WLBC IT equipment is not required for Council business, the Councillor may use it for private and personal purposes and may permit members of his/her immediate family to use it for private or personal purposes, but the Councillor is then responsible for this use. Note: This would not entitle the other user access to the WLBC network or Council e-mails, either on the relevant councillor's user profile or otherwise.
- 4.2 The Council is prohibited from publishing any material of a party-political nature. If the Councillor uses WLBC IT equipment for the preparation of any material of such nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication.

4.3 The Council has obtained the necessary software licenses for the use of the IT equipment by the Councillor in a private capacity, but not for any non-Council business use of the computer. **WLBC IT equipment should not be used for any commercial business use.**

4.4 The Council accepts no responsibility for such private use of WLBC IT equipment or any loss, costs or liability, which the Councillor or any other person may suffer as a result of its use.

5.0 Bringing the Council into Disrepute

5.1 The Councillor shall not use WLBC IT equipment or permit its use, in any manner which may bring the Council or Councillor into disrepute.

5.2 The Council's e-mail and Internet access must not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Councillors accessing websites or receiving e-mails of an obscene or X-rated nature should contact the ICT Customer Services Help Desk immediately. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is to be transmitted through the Council's e-mail or Internet system. Electronic media may also not be used for any other purpose that is illegal or against the Council's policy or best interest. All Councillors have a responsibility to maintain and enhance the Council's public image and to use the Council's e-mail and access to the Internet in a productive manner.

6.0 Inspection and Audit

6.1 The Council reserves the right to inspect WLBC ICT equipment at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that WLBC ICT equipment has a history file which records its use, and particularly any websites which it has accessed.

6.2 E-mail is **not** confidential and should not be treated as such. The Council will routinely monitor usage patterns for e-mail and Internet communication. The reasons for monitoring are many, including cost analysis/allocation and the management of the Authority's gateway to the Internet. All messages created, sent or retrieved over the Authority's e-mail and Internet are the property of the Council and should be considered public information. The Council reserves the right to access and monitor all messages and files on the Authority's e-mail and Internet. Councillors should not assume electronic communications are totally private and should communicate

confidential data in other ways. Care must be taken to ensure emails are properly directed to ensure content is appropriate to the receiver of the information.

7.0 Costs

- 7.1 In relation to Council use only, the Council will meet the cost of providing a WLBC laptop or Ipad.
- 7.2 Councillors are responsible for their own broadband costs.
- 7.3 Each Councillor is responsible for his/her own electricity bill.
- 7.4 Councillors who have a mobile phone will be required to reimburse the Council the cost of any personal calls.

8.0 Return and Recovery of the Computer

- 8.1 The WLBC IT equipment remains the property of the Council.
- 8.2 The Council reserves the right to require the Councillor to return WLBC IT equipment at any time and the right to recover it from the Councillor.
- 8.3 The Councillor is required to return WLBC IT equipment to the Council immediately upon ceasing to be a Councillor.

9.0 Confidentiality

- 9.1 The Councillor will be able to access confidential Council information and is responsible for ensuring the continued security of any such confidential information which he receives, including the security of any storage of such information on their WLBC IT equipment. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.
- 9.2 Some of this information may be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure. Councillors should be aware that failure to observe these requirements may result in actions including criminal sanctions. Councillors can obtain advice on the Act from the Borough Solicitor.
- 9.3 Councillors holding information in relation to their duties as a Councillor should be aware that the information is potentially disclosable under the terms of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Councillors should assist

the Council in dealing with any requests under the aforementioned legislation within the statutory timescales.

10.0 Restriction of Use

10.1 The Council reserves the right to restrict the use of WLBC IT equipment and the network if it has reason to believe that use is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:

10.1.1 remove or disable any software or equipment.

10.1.2 remove any information stored on laptops or iPads.

Signed by

Councillor's signature

Date:

Related policies:

- Data Protection Policy
- ICT & Data Security Policy



The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Council to discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members both of the Borough Council and those Parish Councils within the Borough.

The Independent Person should be seen primarily as an impartial advisor to the Council on Code of Conduct matters but should also shown an ability to:

- Offer authoritative and impartial advice
- Maintain independence in a politically sensitive environment
- Make decisions on an impartial basis, grounded in the evidence
- Work constructively with the local authority and senior offices

The Council will appoint at least two Independent Persons at all times. Either Independent Person can offer advice, guidance and support to Subject Members and Members of the Public in line with the requirements of the Localism Act 2011.

This protocol has been established to clarify how the Independent Person will fulfil this role:

1. Considering complaints of failure to comply with the Members' Code of Conduct
 - 1.1 The Monitoring Officer (MO) will seek the views of one of the Independent Persons (IP) before determining whether a written complaint merits formal investigation, recognising that where appropriate the MO will seek to resolve complaints without formal investigation.

- 1.2 The MO has been given discretion by Council to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision and report to Standards Committee on the discharge of this function.
 - 1.3 Following consideration of a written complaint, a decision letter will be issued by the MO which will record that the IP has been consulted, provide details of the IP's decision and confirm that their views have been taken into account.
 - 1.4 Where at any time an IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by one of the other Independent Persons .
2. Matters under investigation
 - 2.1 The MO may consult the IP at any stage during the process.
 - 2.2 Where a matter has been referred to the Standards Committee for determination, the Committee may seek the views of the IP before reaching its conclusions.
 - 2.3 The IP may be consulted by a member or co-opted member of the Council or of a Parish Council against whom a complaint has been made.
- 3.0 Decisions
 - 3.1 The IP must be consulted before a finding is made as to whether a member has failed to comply with the Code of Conduct; or action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- 4.0 Relationship with the Standards Committee
 - 4.1 The Standards Committee and MO are responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
 - 4.2 The IPs shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to attend those meetings and, with the agreement of the Chairman, speak at the Committee.
- 5.0 Advisory role in relation to disciplining of statutory officers
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5.1 The Independent Person may be requested to form (part of) a Panel (Committee) for the purpose of advising the Council on all matters relating to the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the requirements of the Local Authorities (Standing Orders) (Amendment) Regulations 2015. It is noted that any of the IP's may chose not to accept such an appointment.

6.0 Other matters

6.1 All the IP's have the right of access to confidential information required to carry out their role. Access to such information shall be agreed with the MO. In carrying out the role the IP's shall keep confidential all confidential information they shall receive or become aware of in undertaking their duties. Access to such information shall be agreed with the MO except where it shall otherwise come into the possession of the IP's in the course of performing their role.

6.2 The IP's have the right of access to Council buildings in order to carry out their role. Access should be agreed with the MO.

6.3 The IP's are expected to declare any relevant interests in relation to cases to the MO who will decide whether the interests conflicts them out of involvement in the matter. In carrying out their respective roles the IP's shall have regard to the principles set out in the annex to this agreement.

6.4 The Council shall indemnify the IP's in relation to the carrying out of their duties. * (whether in relation to their standards role or in their disciplinary role) in accordance with the terms of the Indemnity 2008 (see Constitution 17.3)).

ANNEX**PRINCIPLES****Selflessness**

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Officers' Code of Conduct**CONTENTS****Introduction - Status of the Code**

- Who the Code is aimed at
- Form of the Code

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5. **Appointment and other employment matters**
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INTRODUCTION

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code provides guidance to assist employees of West Lancashire Borough Council in their day-to-day work.

Status of the Code

The Code has been adopted by the Council and sets out the standards that apply. The aim of the Code is to lay down guidelines for employees which will help establish standards and protect employees from misunderstanding or criticism.

The Code is not intended to prohibit all social involvement with the outside world, nor would it be right to restrict private dealings between employees and any particular person or body. It is, however, important that employees judge the wisdom of their actions not by any comparison with the practices which, no doubt for good reasons, are followed in the private sector, but rather by reference to the traditional public service principles of accountability and responsibility.

The Code cannot cover all cases likely to arise in practice, but the principles certainly do. Ultimately the Council relies on the integrity, common sense and professional judgement of individual employees. You should not hesitate at any time to seek advice from your Corporate Director/Head of Service either on the interpretation of the Code, or, when circumstances arise which it does not cover.

Who the Code is aimed at

The Code applies to all employees under a contract of employment with the Council. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. Activities carried out by employees, acting in the course of their employment, as members of companies or voluntary organisations should also be subject to the standards within the Code.

This Code is designed to help employees maintain the standards required of public officials. You should be aware that actions which are clearly contrary to the Code may provide evidence which could be considered gross misconduct and potentially lead to disciplinary action in accordance with the Council's Disciplinary Policy and Procedure.

Form of the Code

The Code takes the form of a statement of the standard which applies, followed by explanatory notes on that standard. I am pleased to endorse the Code. Local Government has for the most part a very good reputation and West Lancashire has been an exemplar in the way that staff go about their

business in a fair, impartial and honest way. This Code of Conduct provides a very clear framework for employees to follow and ensures that we maintain our current high standards.

Jacqui Sinnott-Lacey
Chief Operating Officer

November 2019

CODE OF CONDUCT

1.0 Standards

1.1 Employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through the local procedure referred to below and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report any impropriety or breach of procedure using this local procedure, or where appropriate, the Council's Whistleblowing Code at Constitution 17.2.

Notes:

Paragraph 2.1 of Part 2 of the National Scheme of Conditions of Service for Local Government Services Employees says "Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained."

Similar provisions are incorporated in the national conditions of service of Chief Officers.

Local Procedure

The employee should raise any deficiency in the provision of service with his/her immediate manager. If the circumstances inhibit reference to the immediate manager then an approach should be made to the appropriate senior manager. If the employee is not satisfied with the response then he/she should raise the matter with a more senior manager or relevant Head of Services/Corporate Director/Chief Operating Officer.

2.0 Disclosure of Information

2.1 It is generally accepted that open government is best as is confirmed in the Freedom of Information Act 2000. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself has decided to be open about some other types of information as set out in the Council's Publication Scheme. Conversely, the Council is committed to keeping confidential matters in relation to staff and customers out of the public domain. It expects all those serving the Council to handle all individuals' personal information in a sensitive and professional manner and in line with the Council's Data Protection Policy. Employees must be aware of which information the Council is not open about, and act accordingly. Details can be found at schedule 1.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Official information which has not been made public and is still confidential should not be disclosed to the press or made public without authority. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

Notes:

No officer shall communicate to the public the proceedings of any committee meeting, etc., nor the content of any document relating to the authority unless required by law or expressly authorised to do so.

Information concerning an officer's private affairs shall not be supplied to any person outside the service of the employing authority unless the consent of such officer is first obtained.

The Local Government Act 1972, Section 100A - 100K provides for public access to the meetings and documents of the Council together with additional information which it is required to publish. Any person having custody of documents to which right of access applies would commit an offence by obstructing that right.

3.0 Political Neutrality

3.1 Employees serve the Council as a whole. It follows that they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality, see the guidelines attached as schedule 2.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council whilst at work and must not allow their own personal or political opinions to interfere with their work.

Notes:

The Local Government & Housing Act 1989, Part 1 - contains provisions to stop "twin-tracking" (where a senior local authority employee is also an elected member of another local authority) and to restrict the political activity of senior employees and those operating in politically sensitive areas. Local authority employees holding politically restricted posts are disqualified from

membership of any local authority, other than a parish or community council, from being an MP or MEP and are subject to prescribed restrictions on their political activity.

The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No.2) Regulations 1990 - cover the posts which are politically restricted. The political restrictions are deemed to be incorporated in the contract of employment of every local authority employee who holds a politically restricted post.

4.0 Relationships

4.1 Councillors

4.1.1 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

Notes:

Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees and/or Cabinet.

The law and Officer Employment procedure rules lay down the rules for appointment, discipline and dismissal of staff. Councillors must ensure that they observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if Councillors are called upon to take part in appointing an officer, the only question they should consider is which candidate would best serve the whole council. They should not let their political or personal preferences influence their judgement. They should not canvass the support of colleagues for any candidate and they should resist any attempt by others to canvass theirs.

Useful reference can be made to the *Protocol on Member/Officer Relations at Constitution 16.2*

4.2 The local community and service users

4.2.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

4.3 Contractors

4.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be declared. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

4.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and who have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship.

4.3.3 Declarations arising from 4.3.1 and 4.3.2 above should be made under the mechanism set out below.

Notes:

Local Government Act 1972 - Section 117 - pecuniary interests - provides that if an officer knows that a contract in which he has a pecuniary interest whether direct or indirect has been, or is proposed to be, entered into by the local authority, he must give notice of his interest to the authority. This does not, of course, apply to a contract with him in his own name because the authority will then know of his interest.

Employees should also abide by the following:-

- “(1) In addition to his duty under section 117 of the 1972 Act if it comes to the knowledge of any officer of the authority that he has a disclosable pecuniary interest in any contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the council or cabinet or any committee or sub-committee, and which (in either case) is not
- (a) the contract of employment (if any) under which he serves the authority, or
 - (b) the tenancy of a dwelling or domestic garage provided by the authority, he shall as soon as practicable give notice in writing to the proper officer of the fact that he is interested therein.

- (2) For these purposes, a disclosable pecuniary interest is an interest that, if the officer were a member of the council, and if the contract or other matter were to be considered at a meeting of the council at which he were present, he would have to disclose a disclosable pecuniary interest or pecuniary interest.
- (3) The Chief Operating Officer of the Council, via Democratic Services, shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the council under section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the council.
- (4) Where an officer submits a report to a meeting on a matter in which he has declared an interest under section 117 of the 1972 Act or paragraph (1), he shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.
- (5) Where any officer advises orally a meeting of the council, the committee or a sub-committee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of section 117 of the 1972 Act, or of paragraph (1), he shall remind the meeting orally of that interest."

The Council's Contract Procedure Rules at Constitution 12 together with EU legislation set out the Council's standards in this area.

Mechanism for Employees to declare any non-financial or financial interest

A Declaration shall be made by giving notice in writing to the Chief Operating Officer of the relationship/interest. The Chief Operating Officer shall, via Democratic Services, record it in a book kept for the purpose and the book shall be open during office hours to the inspection of any member of the Council.

N.B. Financial interest includes, for example, shareholdings and offers of future employment

5.0 Appointment and other employment matters

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline or pay for any other employee who is a relative, partner, etc.

Notes:

Every candidate for any appointment under the Council shall, when making an application, disclose whether to his knowledge he is related to any member of the authority or to a holder of any senior office under the authority.

Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment he should be liable to dismissal. Every member and senior officer of the authority shall similarly disclose to the authority any relationship known to him to exist between himself and a candidate for an appointment of which he is aware. It shall be the duty of the Chief Operating Officer to report to the authority or appropriate committee any such disclosure.

The Officer Employment Procedure Rules at Constitution 13 prescribe the procedure to be followed in respect of the appointment of Chief Officers and their dismissal in the event of misconduct.

See also - *section 7, Local Government and Housing Act 1989* for appointment on merit and the Council's Codes of Practice on Recruitment and Equality in Employment.

6.0 Outside commitments

6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.

Notes:

The Council stresses to employees of all grades that they should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, if by its nature it will come before the Council or an officer for approval, or if it makes use of material to which the employee has access by virtue of his or her position (e.g. a planner who draws up plans within his or her own authority for an applicant for planning consent). It is irrelevant whether or not the work is paid.

An officer's off duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict. The employing authority should not attempt to preclude officers from undertaking additional employment, but any such employment must not, in the view of the authority, conflict with or react detrimentally to the authority's interests, or in any way weaken public confidence in the conduct of the authority's business. Reference should be

made to the Council's Working Time Policy in relation to the notification of secondary jobs.

Officers above scale 6 shall devote their whole time service to the work of their council and shall not engage in any other business or take up any other additional appointment without the express consent of the council.

No outside work of any sort should be undertaken in the office and use of facilities e.g. telephones, internet or email is forbidden. Employees are also advised that correspondence and incoming telephone calls related to outside work are not allowed.

Procedure for seeking permission

The employee should complete the relevant form for the relevant Head of Service/Corporate Director/Chief Operating Officer requesting permission and giving full details of the business to be engaged in, or the additional appointment. The Head of Services/Corporate Director/Chief Operating Officer will consider the matter and may ask for further information. He/she will then grant or refuse permission, on the relevant form and pass a copy of the form to Democratic Services, who will record it in the Register of Outside Commitments.

6.2 Employees should follow the Council's rules on the ownership of intellectual property or copyright created during their employment, as set out below.

Notes:

Intellectual property

Intellectual property is a generic term that includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, then as a general rule, they belong to the employer. However, various acts of parliament cover different types of intellectual property.

The Council will regard intellectual property and copyright created during employment as belonging to it. If an employee wishes to use or benefit from the same, the express consent of the Chief Operating Officer must be sought e.g. writing for a local government journal on matters pertaining to work related issues.

Inventions and patents

Inventions made before 1st June 1978 are the property of the employer if made in the course of that employer's employment. However, the Patents Act 1977 states that after 1st June 1978 inventions are only the property of the employer if, they have been made in the course of the employees normal duties; or they have been made in the course of duties specifically assigned to the employee and where invention might be reasonably expected; or it was

made in the course of the employees duties and at the time the employee had (because of the nature of his or her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

7.0 Personal Interests

7.1 Employees must declare any financial interests which could conflict with the Council's interests.

7.2 Employees must declare any non-financial interests they consider could bring about conflict with the Council's interests e.g. kinship; friendship; freemasonry, membership of a society, organisation or trades union; involvement with a school or other organisation receiving grant aid from the authority; membership of a national health service trust board; involvement with an organisation or pressure group which may seek to influence the Council's policies.

7.3 Declarations arising from 7.1 and 7.2 above should be made under the mechanism set out in the notes to 4.3 above.

Notes:

See also paragraph 4.3 of this Code in relation to contractors and the notes thereon. These refer to areas other than contracts where pecuniary interests should be disclosed even though there is no statutory requirement.

Remuneration from a person or body which has dealings with the Council is a direct interest. If the remuneration were to be paid by the person or body to a spouse, this would be regarded as direct financial interest.

Employees should carefully consider their positions to avoid conflict of interest where either there is a direct financial interest but no contract, or they or their spouses are receiving remuneration from a person or body which is dealing with the Council.

"Remuneration" includes commission, honoraria, dividends, agency fees and interest as well as salary, wages, or fees.

There may be a conflict of interest even where no financial interest or advantage exists or accrues. This covers areas where relationships might be seen to influence judgements and convey the impression of personal motive. A simple example is where a council employee, who acts as an honorary officer of a voluntary association, is also directly involved during the course of his or her employment with claims for grant from the association.

A good test is to ask yourself whether others would think that the interest is of a kind to make it possible that you might be acting from personal motives. Normally ordinary membership of a national organisation would not need to be declared e.g. National Trust, RSPB, Unison.

8.0 Equality issues

- 8.1** All employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Notes:

Please see the Council's current policies on "*Equality Statement*" and "*Equality in Employment Policy*" which comply with the requirements of the *Equality Act 2010*, together with the "*Dignity at Work policy* available from Human Resources or on the Council's Intranet.

9.0 Separation of roles during tendering

- 9.1** Employees involved in the tendering process and dealing with contractors should be clear on the separation of client contractor roles within the council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2** Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3** Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4** Employees contemplating a management buy out should, as soon as they have formed a definite intent, inform the Chief Operating Officer and withdraw from the contract awarding processes.
- 9.5** Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Notes:

The Council's *Contract Procedure Rules and Financial Regulations at Constitution 11 and Constitution 12*, together with EU legislation, set out the council's standards here.

The internal arrangements for the client and contractor functions are designed to resolve any conflict which may arise.

10.0 Corruption and Bribery

10.1 It is an offence to bribe another person i.e. promise or give a financial or other advantage to another person with the intention of inducing that person to perform improperly a function or activity. Likewise, employees are guilty of an offence if they agree to receive or accept a financial or other advantage intending that in consequence a function or activity should be performed improperly

Notes:

Employees should be extremely cautious when, in a private capacity, they use the services of persons or bodies which they know to have dealings with the Council. It may sometimes be difficult to find persons or bodies which are not dealing with an Authority the size of West Lancashire and employees may often have such dealings without knowing of the relationship with the Council.

- (a) Goods or services for private use may be bought from persons or bodies trading with the council, providing the price offered is readily available to the general public either directly or by way of a recognised trading organisation or discount scheme.
- (b) Where, however, an employee has good reason to believe, that an offer of preferential terms, might in fact be a specific inducement in the form of either goods or services, to promote a person's or body's interest, he or she should decline to have such dealings. An employee should not use his or her position with the council to obtain a discount. Purchase of goods and services at discounted rates under a scheme or arrangement which applies to members of trade unions or employees as a whole are excluded from this paragraph.
- (c) Employees should avoid contact with persons or bodies engaged in "pressure selling" where personal inducements are offered in return for orders. The proper action is for the employee concerned to report the matter to the relevant Head of Service/Corporate Director/Chief Operating Officer immediately.

To avoid any suggestion of restraint of trade and unfair discrimination against any particular person or body, employees involved should always explain diplomatically the dangers to both parties inherent in such preferential offers.

The procedures by which the Council selects developers or consultants for schemes and for the supply of goods are clearly defined in the Council's Contract Procedure Rules and Financial Regulations at Constitution 11.1 and are publicly known.

See also paragraph 4.3 of this Code in relation to contractors and paragraph 7 of this code in relation to personal interests and the notes thereon.

Local Government Act 1972 - Section 117(2) - forbids an officer "under cover of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration.

Under the *Bribery Act 2010* it is an offence for employees to be bribed and consequently perform a function or activity improperly or to bribe another person to perform improperly.

See also paragraph 12 of this Code in relation to hospitality and gifts and the notes thereon and paragraph 13 in relation to sponsorship.

11.0 Use of financial resources

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value to the local community and to avoid legal challenge to the Council.

Notes:

See the Council's *Financial Regulations at Constitution 11.1*. See also the local procedure provided at Paragraph 1.

12.0 Hospitality and Gifts

12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded, see the procedures and standards attached at schedule 3.

12.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards as set out in schedule 3, operating within the Council.

12.3 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

12.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where attendance has been authorised and provided any purchasing decisions are not compromised.

12.5 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Council may wish to allow employees to keep insignificant items of token value such as pens, diaries etc., see schedule 3 as to the principles to be applied here.

Notes:

Contract Procedure Rule 14(iv) provides "The Senior Officer shall be aware of the Bribery Act 2010 which introduces general offences of offering or receiving bribes, a specific offence of bribing a foreign public official and the corporate offence of failing to prevent bribery; and the Council's Anti-Fraud, Bribery and Corruption Strategy.

The following clause shall be inserted in every written Council contract:

'The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in relation to the improper performance of any function or activity in respect of this or any other Council contract (even if the Contractor does not know what has been done) or
- (b) commit an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972 or
- (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause' "

13.0 Sponsorship - Giving and Receiving

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure of any such interest through the mechanism set out in the notes to 4.3 above. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14.0 Use of Council Facilities

14.1 Employees of the Council are provided with facilities including office equipment, and secretarial services etc., to use in carrying out their official duties only.

14.2 The use of computer facilities is governed by the Council's IT Security Policy.

14.3 Telephones may be used, on occasions, by employees for private local calls if it is not practicable to make such calls out of office hours. The use of mobile telephones should similarly be restricted and should not be used during working hours for general conversation.

14.4 Employees of the Council are generally not entitled to free or concessionary use of Council owned facilities such as sports centre, public halls etc, except where this is specifically required as part of their employment, in order to maintain fitness or competence or a specific scheme has been agreed.

15.0 Dress Code

15.1 Many employees will come into contact with the public each day and a smart appearance and courteous, helpful manner is essential. Personal hygiene is also an important factor. Certain employees are provided with appropriate clothing or protective equipment to ensure the proper performance of their duties. Other employees must wear a uniform as a condition of employment e.g. Customer Services. Additional guidance on dress code is available on the Council's intranet

SCHEDULE 1
(Paragraph 2.1)**INFORMATION THE COUNCIL IS OR IS NOT OPEN ABOUT**

In certain circumstances employees may have a legal or professional duty to disclose information to a third party (e.g. in the course of legal proceedings).

In addition, the following should be taken into account:-

- (a) Information should not be released to the media by individual employees except where they have been appointed or authorised for a specific purpose.
- (b) Information which is confidential should not be disclosed to third parties except in response to a formal request from (i) an approved source e.g. HM Revenues and Customs, Departments for Work and Pensions or (ii) Bank Managers or Building Society Managers (where authorised)
- (c) Employees are not encouraged, when acting in a private capacity, to comment publicly on the Council's policies or a specific decision. However, in circumstances where employees find it necessary to make public comment, they are expected to exercise prudence, discretion and to properly recognise the fact that the Council is their employer. It is recognised that there will be grounds for such comment in exceptional cases e.g.
 - (i) recognised trade union officials issuing statements on behalf of their trade union, commenting on a matter relating to the Council.
 - (ii) statements made by staff acting as officials of bodies such as parish councils or community associations.
- (d) Advance knowledge of any impending council decision, particularly those relating to investment decisions or proposed developments, should not be used to further private interest.
- (e) All employees should be circumspect in what is said outside the office about matters going on inside it.

Note 1. The requirements of the Data Protection and Freedom of Information Acts should be taken into account in respect of the above and advice sought from DP Link Officers, IAOs or the SIRO as required.

- 2. Please do not hesitate to seek advice in this area, either from your relevant Head of Service/Corporate Director/the Chief Operating Officer or Legal Services should issues of confidentiality arise.

Please also see Constitution 6 Access to Information Procedure Rules.

SCHEDULE 2
(Paragraph 3.2)

GUIDELINES ON THE CIRCUMSTANCES IN WHICH EMPLOYEES MAY ADVISE POLITICAL GROUPS AND WHETHER SUCH ADVICE IS CONFIDENTIAL TO THAT GROUP

1. Please see paragraphs 3 and 5 of the Convention for the Management of Council Business at Constitution 18.
2. Advice to all Council members must be even handed. If the advice of officers is sought by and offered to a particular group on the Council, consideration must be given as to whether or not similar facilities should be afforded to other groups of members.

SCHEDULE 3
(Clauses 12 and 13)

PROCEDURES FOR AUTHORISING AND RECORDING ACCEPTED OFFERS OF HOSPITALITY AND GIFTS, AND STANDARDS AND PRINCIPLES IN RESPECT OF THE SAME

1.0 Hospitality

- 1.1 A reasonable amount of hospitality is a normal part of the courtesies of public life creating contacts that can aid the Council's interests. However, it is important that attendance at any event or activity does not create an appearance of improper influence thus undermining public confidence.
- 1.2 Where hospitality is offered to employees as official representatives of the Council, it will normally be authorised where it appears appropriate and reasonable to accept. However, when hospitality is offered to individual employees, special caution is needed where the host is seeking to do business with the Council or to obtain a decision from it. Whether to accept an offer or not is often a question of judgement and the following checklist should help Officers to decide:
- Is the donor or event significant in the community or in the Council's area?
 - Are you expected to attend because of your position in the community or Council?
 - Will the event be attended by others of a similar position?
 - What is the motivation behind the invitation?
 - Would acceptance of the invitation be in any way inappropriate or place you under pressure in relation to any current or future issue involving the Council?
 - Could you justify your attendance to the Council, press or public?
 - Does the extent of the hospitality seem reasonable and appropriate and do you feel comfortable with the decision?

The following examples of acceptable and unacceptable hospitality are intended to give general advice only and must not be construed as being exhaustive.

1.3 Acceptable Hospitality

- (a) An invitation to a society, institute or other dinner or function, related to local government, where the employee represents the Council or attends by virtue of his or her professional position.
- (b) An invitation to a trade fair or similar event where there is a general invitation to customers.

- (c) Drinks and food provided in the course of normal business, for example lunch at a Contractor's expense during a meeting or event.

1.4 **Unacceptable Hospitality**

- (a) The offer of a free or subsidised holiday
- (b) The offer of free or subsidised hotel accommodation, theatre tickets or tickets for a sporting event.
- (c) The offer of free or subsidised use of a flat or hotel suite.
- (d) The offer of free or subsidised membership of clubs e.g. leisure club, golf club etc.

- 1.5 It is generally more acceptable to join in hospitality offered to a group, than to accept something unique to an individual. When a particular person or body has a matter currently in issue with the Council (e.g. an arbitration arising from a contract or a development proposal) an offer of hospitality should clearly be refused even if, in normal times, it would be acceptable.

2.0 **Gifts**

- 2.1 There are two considerations when gifts are offered: the nature of the gift in terms of value; and, the motivation of the giver. Most organisations, as part of their normal commercial activity, distribute gifts which range from the promotional e.g. calendars, diaries, etc., to the more expensive e.g. wines and spirits. The more expensive gifts are obviously distributed where they will have the greater specific impact. All this is often commonplace and acceptable conduct in the private sector, but the requirements of the public sector are very different.

- 2.2 Employees should refuse any personal gift offered to them by any person or body who has or seeks dealings with the Council. The exceptions to this are:-

- (a) modest promotional material of low value such as calendars and diaries which are, in many cases, unsolicited and simply delivered by post. Even here, however, employees should use judgement and more expensive commercial items should be refused or returned.
- (b) small gifts of a token value, given on the conclusion of a courtesy visit to a factory or other premises, of a sort normally given by that person or body.
- (c) a small gift of token value, where refusal would cause needless offence and the giver is not currently seeking a decision or business from the

Council, but merely wishes to express thanks for advice, help or co-operation received.

- 2.3 When a gift has to be refused and/or returned this should be done with tact and courtesy so as not to cause offence.
- 2.4 It is sometimes acceptable to the giver, for a gift which in other circumstances would be refused as in 2.3 above, to be donated instead to charity. An arrangement of this sort should only be made with the approval of the relevant Head of Service/Corporate Director/ Chief Operating Officer .

3.0 Register of Accepted Offers of Hospitality and Gifts

- 3.1 All offers of hospitality which an employee decides to accept; other than hospitality of a nominal value only (e.g. an offer of a drink following a site visit or an invitation to a working lunch of a modest standard provided to allow the parties to discuss business) or hospitality arising as part of an authorised conference or course; should be reported to the relevant Head of Service/Corporate Director/Chief Operating Officer on the relevant form, with the employees detailed comments as to why it would be appropriate to accept the same. The relevant Head of Service/Corporate Director/Chief Operating Officer will then make a decision whether or not to authorise acceptance of the offer in line with the standards set out above and endorse the form accordingly. If acceptance is authorised the employee should forward the form to Democratic Services so that the same can be recorded in the Register of hospitality and gifts.
- 3.2 The relevant Head of Service/Corporate Director/Chief Operating Officers should be advised of all gifts accepted in accordance with the principles referred to above, other than those of modest promotional material of low value such as calendars and diaries, by completing the relevant form, so that the details can be included in the Register.



Whistleblowing Policy

Dated: 23/2/22

Next review date: 23/2/27

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Do you believe a wrongdoing has happened, is happening or is likely to happen? Is this wrongdoing activity that can amount to whistleblowing
(Consider examples provided at section 3.3)
If you are unsure please contact the Monitoring Officer or Protect (Independent Charity) See Para 3.4

No

Raise your concern with your line manager or another member of the management team who can consider other appropriate lines of enquiry to resolve your concerns.

Yes

Complete the whistleblowing concern form provided on the Council's website [\[INSERT LINK\]](#) or otherwise available upon request from the Monitoring Officer.
 Once completed, please email the whistleblowing concern form to the Monitoring Officer and Internal Audit Manager at the following email address: [\[CENTRAL EMAIL\]](#)

What happens next?

The Monitoring Officer and Internal Audit Manager will review the whistleblowing concern form to establish whether the concern falls within scope of the Whistleblowing Policy or if it can be addressed by way of another policy, procedure or code.

If the whistleblowing concern falls within scope of this policy, they shall determine the scope of the investigation required and where appropriate, inform the relevant Officers of the required investigatory steps. They will also inform those officers identified in Annex 1 where appropriate

Acknowledgement:
 Upon receipt of your whistleblowing concern, the Monitoring Officer and Internal Audit Manager shall send an acknowledgment letter to you and confirm whether your concern will be investigated further, be pursued under another policy / procedure or if the whistleblowing concern will be closed and why.

Investigation:
 This will be agreed between the Monitoring Officer and Internal Audit Manager on a case by case basis. It may include referring the matter to an external body, such as the Police.

Outcome:
 The Council accepts that you need to be assured that the concern you have raised has been appropriately addressed. Subject to legal constraints or practical constraints in the event of an anonymous report, we will inform you of the outcome of any investigation.

1. About this policy – aims, scope and purpose

Why is this policy important?

- 1.1 West Lancashire Borough Council (the "Council") is committed to the highest possible standards of openness, probity and accountability and values its staff as the eyes and ears of the organisation to operate in line with this commitment.
- 1.2 Despite all best intentions, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.3 The Council is committed to creating a culture where staff and others working with the Council, feel safe to speak up knowing that their concerns will be listened to and acted upon without the need to take matters outside of the organisation. Please refer to section 11 for information relating to the protection and support available to an individual who raises a whistleblowing concern.
- 1.4 The policy has been written with regard to the Public Interest Disclosure Act 1998 and follows the Department for Business, Energy and Industrial Strategy – Whistleblowing Guidance for Employers and Code of Practice (March 2015).

Who does this policy apply to?

- 1.5 This policy applies to anybody working for, with or on behalf of the Council. This includes, but is not limited to, employees (including those designated as casual, temporary, authorised volunteers or individuals gaining work experience), elected Members and those contractually working for the Council on its premises. It also covers suppliers and those providing services under a partnership arrangement with the Council. Members of the public are also encouraged to report their concerns via this policy.

When should this policy be used?

- 1.6 The aims of this policy are:
 - (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.

- (b) To provide staff with guidance as to how to raise those concerns.
 - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
 - (d) To encourage staff to feel confident in raising serious concerns and to question and act upon those concerns.
 - (e) To advise and remind staff that the detrimental treatment of colleagues who blow the whistle may be considered a disciplinary matter.
- 1.7 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services.
- 1.8 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the applicable grievance procedure, which is separate to this policy.
- 1.9 If your concern relates to safeguarding, Code of Conduct and/or Standards matters, Complaints Policy, Ombudsman complaints, RIPA or data sharing please refer to those specific policies and / or codes for information regarding the process to follow to raise your concerns.
- 1.10 This policy has been implemented following consultation with the Trade Union.
- 1.11 This policy does not form part of any employee's contract of employment, and we may amend it from time to time.

2. Personnel responsible for this policy

- 2.1 The Monitoring Officer has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy. In addition, the Monitoring Officer has day-to-day operational responsibility and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 2.2 To ensure the highest level of governance, the Monitoring Officer will consider all whistleblowing concerns raised in conjunction with the Internal Audit Manager. The Monitoring Officer will consult the Internal Audit Manager regarding any potential changes to this policy.

- 2.3 The Monitoring Officer, in conjunction with the Internal Audit Manager, should review this policy from a legal and operational perspective at least once a year. This policy shall also be reported to the Audit and Governance Committee and the Standards Committee at least once a year.

3. What is whistleblowing?

- 3.1 Whistleblowing is a term used when a person raises a genuine concern about a suspected wrongdoing or danger (a **whistleblower**). Examples of whistleblowing activity are provided at paragraph 3.3.

- 3.2 If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a **whistleblowing concern**) and you reasonably believe that by reporting it ***you are acting in the public interest***, you should report it under this policy. Personal grievances and complaints are not covered by whistleblowing law.

- 3.3 Examples of activity that can amount to whistleblowing include:

- (a) Conduct which is an offence or breach of law;
- (b) Failure to comply with a legal obligation;
- (c) Disclosures related to miscarriages of justice;
- (d) Unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age;
- (e) Health and safety risks, including risks to the public as well as other staff;
- (f) Damage to the environment;
- (g) The unauthorised use of public funds;
- (h) Possible fraud, bribery or corruption including but not limited to theft of property, financial irregularities, misuse of Council property and systems, conflicts of interest or supplier rewards;
- (i) Sexual or physical abuse of another member of staff or service user;
- (j) Failure to observe the Council's constitution (including the Council's Contract and Financial Procedure Rules);
- (k) Breach of the Employee Code of Conduct or Member Code of Conduct;
- (l) Something which could damage the Council's reputation or image;
- (m) Policies, procedure or practices not being followed;
- (n) A culture of inappropriate behaviour, including bullying or intimidation.

- 3.4 If you are uncertain whether your concern amounts to a whistleblowing concern, you should seek advice from the Monitoring Officer on the details below or alternatively, you may seek advice externally from Protect the independent whistleblowing charity, who offer a confidential helpline. Protect's contact details can be found at **Annex 1**.

CONTACT DETAILS:

Monitoring Officer: Kay Lovelady

Email: kay.lovelady@westlancs.gov.uk

Telephone: 01695 585075

4. Safeguards

- 4.1 It is recognised that the decision to report a whistleblowing concern can be an intimidating and difficult decision to make. This policy is intended to encourage serious concerns to be raised within the Council, rather than overlooking a concern or initiating an external whistleblowing. The following safeguards or principles shall be applied in all cases.

Harassment and Victimisation

- 4.2 The Council have a zero-tolerance approach to any harassment or victimisation of a whistleblower that raises a genuine whistleblowing concern which is in the public interest. Any member of staff who harasses or victimises a whistleblower or deters an individual from whistleblowing may be subject to disciplinary action.
- 4.3 Heads of Service and managers should monitor how a whistleblower is subsequently treated after raising a whistleblowing concern. They should ensure that a whistleblower is treated fairly and that any harassment or victimisation is dealt with under disciplinary arrangements.
- 4.4 If you believe that you have been victimised as a result of making a disclosure or blowing the whistle, you should report your concerns to the Human Resources and Organisational Development Manager and the Monitoring Officer.

Protected disclosures

- 4.5 The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013) (hereinafter referred to as "PIDA") applies to this policy. PIDA provides legal protection against detrimental treatment or dismissal for employees who raise concerns in the public interest about a danger, risk, malpractice or wrongdoing. It is often referred to as the whistleblowing law and is designed to encourage and enable employees to "speak out".
- 4.6 The PIDA legislation legally protects employees (including temporary workers and agency staff), from any detriment from their employer or colleagues that arises as a result of making a protected disclosure in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.
- 4.7 The PIDA only covers protected disclosures under six categories, which are:
- (a) A criminal offence;
 - (b) The breach of legal obligation;
 - (c) A miscarriage of justice;
 - (d) A danger to the health and safety of any individual;
 - (e) Damage to the environment;
 - (f) Deliberate attempt to conceal any of the above.
- 4.8 A disclosure of information will not qualify for protection if the person making the disclosure commits an offence by making it.
- 4.9 Whilst protection under the PIDA covers most workers, it does not include contractors, non-executive directors, volunteers or the self-employed. As far as possible, the Council will endeavour to apply the principles outlined within this policy to all whistleblowing concerns received from sources other than employees.
- 4.10 If you believe you are or have suffered a detriment, victimisation or harassment as a result of raising a whistleblowing concern, this should be reported to one of the following:
- (a) Human Resources and Organisational Development Manager;
 - (b) Internal Audit Manager;
 - (c) Monitoring Officer.

Contact details for the above listed Officers can be located at **Annex 1** of this policy.

Confidentiality and anonymous allegations

- 4.11 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 4.12 We do not encourage staff to make disclosures anonymously, however where an individual chooses to report their concerns anonymously, such anonymity shall be respected. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Concerns raised anonymously will be considered at our discretion.
- 4.13 In exercising discretion, factors taken into account include:
- (a) The seriousness of the issue raised;
 - (b) The credibility of the concern; and
 - (c) The likelihood that the allegation can be confirmed from other attributable sources.
- 4.14 Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed in paragraph 4.10 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at **Annex 1**.

Malicious, vexatious or untrue allegations

- 4.15 If an allegation is made which you believe to be in the public interest, but it is not confirmed by the outcome of the investigation, no action will be taken against you. Malicious or vexatious allegations include those which are trivial and do not have any substance and are made persistently with the wrong intentions, for example, to cause trouble or from a place of self-interest or personal gain.
- 4.16 In the event of an allegation which is made maliciously or for personal gain and you are an employee of the Council, disciplinary action may be taken against you. If you are an elected Member, you may be in breach of the Members Code of Conduct and contractors or partners may be in breach of your contractual responsibilities to the Council.

Misuse of policy

- 4.17 This policy is designed to promote and encourage reporting genuine concerns. The policy is not designed to allow:
- (a) Individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
 - (b) Employment protection in relation to a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
 - (c) An individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

5. How to raise a whistleblowing concern or make a disclosure

- 5.1 The procedure for raising a concern, whether that be an employee of the Council, elected Member, member of the public or third party, is specified within this section 5. A flow diagram has been included at the beginning of this policy as an easy reference point.
- 5.2 In raising a whistleblowing concern, you should be prepared to provide the following information:
- (a) The background and history of the concern (including relevant dates);
 - (b) The reason why you are particularly concerned about the situation; and
 - (c) The name(s) of any individuals who you consider are either directly involved or can help provide further information.
- 5.3 Reporting a whistleblowing concern is not conditional upon you being able to provide evidence. Your whistleblowing concern will still be reviewed in accordance with this policy.
- 5.4 All whistleblowers, whether that be Council staff, Members, members of the public or third parties (such as suppliers and contractors) are asked to complete the Council's whistleblowing form which can be located **[HERE]**. An example of the form is attached at **Annex 2**. The Council ask that the whistleblowing form is completed as this ensures that your concerns are accurately and clearly reported.
- 5.5 In the event you are unable to access the whistleblowing form online, a hardcopy can be obtained directly from the Monitoring Officer or Internal Audit Manager. The whistleblowing form must be completed and sent via email to the central whistleblowing inbox: **[INSERT]**

- 5.6 If you are unable to send the completed whistleblowing form to the central whistleblowing inbox, you can send a hardcopy of the form marked for the attention of the Monitoring Officer to the postal address listed at **Annex 1**. The Council encourages you to submit the whistleblowing form via email to the central whistleblowing inbox rather than posting a hardcopy of the form as this promotes data security and confidentiality.
- 5.7 If you are a member of Council staff, you may inform your manager verbally (if appropriate) of a whistleblowing concern in the first instance should you require support completing the whistleblowing form., However, all whistleblowing concerns raised in accordance with this policy must be reported directly to the dedicated whistleblowing email address, which is monitored by both the Monitoring Officer and Internal Audit Manager. If it is not appropriate for you to report the whistleblowing concern to this email address, you should contact an alternative Officer listed at **Annex 1** or a third party listed at **Annex 1**.
- 5.8 Officers receiving whistleblowing concerns or assisting and / or supporting a person raising a whistleblowing concern must follow the obligation of confidentiality and reporting procedures in accordance with paragraph 6.9.
- 5.9 If you feel that you cannot report your concerns within the Council, contacts external to the Council are provided under **Annex 1** of this policy.
- 5.10 Additional information about the PIDA can be obtained from the whistleblowing charity Protect, which contributed to the formulation of the PIDA and is a legal advice centre. You can find their details under **Annex 1**.

6. Whistleblowing report form submitted – what happens next?

Acknowledgement:

- 6.1 Once a concern has been reported to the central whistleblowing inbox, the Monitoring Officer and Internal Audit Manager will receive your whistleblowing concern directly. The Monitoring Officer and Internal Audit Manager will review the initial information you have provided and determine whether it is appropriate to address the matter under this policy and delegate, where appropriate, to the relevant Officer(s) to undertake a full investigation if required.
- 6.2 The Monitoring Officer, Internal Audit Manager and / or the appropriate officer handling your disclosure shall complete the whistleblowing case record, provided under **Annex 2**.

All completed case records shall be provided to the Monitoring Officer for secure storage and in accordance with document retention and data security requirements.

- 6.3 Some concerns reported may be resolved by way of an agreed action and may not require a full investigation. In the event urgent action is required, this will be acted upon and will not be dependent upon the conclusion of an investigation.
- 6.4 Once you have reported a concern, your involvement with the investigation will depend upon the nature of the concerns raised and the clarity of the information provided as part of your report. If necessary, you may be required to provide further information as part of the investigation. You may invite your trade union, professional association representative or a friend to be present. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 6.5 Once the whistleblowing form has been received via the central whistleblowing inbox, the Monitoring Officer shall record receipt of the report and its contents on a central log maintained by the Monitoring Officer.
- 6.6 Upon receipt of a whistleblowing report, the Monitoring Officer, Internal Audit Manager or an appropriate alternative Officer will acknowledge receipt of your concerns within 10 working days of the date the report was received, and you will receive a written response:
- (a) Acknowledging that the concern has been received and recorded;
 - (b) Identifying the key officers involved in investigating your concern and your point of contact;
 - (c) Requesting further clarifications relating to the concern reported, if any;
 - (d) Supplying you with information on staff support mechanisms;
 - (e) If no action is planned, why not.
- 6.7 Where appropriate, matters raised may:
- (a) Be investigated by management or internal audit;
 - (b) Be referred to the Police or other statutory agencies;
 - (c) Be referred to an external auditor.
- 6.8 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

- 6.9 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigation process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.

Investigation:

- 6.10 The specifics of an investigation will be discussed and agreed on a case by case basis by the Monitoring Officer, Internal Audit Manager and other relevant parties where appropriate. Some whistleblowing concerns may be investigated internally, whilst other whistleblowing concerns may be outsourced to another body, such as the Police or external auditors.

Outcome:

- 6.11 The Council accepts that you need to be assured that the concern you have raised has been appropriately addressed. Subject to legal constraints or practical constraints in the event of an anonymous report, we will inform you of the outcome of any investigation.
- 6.12 If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

7. If you are not satisfied

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 7.2 If you do not believe your concern was handled in accordance with this policy, you can raise your concerns with the Chief Operating Officer. Alternatively, you may contact our external auditors. Contact details are set out at **Annex 1**.
- 7.3 If you are dissatisfied with the outcome of the investigation and do not agree with the conclusion of the investigation, you can raise your concerns with the independent charity Protect, on the following details:

Protect (Independent Charity)

Helpline: 0203 117 2520

Website: <https://protect-advice.org.uk/>

8. External disclosures

- 8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally, but we recognise that in some circumstances you may feel the need to report to an external body, such as a regulator.
- 8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are provided under **Annex 1**.
- 8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first by following the procedures set out at section 5.

9. Monitoring of whistleblowing concerns

- 9.1 The Monitoring Officer will maintain a central record of all whistleblowing concerns made under this policy and both the Monitoring Officer and Internal Audit Manager will monitor the outcome of these cases.
- 9.2 A report on the number of whistleblowing reports received and the reporting process shall be presented to senior management and the Audit and Governance Committee on an annual basis.
- 9.3 The Monitoring Officer and Internal Audit Manager retain responsibility for monitoring the effectiveness of the Council's whistleblowing policy and process.

10. Training and awareness

- 10.1 Chief Officers, Heads of Service and managers are responsible for ensuring that their employees are aware of this policy and process and that any training needs are

addressed which may arise from the application of this policy. Raising awareness of this policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.

- 10.2 You have a responsibility to ensure that you are aware of and understand the Council's policy in relation to whistleblowing.

11. Protection and support for whistleblowers

- 11.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 11.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer and the Human Resources and Organisational Development Manager immediately. If the matter is not remedied, you should raise it formally using the Council's grievance procedure which can be located via the Council's website or by contacting the Human Resources and Organisational Development Manager.
- 11.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.
- 11.4 A confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy. Their contact details are set out at the end of this policy.

12. Data Protection

- 12.1 The Council shall ensure that all whistleblowing concerns are handled in accordance with the Council's internal policies and procedures relating to data protection and information governance and in accordance with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation ((EU) 2016/679) (*collectively the "UK GDPR"*) and the Freedom of Information Act 2000.

ANNEX 1 – Key contacts

WLBC's Contact Details	
Whistleblowing Inbox	[INSERT EMAIL] Governed by the Monitoring Officer and the Internal Audit Manager.
Monitoring Officer / Legal and Democratic Services Manager	Kay Lovelady 01695 585075 kay.lovelady@westlancs.gov.uk
Deputy Monitoring Officer	Claire Kelly 01695 585129 claire.kelly@westlancs.gov.uk
Chief Operating Officer	Jacqui Sinnott-Lacey 01695 585200 jacqui.sinnott-lacey@westlancs.gov.uk
Head of Finance, Procurement and Property	James Pierce 01695 585202 james.pierce@westlancs.gov.uk
Internal Audit Manager	Jacqueline Pendleton 01696 712603 jacqueline.pendleton@westlancs.gov.uk
Human Resources and Organisational Development Manager	Sharon Lewis 01695 585 027 sharon.lewis@westlancs.gov.uk
External Organisation Contact Details	
External auditors	Grant Thornton UK LLP 0161 952 6900 [E-MAIL]
Confidential counselling hotline <i>(Available to Council staff only)</i>	Further information can be located here .

Protect (Independent whistleblowing charity)	Helpline: 0203 117 2520 Website: https://protect-advice.org.uk/
Information Commissioner Office (ICO)	Helpline: 0303 123 1113 Website: https://ico.org.uk/
Local Government and Social Care Ombudsman	Helpline: 0300 061 0614 Website: https://www.lgo.org.uk/

Annex 2 – Whistleblowing forms

1. Whistleblowing form – to be completed by whistleblower

To be completed by individual reporting concern	
Who is the allegation against?	
<p>What is the allegation? <i>Please provide as much detail as possible, including where possible:</i></p> <ul style="list-style-type: none"> • The background and history of the concern (including relevant dates); • The reason why you are particularly concerned about the situation; and • The name(s) of any individuals who you consider are either directly involved or can help provide further information. 	
Where is this happening and is it still happening?	
What evidence can you provide to support this?	
Please upload / provide any evidence you may have.	

Have you reported this previously?	
If you have reported this previously, who and when did you report it?	
Any further information?	
Do you wish to remain anonymous?	
If you would like an email receipt of your reported concern, please enter your email address.	

2. Whistleblowing case record – To be completed by officers receiving the whistleblowing concern and investigating

To be completed by Officer receiving concern	
The date the concern / allegation / disclosure was received by the Council.	
Directorate involved:	
How was the report received? (<i>written, verbal, online form</i>)	
Details of who the concerns were raised with? (<i>Name and job role</i>)	
Name and job role of the individual raising a complaint / allegation. (<i>Unless anonymity was requested</i>).	
Was confidentiality requested / explained or promised?	
A summary of the concern / allegation raised:	
Details of any feedback given and any response from the employee.	

Matter reported to the Monitoring Officer (yes / no): Date referred:	
Who else has this concern been reported / flagged to?	
Has formal acknowledgement been provided to the individual in line with the policy?	
Officers handling the investigation:	
Summary outcome of investigation (proved / not proved / action plans and recommendations):	
Date notification of outcome given to individual:	
Papers retained (and the location of the papers), review date of this concern.	

INDEMNITY 2008

- (1) "Officers" includes any person employed by the Council and any other person engaged or appointed to be an officer of the Council. "Members" includes co-opted members of the Standards Committee and co-opted members on the Overview and Scrutiny Committee and of any Committee or Sub Committee discharging the same or similar functions.*
- (2) The Council hereby indemnifies its officers and members, whether appointed or elected at the date of this resolution or at any time thereafter, against the costs, claims and expenses set out in paragraph (3) of this indemnity, subject to the exceptions set out in paragraph (4) of this resolution, and to paragraph (6) of this resolution, and on the terms set out in paragraph (5). It will not itself make any claim against them in relation to any costs or expenses for which they are hereby indemnified.

Notwithstanding any limitation on the powers of the Council, the indemnity is effective to the extent that the member or officer in question –

- (a) believed that the action, or failure to act, in question was within the powers of the Council, or
- (b) where that action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for that officer or member to hold that belief at the time when he or she acted or failed to act.

The indemnity is also effective in relation to any act or omission which is subsequently found to be beyond the powers of the employee or member in question but only to the extent that he or she reasonably believed that the act or omission in question was within his or her powers at the time at which he or she acted.

- (3) The costs, claims and expenses are those which arise from, or in connection with, any action of, or failure to act by, the employee or member in question, which:-
- (a) is or has been authorised by the Council
- (b) forms part of, or arises from, any powers conferred, or duties placed, upon that officer or member, as a consequence of any function being exercised by that officer or member (whether or

not when exercising that function he or she does so in his or her capacity as an officer or member of the Council)-

- (i) at the request of, or with the approval of the Council, or
- (ii) for the purposes of the Council.

(4) The exceptions are that:-

- (a) No indemnity is given in relation to any action by, or failure to act, by any member or officer which -
 - (i) constitutes a criminal offence; or
 - (ii) is the result of fraud, or other deliberate wrongdoing or recklessness on the part of that officer or member.
- (b) Notwithstanding paragraph (4)(a)(i), the indemnity does relate to
 - (i) (subject to paragraph 5) the defence of any criminal proceedings brought against the officer or member; and
 - (ii) any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.
- (c) No indemnity is given in relation to the making by the employee or member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but the indemnity does relate to the defence by that officer or member of any allegation of defamation made against him or her.

(5) The terms of the indemnity are as follows:-

- (a) Where the indemnity has effect in relation to the defence of any criminal proceedings; or any Part 3 proceedings (meaning any investigation, report, reference, adjudication or any other proceeding pursuant to Part 3 of the Local Government Act 2000) then
 - (i) in the case of criminal proceedings, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following any appeal, and
 - (ii) in the case of Part 3 proceedings –
 - (1) if a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following any appeal, or

- (2) if the member admits that he has failed to comply with the Code of Conduct,

the employee or member shall reimburse the Council for any sums expended by it in relation to those proceedings pursuant to the indemnity, and those sums shall be recovered by the Council as a civil debt.

- (b) The indemnity will only extend to cover actual loss and expense incurred and evidenced by the officer or member to the satisfaction of the Head of Finance, Procurement and Property Services.
- (c) The indemnity will not cover any loss or expense in respect of which the officer or member can obtain reimbursement from any other source, including any policy of insurance whether taken out by the Council or the officer or member or by any other person.
- (6) The provision of an indemnity for the purposes of any proceedings referred to in Clause (4)(c) or (5)(a) is subject to the prior approval of the Chief Operating Officer, acting in his or her sole discretion, following the receipt of advice from the Head of Finance, Procurement and Property Services and the Legal and Democratic Services Manager to the maximum amount of costs or expenses that the Council will pay or bear in the matter.

To the extent that the law permits, in order to facilitate the discharge of its functions relating to its staff, and its democratic functions, the Council hereby confirms that it will continue to indemnify its employees and former employees, in the terms set out in Appendix A.

- * This indemnity shall apply in like terms to any Independent Person and/or Reserve Independent Person within the meaning of Section 28 (7) of the Localism Act 2011 for the time being appointed by the Council for any statutory purpose.

APPENDIX A**INDEMNITY 1996**

“The Council will indemnify all officers of the Council against the whole or part of any damages, costs or legal expenses which any such officer may have been ordered to pay or may have incurred, if the officer acted in good faith and honestly believed that the act complained of was within his/her power and that his/her duty as an officer required or entitled him/her to do it. Such indemnity shall extend to responsibilities arising from duties performed by any officer by virtue of his/her employment with the Council itself or with the Council but on behalf of other bodies to which the Council supplied the services of the employee which have resulted in the act or omission complained of.

Exceptions: The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence on the part of the employee; or
- (b) any neglect, error or omission by the employee otherwise than in the course of his/her duties; or
- (c) liability in respect of surcharges made by the District Auditor or orders made under Section 19 of the Local Government Finance Act 1982.

The Council reserves the right to withdraw the indemnity if an employee, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

In pursuance of the indemnity above, the Council undertakes not to sue (or join others in suing) an employee of the Council in respect of any neglect, error or omission by the employee in the course of his/her employment, but subject to the same exceptions as in (a) (b) and (c) above.

The above indemnity and undertaking are continuing and cover present employees of the Council and after that employment has ceased and they apply retrospectively to any neglect, act, error or omission which may have occurred before this date,

The above indemnity and undertaking shall be without prejudice to the right of the Council to take disciplinary action against the employee.

The cost of the indemnification is to be met by the Council.”

PSS23



CONVENTIONS FOR THE MANAGEMENT OF COUNCIL BUSINESS

1. **Introduction**

- 1.1 These Conventions have been agreed by the Leader of the Council to assist in the management of business.
- 1.2 Where difficulties of interpretation or unforeseen circumstances arise, the matter will be discussed by the Leader and the Chief Operating Officer to determine a way in which they might be handled.

2. **Procedure for Urgent and other Business**

- 2.1 Any urgent matter arising between meetings which cannot await a decision at the next meeting and which has not been formally delegated to an Officer or Portfolio Holder, shall be considered by the Chief Operating Officer or relevant Corporate Director; under their emergency powers, in consultation with the Leader and relevant Portfolio Holder or the Chairman of the appropriate Committee, where it is in the interests of the Council and it is impracticable or inappropriate to call a meeting.

3. **Access to Information**

- 3.1 Factual information relating to a matter before Cabinet, a Committee, Sub-Committee or Working Party that has been provided on request to a member, whether a member of Cabinet, that Committee, Sub-Committee or Working Party or not, shall be provided to all members of the Cabinet, Committee, Sub-Committee or Working Party concerned where the information is relevant to the decision to be made.
- 3.2 If the Chief Operating Officer or Corporate Director consider that meeting a request for factual information would involve a substantial commitment of resources, he/she may refer the matter initially to the Leader of the Council and, in the event of the

matter not then being resolved, it will be referred, as appropriate, to Cabinet or Committee.

- 3.3 Written information on a substantive matter which goes beyond recorded facts (e.g. relating to policy matters) will only be sought by the Leader of the Council, relevant Portfolio Holder, relevant Chairman, Shadow Portfolio Holder or Group Spokesman on the relevant Committee or Sub-Committee (“the relevant Councillor”). If he/she indicates that the matter is to be regarded as confidential, then there shall be no disclosure of that information to any other member without permission. That does not preclude the same information being provided to another “relevant Councillor” if it is sought independently. The principle is, therefore, not that the information itself is to be kept confidential, but more that “relevant Councillors” are entitled to pursue their own lines of enquiry without other Members being told. This is subject to the proviso that this information can be provided within existing resources.
- 3.4 Nothing in this Section shall inhibit the rights of Members to seek and receive information and advice relevant to their duties and responsibilities.

4.0 Briefings

4.1 Cabinet Briefing

The briefings of Cabinet Members are linked to the cycle of Cabinet Meetings approved by the Council. These are usually held on a Tuesday from 5.15p.m. to 6.30p.m., prior to reports being published with the Executive Overview & Scrutiny agenda. Cabinet Members will receive draft papers for comment and will be briefed as required on the final papers for the Cabinet Meeting together with other appropriate matters. The Chief Operating Officer or relevant Corporate Director and Heads of Services will brief Portfolio Holders regularly, as appropriate, on emerging issues.

4.2 Conservative & Our West Lancashire (OWL) Briefings

Regular briefings for the Leader and Deputy Leader of the Conservative & Our West Lancashire (OWL) Groups will be held with the Chief Operating Officer. Group Leaders will advise the Chief Operating Officer of items they wish to discuss on each occasion and, where appropriate, Heads of Service will attend the Briefings. Regular Briefings for Shadow Portfolio Holders and Group Spokesmen are also held with Heads of Service on request.

4.3 Overview and Scrutiny Committee Briefings

The Chairman of each Overview and Scrutiny Committee will be briefed on final papers for the meeting which he/she is to Chair 2/3 days before the meeting. The Chairman and Vice-Chairman will be consulted on the draft Agenda.

4.4 Planning Committee and Licensing Committees

In view of the non-political nature of the issues before the Council’s Regulatory Committees, and in order to demonstrate transparency in the decision making

process, it is best practice not to have Group Meetings on the Agendas and it is preferable for Officer Briefings for these Committees to be given to Group representatives together on final papers. For Planning Committee the Chairman's briefing usually occurs on the Monday of the week of the meeting. A Conservative and OWL Briefings are also held. For the Licensing Committees a joint briefing occurs on the Monday of the week in which the meeting is to be held or immediately prior to the meeting.

- 4.5 No briefings will be given in relation to "Appeal" type items, other than on the management of the business and necessary training. This is to reduce the possibility of the Council's arrangements for dealing with such appeals being challenged on the grounds of bias.

4.6 **Council**

The Mayor, Deputy Mayor and the Leader will be briefed prior to each Council Meeting by the Chief Operating Officer, The Head of Legal and Democratic Services and the Democratic Services Manager. Cabinet Members and Shadow Cabinet Members will be briefed by Report Authors on significant items.

- 4.7 There is no obligation on an Officer to consult Members on the contents of a report to be placed in his/her name before Cabinet, a Committee, Sub-Committee, Commission or Working Party. However, an Officer may choose to obtain views on a draft report, but it must be appreciated that any recommendations are those of the Officer.

- 4.8 Briefings for the Chairman and Vice-Chairman of a Commission or Working Group are held at the discretion of the lead Corporate Director.

5.0 **Requests for the Preparation of Reports**

- 5.1 Formal requests for a report on a particular issue to be prepared will only come from the Leader of the Council, the relevant Portfolio Holder or Chairman of the Committee or the Leader of the Conservative Group. If, in the opinion of the Chief Operating Officer, the contents might be politically sensitive, involve a considerable effort or have significant financial implications, she will discuss the request with the Leader of the Council in order to determine the degree of support it enjoys. If necessary the matter will be referred for consideration by Cabinet or the appropriate Committee or Sub-Committee where a final resolution can be made. If it is deemed necessary, the Cabinet, Committee or Sub-Committee can be requested to indicate where within the current work programme resources for the additional work should be made available.

6.0 **Cabinet, Council and Committee Meetings**

- 6.1 If Members intend to propose a motion or amendment that is either long or complicated, they should, wherever possible, put it in writing. This will assist the clarity of debate and accuracy of the minute. Officers will give assistance if so requested before the meeting.

- 6.2 Seating arrangements for each meeting are different and Members should familiarise themselves with the arrangements.

Notes

1. Separate media liaison procedures deal with press releases and publicity.
2. Details of the Shadow Cabinet Members and Group Spokesmen are attached.

Shadow Cabinet/Conservative Group Spokesmen 2023/24

		Conservative
Council	Conservative Group Leader and Legal & Democratic Services, Human Resources, Regeneration, IT & Green Growth	Councillor D Westley
Cabinet functions	Deputy Group Leader and Finance	Councillor Whittington
	Leisure	Councillor Bailey
	Planning	Councillor Pope
	Housing	Councillor Jukes
	Communities	Councillor A Blundell
	Street Scene	Councillor I Eccles
	Health & Wellbeing	Councillor M Westley
Executive Overview & Scrutiny Committee		Councillor D Westley
Corporate and Environmental Overview & Scrutiny Committee		Councillor Jukes
Planning Committee		Councillor Pope
Licensing & Appeals Committee/Licensing & Gambling Committee		Councillor Eccles
Audit and Governance Committee		Councillor Pope
Standards Committee		Councillor D Westley
Investigating Committee		Councillor Gordon
Chief Officers Committee		Councillor Whittington
Employment Appeals Sub-Committee		

PROTOCOL

ARRANGEMENTS FOR CRIME AND DISORDER SCRUTINY

1.0 Introduction

- 1.1 In accordance with Part 3 of the Police and Justice Act 2006, local authorities have the power to scrutinise the Crime and Disorder Reduction Partnership in their area and make reports and recommendations to the Local Authority and the partnership. In West Lancashire, this is undertaken by the Corporate and Environmental Overview and Scrutiny Committee, which has been designated the “Crime and Disorder Committee” under Paragraph 1, Section 19 of Part 3 of the Act.
- 1.2 This Protocol has been produced between West Lancashire Borough Council’s Corporate and Environmental Overview and Scrutiny Committee and the respective partners comprising the West Lancashire Community Safety Partnership, see attached schedule, to provide framework for that scrutiny to take place. The publication of Regulations and good working practice has shaped this Protocol which may be revised by agreement between all the interested parties in order to continually improve the scrutiny process.

2.0 Role of the Corporate Overview and Scrutiny Committee

- 2.1 The role of the committee in respect of crime and disorder scrutiny is to:
- Consider Councillor Calls for Action (CCfA) that arise through the Council’s existing CCfA process. A copy of the proforma completed by Councillors is attached at Appendix 1.
 - Consider actions undertaken by the responsible authorities on the CSP via the minutes of the CSP which will be regularly reported in the Members Update.
 - Make reports and recommendations to Cabinet/Council with regard to community safety issues.
- 2.2 The legislation gives powers to scrutinise the CSP, rather than the partners, in order to focus policy issues. The aim of the Corporate and Environmental Overview and Scrutiny Committee is to:
- Ensure that the CSP is accountable.
 - Enhance the performance of existing services
 - Undertake constructive examination of priorities of the CSP.
 - Cut across organisational boundaries over the course of any reviews.
 - Provide a ‘critical friend’ of the CSP, providing it with constructive challenge at a strategic level rather than adversarial faultfinding at an operational level.

3.0 Principles of Crime and Disorder Scrutiny

- a) Scrutiny of the CSP will only be truly successful if key organisations work and co-operate together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.

- b) The key organisations involved in scrutiny of crime and disorder must be willing to share information, knowledge and reports which relate to the delivery and success of services in West Lancashire and carry out duties that would be reasonably expected of them to enable crime and disorder scrutiny to be successfully undertaken.
- c) At all times both officers and members of the organisations involved in crime and disorder scrutiny, representatives and members of the public will be treated with respect and courtesy. Matters of confidentiality will be treated with respect.
- d) Crime and disorder scrutiny will be open and transparent. Any person involved in crime and disorder scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the scrutiny in accordance with the Code of Conduct.
- e) The Corporate and Environmental Overview and Scrutiny Committee, whilst working in partnership, is independent of the respective partners comprising the West Lancashire Community Safety Partnership.
- f) Scrutiny of Crime and Disorder will be focused on improving services and service provision for the people of West Lancashire and will concentrate on outputs that are intended to help improve community safety and reduce the fear of crime.

4.0 Frequency of meetings

- 4.1 Crime and Disorder scrutiny meetings must take place at least once a year, however the Corporate and Environmental Overview and Scrutiny Committee may decide to consider other related issues as part of its work programme which is usually agreed in June.

5 Responding to requests

5.1 Requests for information

- 5.1.1 As part of the crime and disorder scrutiny process, the scrutiny committee will from time to time request information from the CSP. When asked, the CSP will be under a duty to provide this information. There is no specific timescale for this, but the committee can expect a response to be provided as soon as reasonably possible.
- 5.1.2 Requests for information will be made in writing (usually by e-mail) via the Corporate Director of Place and Community and will include a date that the response is required by (no shorter than 2 weeks).

5.2 Information requests and data protection

5.2.1 The information provided by responsible authorities and co-operating bodies must be depersonalised, unless the identification of an individual is necessary or appropriate in order for the committee to properly exercise its powers. The information should also not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authority or co-operating body. In practice, it is unlikely that the committee will need to receive reports relating to specific individuals, or where specific individuals are mentioned in respect of crime and disorder matters.

5.2.2 Schedule 12A of the Local Government Act 1972 should not be used as a method to bypass the requirement to depersonalise the information by placing reports which are not depersonalised onto Part II of a committee agenda, as an item to be heard without the press or public present.

5.3 Making and responding to recommendations

If the Corporate and Environmental Overview and Scrutiny Committee draft a report or recommendations which have an impact on community safety issues, the following should occur:

- Copies of reports and recommendations should be sent to the such responsible authorities or co-operating bodies as are affected by the report or recommendations, or as otherwise appropriate in accordance with section 19(8) of the Police and Justice Act 2006.
- The relevant partner (or partners) should submit a response within a period of 28 days from the date the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter).
- Following receipt of the response, the committee will need to agree with the relevant partner(s) how progress in implementing the recommendations will be monitored.

6.0 **Crime and Disorder Scrutiny in Practice**

6.1 The Corporate and Environmental Overview and Scrutiny Committee will undertake scrutiny of crime and disorder matters as follows:

- a) A yearly review of the Annual Strategic Assessment in March – Representatives from the CSP will be invited to attend to present the report and answer questions.
- b) Hold the CSP to account by considering the minutes of its meetings via the Members Update – Meetings of the CSP are usually held in January, April, July and October.
- c) Consider any ‘Councillor Call for Action’ requests that apply to the CSP and invite representatives where appropriate.

- d) Carry out in-depth reviews, which the Committee have agreed as part of its Work Programme (usually agreed in June). The CSP will be consulted on Annual Work Programmes and informed in advance of scrutiny exercises that the Scrutiny Committee is intending to undertake. They will also be informed of the scope of all scrutiny exercises and will be given adequate notice of invitations to attend meetings of Scrutiny Committees and any required information.
- e) Consider any reports, strategies, plans or policies that the CSP have referred to the Committee at a meeting or via the Members Update, whichever is appropriate.
- f) Members of the Committee will endeavour to attend the 'Face the People' event organised by the CSP – a public meeting to engage with residents about what they are doing to fight crime and the fear of crime. All Councillors, Parish Councillors, Key Partners and Voluntary Bodies are invited to attend.
- g) Provide the CSP with all dates and times of meetings of the scrutiny committee and forward agendas, minutes and reports which relate to crime and disorder issues as appropriate.
- h) Consult the CSP on any draft reports before they are published. Final reports will be presented to West Lancashire Borough Council's Cabinet/Council as appropriate and the CSP. Final reports will then be published on the Council's website and circulated in accordance with the regulations on scrutiny of crime and disorder.
- i) Crime and disorder scrutiny will not to be used as a complaints procedure.

6.2 *West Lancashire CSP will support scrutiny of crime and disorder matters as follows:*

- a) Respond to requests for information via the Corporate Director of Place and Community as soon as practicable or within 2 months.
- b) Consider reports and recommendations within 28 days (or if this is not possible as soon as reasonably possible thereafter), in accordance with the 2009 Regulations, any response will be made available to the public unless otherwise stated.
- c) Refer the Annual Strategic Assessment and any other reports, strategies, plans or policies as appropriate to the Corporate and Environmental Overview and Scrutiny Committee via the Corporate Director of Place and Community.
- d) Work in partnership with the Scrutiny Committee to provide objective and effective scrutiny of crime and disorder in West Lancashire.

- e) Provide information relating to the planning and operation of crime and disorder reduction activities and strategies that are required by the Scrutiny Committee so that it can undertake its required scrutiny reviews. This will not however, include confidential information that might impinge upon actual police operations or individuals
- f) Provide information in response to issues raised by Elected Members via the Councillor Call for Action (CCfA) where reasonable.
- g) Submit items, when requested, for the Scrutiny Committee to review when it's annual work programme is compiled.
- h) Representatives will attend meetings of the Scrutiny Committee when appropriate to answer questions and provide information on crime and disorder matters.

PETITION SCHEME

A petition is one way in which you can let the Council know your concerns.

1.0 What is a petition?

1.1 A petition is any communication that is signed by 10 or more people either on paper or in electronic format. There are no restrictions on who can submit or sign a petition. For details of the e-Petition scheme, see paragraphs 8 & 9 below.

2.0 What should a petition contain?

2.1 A clear statement of your concerns

This must relate to something which is the responsibility of this Council. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision. Where a petition relates to a matter which is within the responsibility of another public authority (e.g. Lancashire County Council), we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority.

2.2 A statement of what action you would like the Council to take

What would you like the Council to do?

2.3 The name and contact details of the "petition-organiser"

Or someone to whom you would like any correspondence about the petition to be sent. Contact details must be a postal address and/or an Email address.

2.4 The names of at least 10 petitioners

This can include the petition organiser. Where the petition is in paper form, this must include the full name, postal address and actual signature from each petitioner. Where the petition is in electronic form, this must include the full name, postal address and e-mail address of each petitioner.

3.0 Who should you send the petition to?

3.1 Paper petitions should be sent to:

Member Services
West Lancashire Borough Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Or alternatively you can complete your petition using the e-petition facility (see paragraphs 8 and 9 below) or you can electronically scan your petition and e-mail it to member.services@westlancs.gov.uk

3.2 Member Services will ensure that an acknowledgement is sent to the 'petition organiser' within 5 working days.

4.0 What steps can the Council take to deal with my petition?

Steps that may be taken to deal with a petition include:

- Take the action requested
- Give a written response setting out the Council's views about the request
- Refer to Cabinet (executive functions)
- Refer to a meeting of the Council, a Committee, Sub-Committee or Working Group (as appropriate)
- Hold a consultation
- Hold a meeting with petitioners

5.0 What happens to my Petition when it is submitted?

When a petition is received by Member Services it will be circulated to the Chief Operating Officer and relevant Corporate Director/Head of Service, the relevant Cabinet Member(s) and relevant Ward Councillors. The relevant Corporate Director/Head of Service will consider what steps should be taken to deal with the petition request and advise the 'Petition Organiser' and Member Services within 20 working days from the date the petition was acknowledged.

Copies of the response will also be sent to the relevant Cabinet Member(s) and the relevant Ward Councillors.

6.0 E-Petition

6.1 The e-petition facility enables people to create, submit and sign petitions through the Council's website. E-petitions follow the same guidelines as paper petitions as detailed above. The 'petition organiser' will need to register on the site before he/she can create a petition on line and will need to provide their name and contact details. S/he will also need to decide how long the petition should be open for signatures. Six months would probably be sufficient, but a shorter or longer timeframe can be chosen, up to a maximum of 12 months.

6.2 Once you have created your online petition, you will then submit it. When you submit an e-petition, it may take up to 5 working days before it is published online before other people can sign it. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you to explain.

6.3 When an e-petition has closed for signature, the Petition Organiser is required to submit to Member Services, either by printing the petition on paper or by

submitting electronically via the e-petition facility, and it will be dealt with in the same way as a paper petition as detailed above.

7.0 How do I 'sign' an e-petition?

- 7.1 E-petitions available for signature will be available on the website at http://www.westlancs.gov.uk/council_democracy/democracy_and_decision_making/petitions.aspx. Petitioners will be asked to provide their name, address and a valid email address. Once this step is complete the petitioners 'signature' will be added to the petition. People visiting the e-petition will be able to see the petitioner's name and town/city in the list of those who have signed it but other contact details will not be visible. Once a response is prepared an automated e-mail will be sent to the Petition organiser and all petitioners who have made a request on line to be informed of the outcome.

MEMBER ITEMS AND COUNCILLOR CALL FOR ACTION - PROTOCOL**1.0 COUNCILLOR CALL FOR ACTION - INTRODUCTION**

- 1.1 Section 119 of the Local Government and Public Involvement in Health Act 2007, makes provision for a 'Councillor Call for Action' (CCfA) which came into effect on 1 April 2009 and provides Members with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.
- 1.2 Guidance and advice from central government is that CCfA is very much a process of last resort, and that Councillors should look to other methods of resolving an issue before considering its use. This would mean making full use of existing routes, such as the 'Patch Problem' mechanism or speaking to senior officers, both within the Council and other organisations.
- 1.3 Guidance states that authorities require a formal process for dealing with CCfAs but that this should not be too prescriptive. The 'Councillor Call for Action Best Practice Guidance' has been produced on behalf of the Government by the Centre for Public Scrutiny and the Improvement and Development Agency and can be found on the Centre for Public Scrutiny web site.
- 1.4 Prior to the CCfA provision, the Council had already put in place a mechanism for any Member to include items on the Corporate and Environmental Overview and Scrutiny agenda for discussion, under the Local Government Act 2000.
- 1.5 Council on 22 April 2009 resolved that the CCfA provision, be incorporated into the Council's existing mechanism for 'Member Items'. The only additional provision required was the formal process of providing reasons to the Member who raised an item, should the Committee decide not to consider it. The revised Member Item/CCfA template was expanded to include a checklist to aid Members in what other avenues they could pursue prior to raising the item for Committee particularly for Ward Issues, this was agreed by this Committee on 24 June 2009.
- 1.6 Overview and Scrutiny Members currently have the right to include items on an overview and scrutiny agenda for discussion that is relevant to its functions, under the Local Government Act 2000. Under the remit of the Corporate and Environmental Overview and Scrutiny Committee this function has been expanded to allow any Member to raise an item on any issue (including Ward issues) for discussion on, it is then for the Committee to decide how it wishes to deal with the matter raised.
- 1.7 Some issues are specifically excluded from Members Items and CCfA. These include issues where there is already a statutory appeals process, such as individual planning or licensing appeals as well as individual complaints, where there is a similar alternative resolution process e.g. Local Government Ombudsman. "Vexatious, discriminatory or not reasonable" matters are also excluded, although it may be difficult in some cases to apply these rules.

2.0 PROCESS

- 2.1 Any Councillor can place any item, on any subject, on the agenda of the Corporate and Environmental Overview and Scrutiny Committee by completing the attached proforma. The proforma provides Members with potential means of pursuing an issue before resorting to a Member Item/CCfA: and contains potential reasons why the Member Item/CCfA may not be considered further.
- 2.2 If the Committee decides not to consider a Member Item/CCfA, it must provide reasons for that decision to the Member who requested it. For example:
- The issue is an individual case.
 - All avenues have not been fully explored.
 - A review is being undertaken on the general issue by an Overview & Scrutiny Committee.
 - A petition has been submitted on the issue.
 - A complaint has been submitted and the outcome is awaited.
 - A Freedom of Information request has been made and the outcome is awaited.
 - Scrutiny of the issue is unlikely to result in improvements for local people.
 - The issue has been the subject of Executive Call In.
 - The issue has been the subject of a Council Motion / Question.
 - The issue is urgent and could be more speedily resolved by other means.
 - The issue is an excluded matter (as referred to in paragraph 1.7 above).
- 2.3 If the Committee decides to discuss the item it can either:
- Note the concern.
 - Request a relevant officer to bring back a report on the issue.
 - Make a recommendation to Cabinet / Council as appropriate.
 - Undertake an in-depth Review on the subject matter (subject to current work programmes and resources).
 - Set up a Working Group to look at the issue in more detail (subject to the Committees work programme and resources).
 - Refer the matter to another authority / body if the issue raised is not within the remit of this Council.
- 2.4 The Member who raised the issue and the Chairman will be kept informed of any developments by the relevant officer dealing with the matter and feedback will normally be reported to the next meeting of the Committee.

3. What have you already done to resolve this issue?

Potential means of pursuing an issue before resorting to a Member Item/CCfA:

- Raise Ward Issue as a 'Patch Problem'
- Discuss issue with an appropriate officer from the Council Service or Agency
- Discuss issue with an appropriate Cabinet member
- Raise the issue with partner agency, e.g. Police, PCT, etc.
- Write formal letters on behalf of constituents
- Use official complaints procedure or other official route
- Put forward the issue as a topic for inclusion on an O&S work programme

The following are potential reasons why your Member Item/CCfA may not be considered further:

- The issue is an individual case
- You have not explored the issue fully and exhausted all avenues above
- A review into the general issue is included in an O&S work programme
- A petition is being submitted to the Council
- A complaint is being or has been submitted and the outcome is awaited
- A FOI request is being or has been made and the outcome is awaited
- Scrutiny of the issue is unlikely to result in improvements for local people
- The issue has been the subject of Executive Call In
- The issue has been the subject of a Council Motion / Question
- The issue is urgent and could be more speedily resolved by other means
- The issue is an excluded matter (Constitution 18.3, Para 1.7).

FOR MEMBER SERVICES USE ONLY

Received by:	Date of Committee:
Date: _____ Time: _____	Chief Operating Officer, Corporate Directors & Head of Service informed <input type="checkbox"/>
Contact Officer informed <input type="checkbox"/>	Portfolio Holder informed <input type="checkbox"/>

Scheme for Payment of Members' Allowances

The West Lancashire Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, as amended by the Local Authorities (Members' Allowances) (Amendment) Regulations 2003 hereby makes the following scheme:

1.0 This scheme may be cited as the West Lancashire Borough Council Members' Allowances Scheme, and shall have effect for the period 1 April 2023 to 31 March 2024 and subsequent years.

2.0 In this scheme,

“Councillor” means a member of the West Lancashire Borough Council who is a councillor;

“year” means the 12 month period ending with 31 March.

3.0 Basic Allowance

3.1 Subject to paragraphs 8 and 10.1, for the year ending 31 March 2024 a Basic Allowance shall be paid to each Councillor in the sum shown at Schedule 1.

4.0 Special Responsibility Allowance

4.1 A Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 2 to this scheme.

4.2 Subject to paragraphs 8 and 10.2, the amount of each Special Responsibility Allowance shall be the amount specified against the special responsibility in Schedule 2 to this scheme.

5.0 Childcare and Dependent Carers' Allowance

5.1 Subject to paragraph 10.3, a Childcare and Dependent Carers' Allowance shall be paid to those Councillors incurring costs for the care of a dependent relative in the course of, or to permit, the undertaking of his or her duties as a councillor specified at Schedule 3 to this Scheme.

5.2 Other than provided at 5.5 below the amount of Childcare and Dependent Carers' Allowance payable shall be limited to the reimbursement of costs incurred up to the maximum cost set out in Schedule 3 to this scheme.

5.3 For the purposes of this scheme “dependent” relative shall be as defined in Schedule 3 to this scheme.

5.4 Where a carer is a member of the Councillors' immediate family or household, Childcare and Dependant Carer's allowance shall not be payable.

5.5 The Council will have discretion to consider payment of an amount exceeding the figure set out in Schedule 3 to this Scheme if special circumstances apply.

6.0 **Travel and Subsistence Allowance**

6.1 Subject to paragraph 10.4 below, Travel and Subsistence Allowances shall be payable in respect of those approved duties specified in Part I of Schedule 4 to this Scheme.

6.2 The rates of Travel Allowances payable are as detailed in Part II to Schedule 4 to this Scheme.

6.3 The rates of Subsistence Allowance payable are as detailed in Part III to Schedule 4 to this Scheme.

7.0 **Renunciation**

7.1 A Councillor may by notice in writing given to the Legal and Democratic Services Manager elect to forego any part of his or her entitlement to an allowance under this scheme.

8.0 **Part-year Entitlements**

8.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

8.2 If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

8.3 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

- 8.4 Where this scheme is amended as mentioned in paragraph 8.2 and the term of office of a Councillor does not subsist throughout the period mentioned in paragraph 8.2(a), the entitlement of any such councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- 8.5 Where a Councillor has during part of, but not throughout, a year such special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- 8.6 Where this scheme is amended as mentioned in paragraph 8.2, and a Councillor has during part, but does not have throughout the whole, of any period mentioned in paragraph 8.2(a) of that paragraph any special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

9.0 **Claims and Payments**

- 9.1 Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to paragraph 8.2, in instalments of one-twelfth of the amount specified in this scheme on or about the 15th day of each month.
- 9.2 Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- 9.3 Payments shall be made in respect of Childcare and Dependent Carers' Allowance only upon completion by the Councillor of a duly completed and signed claim form stating that the claim is in respect of a named relative or relatives, including evidence that the costs incurred were not paid to a member of the Councillor's household and providing appropriate receipts for payments made to the carer or carers.

10 **Other Allowances**

- 10.1 That an allowance of £375 be paid to the Standards Committee Independent Persons and £250 each be paid to the Standards Committee Parish Council representatives.
- 10.2 The Members of the Council's Independent Remuneration Panel/Parish Remuneration Panel will each be paid an allowance of £250 for the year, in recognition of their role on that Panel.

10.3 In addition to the allowance referred to at 10.2 above the Chairman of the Council's Independent Remuneration Panel/Parish Remuneration Panel will be paid an allowance of £50 for the year, in recognition of the increased duties and responsibilities attached to the post.

11 **Annual adjustment of allowances**

The Council at its meeting on 26 February 2020 resolved to fix the Basic Allowance for a further 4 years until 31 March 2024, as set out in the Independent Remuneration Panel (IRP) Report, the Council being able to ask the IRP to consider an increase in any year and to give specific reasons for the request.

12 **Civic Dignitaries Allowance**

In accordance with Sections 3(5) and 5(4) of the Local Government Act 1972, the following Civic Dignitaries Allowances are paid:

Mayor : £9,000
Deputy Mayor: £1,780

SCHEDULE 1

BASIC ALLOWANCE

Amount of Basic Allowance

The amount of Basic Allowance payable to a Councillor under paragraph 3 shall be £4,842.

SCHEDULE 2**SPECIAL RESPONSIBILITY ALLOWANCES**

The following posts are specified as having special responsibilities in respect of which Special Responsibility Allowances are payable under Paragraph 4, in the amounts shown for each post.

Area of Special Responsibility	Basis of Allowance (as percentage of Basic Allowance)	Amount of Allowance (£)
Leader	250%	12,105
Deputy Leader	150%	7,263
Cabinet Member (up to 8)	100%	4,842
Opposition Group Leader (if Group comprises 5 or more Members)	70%	3,389
Opposition Group Deputy Leader (if Group comprises 5 or more Members)	35%	1,694
Chairman - Overview & Scrutiny Committee	50%	2,421
Chairman - Licensing & Appeals Committee	50%	2,421
Chairman – Licensing & Gambling Committee	50%	2,421
Chairman – Planning Committee	100%	4,842
Chairman – Audit and Governance Committee	50%	2,421

Note:

The Overview & Scrutiny Committees are:

- Executive Overview and Scrutiny Committee
- Corporate & Environmental Overview and Scrutiny Committee

(This note does not constitute part of the Scheme and may be amended/revised to reflect changes to the Council's Structure).

SCHEDULE 3**CHILDCARE AND DEPENDENT CARERS' ALLOWANCE**Definition:

For the purpose of Allowances payable under Paragraph 5 of this scheme, dependant relatives are defined as follows:

- children aged 14 years and under;
- elderly relatives requiring full-time care
- relatives with disabilities who require full time care.

Amount of Allowance

1. Subject to 2 below, reimbursement of expenses actually incurred in meeting the costs of providing care for a dependent relative up to a maximum of the Living Wage (currently £10.42 per hour) as a consequence of the Councillor incurring those expenses in connection with the duties set out below.
2. The Council has discretion to consider payment of an amount exceeding the amount specified at 1 above if special circumstances apply.

Duties in respect of which Childcare and Dependent Carer's Allowance is payable.

- a meeting of the Executive (Cabinet) or a Committee of that body
- a meeting of the Council or of a Council Committee
- a meeting of any other body to which the authority makes appointments or nominations (or a Committee or Sub Committee of that body)
- a meeting which has both been authorised by the Council or a Committee/Sub Committee of the Council and to which representatives of more than one political party has been invited
- a meeting of the Local Government Association
- opening of tenders
- other duties in connection with the discharge of the Council's functions which empowers or requires the inspection of premises (i.e. site visits).

SCHEDULE 4**PART I****APPROVED DUTIES FOR TRAVELLING AND SUBSISTENCE ALLOWANCES**

The following are specified as approved duties for the purpose of the payment of Travel and Subsistence Allowances under Paragraph 6:of this Scheme:

1. Briefings between the Leader and/or Portfolio Holder(s) and Senior Officers in relation to matters pertaining to the areas of responsibilities of the Leader or Portfolio Holder as the case maybe.
2. Agenda briefings between Chairmen and Vice-Chairmen of Committees and Sub-Committees and Opposition Spokesmen and the senior officers in preparation for Committee/ Cabinet/Council meetings.
3. Meetings of Chairmen, Vice-Chairmen and Opposition Spokesmen on Committees and Sub-Committees with officers. Other Members shall also be entitled to claim if they attend meetings at the request of the Chief Operating Officer or Corporate Directors, subject to a limitation of four meetings per Council cycle.
4. Meetings and Briefings of the Cabinet convened and attended by the Chief Operating Officer and/or senior officers.
5. Public meetings and inquiries of a non-political nature (subject to the proviso that these should be restricted to those members called to give evidence on behalf of the Council), public participation exercises and press conferences.
6. Seminars and courses concerned with the local government service and town twinning visits.
7. Individual site inspections authorised by the Cabinet or Committees, subject to a limit of four site inspections for each Committee in each Committee cycle (Planning Committee meets on a monthly cycle, other Committees as determined by the Council). Members are urged to make the site inspections in one visit as far as possible.
8. Individual site inspections by the Chairman, Vice-Chairman and main Opposition Spokesman of the Planning Committee subject to a limitation of four inspections per Planning Committee cycle in addition to the four individual site inspections per cycle which may be authorised by Committees as outlined in paragraph 7 above. Members are urged to make the site inspections in one visit as far as possible.
9. Opening of tenders.
10. Deputations - all meetings with Government departments, other statutory bodies, Members of Parliament and any deputation of Council members.
11. Civic functions attended by the Deputy Mayor.

12. Attendance by authorised representatives at meetings of any body concerned with the local government service to which the Council's authorised representative are appointed on the nomination of the Local Government Association or the Lancashire Branch of the Association, provided no other arrangements exist for the payment of allowances (e.g. of any type) to the members of that body.
13. Meetings of the following bodies (or their successors) which are for the purpose of, or in connection with the discharge of the functions of the Council or of its Committees or the Cabinet:
 - Community Centre Management Committees
 - Campaign to Protect Rural England
 - Groundwork Board
 - INWARD
 - Lancashire Environment Forum
 - Lancashire Waste Partnership (Waste Management Steering Group)
 - Local Government Association: General Assembly
 - One West Lancashire
 - Member Development Networks
 - North Western Local Authorities Employers Organisation
 - Ashurst One Tenants and Residents' Association
 - Clay Brow and Holland Moor Tenants and Residents' Association
 - Digmoor Tenants and Residents' Association
 - West Lancashire District Twinning Association - Executive Committee
 - West Lancashire Civic Trust
 - West Lancashire Community Leisure Trust Board
 - West Lancashire Conservation Area Advisory Panel
 - Marketing Lancashire
 - Lancashire Tourism Forum

SCHEDULE 4**PART II****TRAVEL ALLOWANCES**

The rates of Travel Allowance payable to councillors who incur expenditure on those approved duties specified in Part I of this Schedule are as follows:

Public Transport

Councillors can only claim the costs of an ordinary fare (or special, cheaper fare if available) when using public transport. For all forms of transport, Councillors should only claim the standard or second-class fare. If travelling by ship or rail there may be occasions when first class facilities are available at rates not dissimilar to standard or second-class, in which case, it may be prudent to take advantage of other non-financial benefits that first class travel brings when such benefits relate to the Council or the functions of the Council being exercised by the Member concerned.

The following additional costs can also be claimed:

- (a) Pullman or similar supplements, seat reservation costs and the costs of depositing or portering luggage; and
- (b) Sleeping accommodation supplements when travelling overnight. But, if this allowance is claimed, any subsistence allowance also claimed for that night must be reduced by one third.

Councillors' Private Motor Vehicles

Councillors can claim the following amounts for using their own transport on Council business (HMRC Business Mileage Rates):

Type of vehicle	Pence per mile
Cars	45 pence for the first 10,000 business miles in a tax year, then 25 pence for each subsequent mile.
Motor Bikes	24 pence
Cycle	20 pence

Taxi-cab

The rate for travel by taxi-cab shall not exceed:

- (a) in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and
- (b) in any other case, the amount of the fare for travel by appropriate public transport.

Hired Motor Vehicle

The rate for travel by a hired motor vehicle other than a taxi-cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member who hired it.

Provided that where the Council so approves the rate may be increased to an amount not exceeding the actual cost of hiring.

Air

The rate for travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an allowance equivalent to the amount of any saving in subsistence allowance consequent on travel by air.

Provided that where the Council resolves, either generally or specifically, that the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

- (a) the ordinary fare or any available cheap fare for travel by regular air services, or
- (b) where no such service is available or in case of urgency, the fare actually paid by the Member.

SCHEDULE 4**PART III****SUBSISTENCE ALLOWANCES**

The rates of Subsistence Allowance payable under Paragraph 6 to councillors who incur expenditure on those approved duties specified in Part I of this Schedule are as follows:

Day Subsistence

- | | | |
|-----|--|-------|
| (a) | Breakfast Allowance (before 11 am) - more than 4 hours away from normal place of residence | £4.92 |
| (b) | Lunch Allowance (between 12 noon and 2 pm) - more than 4 hours away from normal place of residence | £6.77 |
| (c) | Tea Allowance (between 3 pm and 6 pm) - more than 4 hours away from normal place of residence | £2.67 |
| (d) | Evening Meal Allowance (ending after 7 pm) - more than 4 hours away from the normal place of residence | £8.38 |

Overnight Subsistence

The rate of subsistence allowance for an absence overnight from the usual place of residence is £79.82 and for such an absence in London or for attending one of the approved* conferences, the rate is £91.04. This is deemed to cover a continuous period of absence of 24 hours.

Meals provided free of charge

The rates specified for subsistence will be reduced by an appropriate amount in respect of any meal provided free of charge by an authority or body in respect of the meal or the period to which the allowance relates.

Meals on trains

When main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable cost of the meals (including VAT) may be reimbursed in full. In such circumstances, reimbursement for the reasonable cost of a meal would replace the entitlement to the day subsistence allowance for the appropriate meal period.

* The annual conferences of the Local Government Association, the Association of British Market Authorities, and the National Association of Local Councils are approved for these purposes.

Guidance on Councillors' Allowances

The following guidelines are governed by the West Lancashire Borough Council Members' Allowances Scheme effective from 1 April 2022.

ALLOWANCES

1. **Basic Allowance** - Each councillor will receive a Basic Allowance of £4,842 per year, payable in monthly instalments of £403.50.
2. **Special Responsibility Allowance** - Those councillors who hold the posts specified in Schedule 2 to the Scheme will also receive a Special Responsibility Allowance of the amount stated. These allowances shall also be payable in monthly instalments.
3. **Childcare and Dependent Carers' Allowance** - Any councillor who is primarily responsible for providing care to a dependent relative and who suffers financial loss in the form of the making of payments to a carer as a consequence of attending meetings of the Cabinet, Council or its Committees etc, will be paid an allowance towards those costs. The person receiving payment to care for a dependent relative of a councillor must not be a relative of the councillor. The payment of this allowance shall be to reimburse expenses actually incurred, up to a maximum of the living wage (currently £9.50 per hour). In special circumstances the Council has discretion to pay a higher figure. The duties for which a Councillor may receive a Childcare and Dependent Carers' Allowance are set out in Schedule 3 to the Scheme.
4. **Travel and subsistence allowances** are a way of recompensing councillors for expenditure necessarily incurred on travel and subsistence when performing an approved duty as specified in Schedule 4 to the Scheme. The costs include train, boat, air and bus tickets, taxi fares, petrol costs, parking, meals, refreshments, hotels and hotel meals. A cycling allowance is also payable under the Scheme.
5. **Renunciation** - Councillors can, if they wish, renounce this entitlement to Basic, or Special Responsibility Allowance. They can do this by writing to the Borough Solicitor. A councillor can subsequently withdraw the renunciation or amend it - for example - to limit it to one kind of allowance only. The withdrawal or amendment cannot have retrospective effect. If allowances are renounced or not claimed, the Benefits Agency will nevertheless assume that they are being received for the purposes of calculating benefit entitlements. Renunciation, or failure to claim, can also affect a member's entitlement to claim expenses as a tax deduction. (Please refer to the booklet published by the Local Government Information Unit - "Councillors, tax and benefits - a guide to the rules").

CLAIMS AND PAYMENTS

Submission of claims

1. Allowances can only be claimed for in respect of “approved duties” as defined in Schedule 4 to the Scheme.
2. Claims for allowances under the Scheme shall be made in writing within two months of the date of the approved duty in respect of which the entitlement arises. Claims must be submitted to the Legal and Democratic Services Manager via Oracle, the Council's electronic payroll system.
3. Members should ensure that there is sufficient insurance cover for any vehicle in respect of which a claim for mileage allowance is submitted and that this insurance is valid for travel on the business of the Council.
4. All claim forms for the payment of Childcare and Dependent Carers' Allowance shall, in addition to the requirements set out elsewhere in this part of the guidance, include provision for the recipient of expenditure incurred by the councillor submitting the claim to certify that he or she has received such funds and that he or she is not a member of the councillor's household.
5. Any claim that is deficient in any respect will be referred back to the Member for rectification since Financial Procedure Rules prevent officers from adding to or amending claims in any manner except to delete items claimed incorrectly.

Payments

1. Payments shall be made:
 - (a) in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme on or about the 15th day of each month;
 - (b) in respect of travel and subsistence and childcare and dependent carers allowances, on or about the 15th of each month in respect of claims received up to the 1st day of that month.
2. Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 8 of the Scheme he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

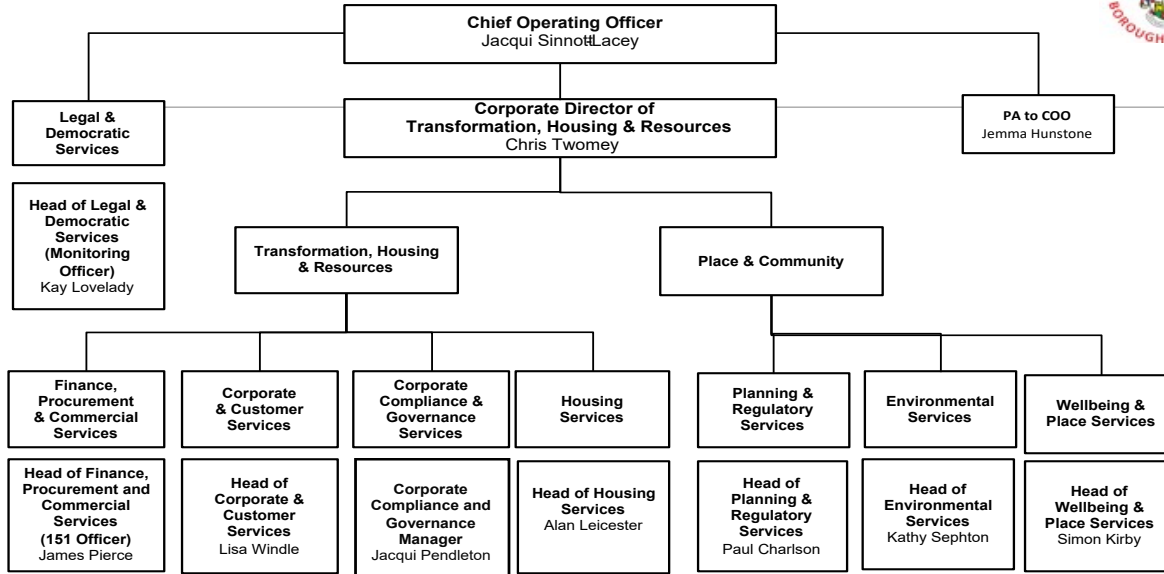
Miscellaneous

1. Document Carriers: Each Member is provided with a document carrier on first being elected to the Council.
2. Laptops and iPads: Each Member is offered either a Laptop or iPad on first being elected.

FURTHER INFORMATION

1. Members with any queries regarding the payment of allowances should contact Tom Lynan (01695 585013).
2. Members on approved duties travelling by coach, train, ship or hovercraft, can request these tickets in advance from Julia Brown (01695 585065).
3. Members with any queries regarding the application of the Allowances Scheme should contact Jacky Denning (01695 585384).
4. Members with any queries regarding access to the payroll system (Oracle) should contact the Karen Tootle in Human Resources on 01695 585234 or e-mail karen.tootle@westlancs.gov.uk

West Lancashire Borough Council



01.02.2023



Jacqui Sinnott-Lacey
Chief Operating Officer
Head of Paid Service and
Returning Officer
*
XX

Kay Lovelady
Legal and
Democratic
Services
Manager
Monitoring
Officer
*
Senior
Responsible
Officer

Heidi
McDougall
Corporate
Director of
Places and
Community

Chris Twomey
Corporate
Director of
Transformation
and Resources
*

Supported by
Judith Williams
Assistant
Solicitor
RIPA
Co-ordinator and
SPOC
Co-ordinator

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* Authorising Officer (LDSM and CDTR for Emergencies Only)

XX Authorisations when knowledge of confidential information likely to be acquired or vulnerable individual or juvenile is to be used as a source (Head of Paid Services)

