1. Election of Mayor, 2016/17

   To elect the Mayor of the Borough for the Municipal Year 2016/17.

   It is a statutory requirement to appoint the Mayor as the first item of business. The ceremonial handing over to the new Mayor will take place at the Mayor-Making Council on Saturday, 21st May 2016, at 10.30 a.m. in the Council Chamber.

2. Vote of Thanks to the Retiring Mayor

3. Election of Deputy Mayor, 2016/17

   To elect the Deputy Mayor of the Borough for 2016/17.
4. Apologies for absence

5. Declarations of Interest and Dispensations

6. Announcements

7. **Confirmation of Minutes (Pages 5 - 12)**
   To confirm as a correct record the minutes of the last Council meeting, held on 24th March 2016 (attached).

8. **Declaration of the Returning Officer for the Election of Councillors, 5th May 2016 (Pages 13 - 14)**
   Report attached.

9. **Appointment of Committees for the 2016/17 Municipal Year (Pages 15 - 66)**
   Report attached.

10. **Scheme of Delegation to Officers, 2016/17 (Pages 67 - 114)**
    Report attached.

11. **Amendments to the Constitution (Pages 115 - 146)**
    Report attached.

12. **Annual Review of Planning and Licensing Codes of Practice (Pages 147 - 172)**
    Report attached.

13. **Appointments to Outside Bodies, 2016/17 (Pages 173 - 180)**
    Report attached.

14. **Timetable of Meetings, 2016/17 (Pages 181 - 182)**
    To approve the timetable of meetings for the 2016/17 Municipal Year (attached).
15. Record of Attendance at Council Meetings, 2015/16  (Pages 183 - 186)

Report attached.

Chief Executive
Scaitcliffe House,
Ormerod Street,
ACCRINGTON BB5 OPF

Wednesday, 11 May 2016
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Thursday, 24th March, 2016

Present: Councillor Marlene Haworth (Mayor), Councillors Judith Addison, Lisa Allen, Noordad Aziz, Peter Britcliffe, Clare Cleary, Loraine Cox, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Wendy Dwyer, Diane Fielding, Melissa Fisher, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Julie Livesey, Gareth Molineux, Kerry Molineux, Jenny Nedwell, Tim O’Kane, Bernadette Parkinson, Miles Parkinson and Paul Thompson

Apologies: Councillors Mohammad Ayub, Chris Fisher, Harry Grayson, Ken Moss, Bill Pinder, Joyce Plummer, Kath Pratt and Malcolm Pritchard

1 Minute’s Silence

The Mayor announced the death of Honorary Freeman Alice Horne, who had died earlier in the month, just weeks after celebrating her 109th birthday, and asked those present to stand in silence in tribute.

At the same time, she asked those present to remember the victims of the Brussels terrorist attack, which had occurred just two days previously, on 22nd March 2016. A minute’s silence was duly held.

2 Apologies for absence

Apologies were submitted on behalf of Councillors Mohammad Ayub, Chris Fisher, Harry Grayson, Ken Moss, Bill Pinder, Joyce Plummer, Kath Pratt and Malcolm Pritchard.

3 Declarations of Interest and Dispensations

There were no declarations of interest, or dispensations noted.

4 Announcements

1) At the last meeting, the Mayor had made mention of the fact that David Reid, from West End, Oswaldtwistle had been selected as a finalist in the High Sheriff of Lancashire’s Young Citizen Award, for his campaign to improve West End play area, on Blackburn Road, Oswaldtwistle, which had resulted in a new play area with new equipment. She was now delighted to announce that David had been awarded second place, from the 40 finalists across Lancashire. David and his father were present at the meeting, so fellow Councillors also had the opportunity to congratulate him on his achievement.

2) Councillors Wendy Dwyer, Chris Fisher, Harry Grayson, Kerry Molineux and Bill Pinder would not be standing for re-election at the forthcoming local elections on 5th May 2016. The Leader of the Council therefore thanked them for their service as Councillors.

3) The Leader made the following statement:-
“In January 2016 the Council received the welcome news that it had been awarded £2 million to regenerate Rhyddings Park.

While most of the key elements of the project are uncontroversial, it has become apparent over recent weeks that the plan to fell the large redwood tree at the entrance of the Park is one that has divided public opinion. As a result, we now have a large public petition asking for the tree to remain.

The original plan, which was agreed with the Friends of Rhyddings Park Group, proposed the felling of this tree to open up the access to the Park and because there were concerns about the suitability of the site given that this species of tree, the Giant Sequoia, is capable of growing considerably larger than the tree currently is, and that the tree is relatively close to a residential area, footpath and public open space.

It is clear that there are many people in the area who would like the tree to stay. I would therefore like to have an open debate about this at Council before any future action is taken.

To inform this debate, I will be asking for officers to arrange for an independent, expert assessment of the implications of the tree remaining and continuing to mature in its existing position. If this assessment allays concerns about future risks and liabilities then I would hope that we can negotiate a redesign of this element of the project with the Heritage Lottery Fund. If, on the other hand, there are significant concerns about these matters, we will need to have regard to this in our final decision.

I would reiterate that the assessment will be independent and that we will commission an expert who has played no part in the plans to date. In the spirit of openness and transparency, I would also propose that the report is produced will be publically available ahead of any Council debate.”

4) The Chief Executive presented to the Mayor a framed photograph of her and the Mayoress, to mark her final Council meeting at which she would preside as Mayor, and her year in office.

5 Confirmation of Minutes

The minutes of the Council meeting held on 5th February 2016 were submitted.

Resolved - That the minutes of the Council meeting held on 25th February 2016 be approved as a correct record.

6 Question Time

No questions had been submitted under Council Procedure Rule 2.2(v).

7 Lancashire Combined Authority

The Leader of the Council presented a progress report on proposals to establish a Lancashire Combined Authority. This had last been considered by Council on 19th November 2015, when approval had been given to take part in a consultation exercise on the proposals. This had now been completed and, of the respondents, 70% strongly or tended to agree with the establishment of a combined authority for Lancashire. Council agreement was now sought to become a constituent member of Lancashire Combined Authority. Subject to agreement by other Councils in Lancashire, the proposal to form a
Lancashire Combined Authority would be submitted to Government for consideration and negotiation.

Resolved

(1) That the contents of the report be noted.

(2) That the response to the public consultation on the Combined Authority proposals be noted.

(3) That Council agrees to become a constituent member of a Lancashire Combined Authority and submit proposals to do so to the Secretary of State.

(4) That, in the interim period, the Council agrees to the formation of a shadow Lancashire Combined Authority and agrees to become a member of the same; and

(5) That any future proposals for a devolution deal with the Government be brought back to Council for agreement.

8 Nomination of Honorary Aldermen

Nominations were put forward for former Councillors to be conferred with the title of Honorary Alderman:

- Paul Barton
- Wendy Dwyer
- William (Bill) Pinder
- Lynn Wilson

Paul Barton and Lynn Wilson were former Councillors; Wendy Dwyer and Bill Pinder were serving Councillors, who would not be standing for re-election in May.

Resolved

That in accordance with Section 249(1) of the Local Government Act 1972, the following be conferred with the title of Honorary Alderman, in recognition of their eminent service to the Borough, and that the honour be conferred at the Council (Mayor-making) meeting on Saturday, 21st May 2016:

- Paul Barton
- Wendy Dwyer
- William (Bill) Pinder
- Lynn Wilson

9 Appointment of Co-opted Members to the Overview and Scrutiny Committees

Council was asked to seek Council approval to amend the Constitution (Overview and Scrutiny Procedure Rules) regarding the appointment of co-opted members to the Overview and Scrutiny Committees. In September 2015, Council had agreed to allow any member of the public with relevant experience or knowledge to be appointed a co-opted member. Appointments would be made by the Overview and Scrutiny Committee.

Subsequently, and at the request of scrutiny, the Group Leaders had considered drawing up criteria to be followed in relation to co-optee applications and nominations. Council was
now asked to approve a process for appointing co-optees, and to approve an amendment to the Overview and Scrutiny Procedure rules to reflect this.

Resolved

1. That the changes to arrangements for seeking nominations and selecting co-opted members to the Overview and Scrutiny Committees be noted; and

2. That Rule C2 of the Overview and Scrutiny Procedure Rules be changed accordingly, i.e.

   Each overview and scrutiny committee may appoint up to three members of the public, who the committee deems to have relevant experience of topics related to that scrutiny committee, as non-voting co-optees.
   - Applications may be invited to fill a vacancy for a co-opted member at the Overview and Scrutiny Committee; applications may also be received directly from members of the public.
   - The application will be considered first at the relevant Overview and Scrutiny Committee. The Committee will consider the knowledge and experience of the applicant relevant to the terms of reference or work programme of the Committee.
   - The intention is that such co-optees will be non-political.
   - If the majority of the Overview and Scrutiny members support the appointment of the applicant, the proposed appointment will be presented to Council for approval.

10 Filming at Meetings

Council approval was requested, to amend the Council’s policy on filming and recording at meetings, which was one of the “Codes and Protocols” in Part 5 of the Constitution. It had first been introduced in 2013 and subsequently revised by Council in September 2014, in response to the Openness of Local Government Bodies Regulations 2014. This allowed for persons attending public local government meetings to film proceedings, including recording and filming via social media. It was now proposed that any Councillor, as well as a member of the public, wishing to film or record all or part of the meeting or take photographs must inform the Mayor, at the start of the meeting, specifying what it is the Councillor intends to film, record or photograph. The change was suggested in order that the Council’s practices were fair to all attendees at meetings.

Resolved

- That the policy on the “Use of Mobile Phones, Social Media, Filming and Recording at Meetings”, to include the following paragraph (after paragraph 2.1):

   Any Councillor, as well as a member of the public, wishing to film, take a photograph or record all or part of the meeting must inform the Mayor, at the start of the meeting, specifying what it is the Councillor intends to record, film or photograph.

11 Pay Policy
A report was submitted, seeking the adoption of a Pay Policy for 2016/17. The Localism Act 2011 (Chapter 8, Pay Accountability) required all local authorities to set out its position on a range of issues relating to the remuneration of its employees. The policy needed to be approved by the Council in open forum, by the end of March each year and then published on its website. The policy set out the current approach to the remuneration of all posts within the Council, including,

- The pay structure of the Council and how it is set
- Senior management remuneration, providing details of the pay grade for posts defined as Chief Officer and the accompanying allowances
- The recruitment arrangements for a Chief Officer
- The relationship between the salaries of Chief Officers and other employees
- Details of the lowest paid posts within the Council.
- Employer’s pension contribution details
- Termination of employment payments

Resolved - That the Pay Policy 2016/17 be adopted.

12 Minutes of Cabinet

The minutes of Cabinet meeting 3rd February 2016 were submitted.

Resolved - That the minutes be received and noted.

13 Minutes of Committees

The minutes of the following meetings were submitted:-

<table>
<thead>
<tr>
<th>COMMITTEE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit Committee</td>
<td>18th January 2016</td>
</tr>
<tr>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>22nd January 2016</td>
</tr>
<tr>
<td>Resources Overview and Scrutiny Committee</td>
<td>26th January 2016</td>
</tr>
<tr>
<td>Judicial Committee (Private Hire and Hackney Carriage Licensing)</td>
<td>1st February 2016</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>10th February 2016</td>
</tr>
<tr>
<td>Resources Overview and Scrutiny Committee</td>
<td>16th February 2016</td>
</tr>
<tr>
<td>Judicial Committee (Private Hire and Hackney Carriage Licensing)</td>
<td>2nd March 2016</td>
</tr>
</tbody>
</table>

Resolved - That the minutes be received and noted.

14 Motion submitted on Notice: Remembering Srebrenica

The following motion was moved by Councillor Noordad Aziz seconded by Councillor Munsif Dad under Council Procedure Rule A9:-
“(1) That this Council:

- Notes that 2016 is the twenty-first anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 men and boys killed by Serbian nationalist forces
- Notes that in 2009 the European Parliament passed a resolution that 11 July should be recognised as the day of commemoration of the Srebrenica genocide all over the EU; and in 2015 urged the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights and interreligious tolerance
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica

(2) That Council resolves that Hyndburn Borough Council will

- raise awareness of the genocide and learn the lessons of Srebrenica
- support Srebrenica memorial events in July each year as part of the UK-wide Remembering Srebrenica Memorial Week.
- support the work of Remembering Srebrenica to learn the lessons from Srebrenica to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone.”

The motion was debated, put to the vote and carried.

Resolved

(1) That this Council:

- Notes that 2016 is the twenty-first anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 men and boys killed by Serbian nationalist forces
- Notes that in 2009 the European Parliament passed a resolution that 11 July should be recognised as the day of commemoration of the Srebrenica genocide all over the EU; and in 2015 urged the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights and interreligious tolerance
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all
• Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica

(2) That this Council resolves that Hyndburn Borough Council will:

• raise awareness of the genocide and learn the lessons of Srebrenica

• support Srebrenica memorial events in July each year as part of the UK-wide Remembering Srebrenica Memorial Week.

• support the work of Remembering Srebrenica to learn the lessons from Srebrenica to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone.

15 Motion submitted on Notice: Withdrawal of Student Maintenance Grants

The following motion was moved by Councillor Noordad Aziz and seconded by Councillor Clare Cleary under Council Procedure Rule A9:-

“That this Council is extremely concerned at the effects, from September 2016, of the withdrawal of Student Maintenance Grants from students from low-income families. The withdrawal of the grant and replacement with a loan will act as a massive barrier to the aspirations of many able students from low-income households, of which we have many in the borough of Hyndburn. This burden will be on top of the student loan of £9,000 per annum.

That this Council resolves to write to the Prime Minister, the Secretary of State for Education and the Chancellor of the Exchequer, expressing our grave concerns at the abolition of the student maintenance grant and its impact on students from low income backgrounds and urges them to abandon these changes.

We also ask that the Prime Minister clarify his position after promising not to abolish student maintenance grants for students from low income backgrounds when the student loan fees were increased.”

The motion was debated, put to the vote and carried..

Resolved (1) That this Council is extremely concerned at the effects, from September 2016, of the withdrawal of Student Maintenance Grants from students from low-income families. The withdrawal of the grant and replacement with a loan will act as a massive barrier to the aspirations of many able students from low-income households, of which we have many in the borough of Hyndburn. This burden will be on top of the student loan of £9,000 per annum.

(2) That this Council resolves to write to the Prime Minister, the Secretary of State for Education and the Chancellor
of the Exchequer, expressing our grave concerns at the abolition of the student maintenance grant and its impact on students from low income backgrounds and urges them to abandon these changes; and

(3) That this Council also asks that the Prime Minister clarifies his position after promising not to abolish student maintenance grants for students from low income backgrounds when the student loan fees were increased.

16 The Mayor, Councillor Marlene Haworth

It was noted that this would be the last Council meeting to be chaired by the Mayor, Councillor Marlene Haworth, during her year of office, 2015/16. Tributes were paid to her, particularly in the fair and calm manner in which she had chaired Council meetings and she thanked Councillors for their support.

Signed:………………………………………………

Date: …………………………………………………

Chair of the meeting
at which the minutes were confirmed
<table>
<thead>
<tr>
<th>Electoral Ward</th>
<th>Name and Address of Elected Councillor</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altham</td>
<td>Stephen Button 34 Meadowside Avenue Clayton-le-Moors BB5 5XF</td>
<td>Labour</td>
</tr>
<tr>
<td>Barnfield</td>
<td>Tony Dobson Rose Dene Barn Higher Rhoden Oswaldtwistle BB5 3QL</td>
<td>Conservative</td>
</tr>
<tr>
<td>Baxenden</td>
<td>Terence Keith Hurn 64 Oakwood Road Accrington BB5 2PG</td>
<td>Conservative</td>
</tr>
<tr>
<td>Central</td>
<td>Abdul Ghafar Khan 6 Lister Street Accrington BB5 1TA</td>
<td>Labour</td>
</tr>
<tr>
<td>Church</td>
<td>Jean Battle 8 Ellerbeck Road Accrington BB5 5AN</td>
<td>Labour</td>
</tr>
<tr>
<td>Netherton</td>
<td>Noordad Aziz 14 Greaves Street Great Harwood BB6 7DY</td>
<td>Labour</td>
</tr>
<tr>
<td>Overton</td>
<td>Stephanie Haworth 89 James Street Great Harwood BB6 7JH</td>
<td>Labour</td>
</tr>
<tr>
<td>Peel</td>
<td>Paddy Short 61 Avenue Parade Accrington BB5 6PN</td>
<td>Labour</td>
</tr>
<tr>
<td>Rishton</td>
<td>Jeff Scales 18 Blackburn Road Rishton BB1 4BS</td>
<td>Labour</td>
</tr>
<tr>
<td>Spring Hill</td>
<td>Munsif Dad 49-51 Monk Street Accrington BB5 1SS</td>
<td>Labour</td>
</tr>
<tr>
<td>St Andrew’s</td>
<td>Stewart Thurston Eaves 27 Blossom Avenue Oswaldtwistle BB5 0FD</td>
<td>Labour</td>
</tr>
<tr>
<td>St Oswald’s</td>
<td>Glen Kevin Harrison 21 Lord Street Oswaldtwistle BB5 3EF</td>
<td>Labour</td>
</tr>
</tbody>
</table>
This page is intentionally left blank
1. **Purpose of Report**

1.1 To approve the terms of reference and membership of the Committees, Sub-Committees, Panels and Working Groups for the Municipal Year 2016/17; and

1.2 To make appointments to those bodies.

2. **Recommendations**

2.1 That the terms of reference of Council, Cabinet and other constituted bodies, as outlined in Appendices 1 and 2 be approved and the Council’s Constitution (Part 3 – Responsibility for Functions) be amended accordingly.

2.2 That the political composition of Committees and Sub-Committees of the Council (as set out in paragraph 4.3) be approved.

2.3 That the membership of those Committees and Sub-Committees and the proposed Chairs and Vice-Chairs, to be circulated separately, be approved.

2.4 That the membership of Panels and Working Groups, together with the proposed Chairs, to be circulated separately, be approved; and

2.5 That a Councillor unable to attend a meeting, of which he/she is a member, be authorised to appoint a Councillor not serving on that particular Committee, Sub-Committee, Panel or Working Group to act as a substitute in accordance with Council Procedure Rule A26.8.

3. **Appointment of Committees, Sub-Committees, Panels and Working Groups 2016/17**

3.1 The annual meeting of Council is required to establish Committees, Sub-Committees, Panels and Working Groups and to determine their terms of reference.

3.2 The terms of reference are set out in Part 3 of the Constitution - Responsibility for Functions and the following appendices are attached:-
Appendix 1: Terms of Reference of Council, Cabinet and Committees.
Appendix 2: Terms of Reference of Panels and Working Groups.

4. Allocation of Seats

4.1 The Local Government (Committees and Political Groups) Regulations 1990 require that the number of seats on committees and sub-committees reflects the overall political balance of the Council.

4.2 The number of seats held by each group for the 2016/17 Municipal Year is:

<table>
<thead>
<tr>
<th>Group</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour Group</td>
<td>26</td>
</tr>
<tr>
<td>Conservative Group</td>
<td>7</td>
</tr>
<tr>
<td>UK Independence Party</td>
<td>2</td>
</tr>
</tbody>
</table>

4.3 The schedule of Committees and Sub-Committees and allocation of seats is set out in below.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Total No. of Seats</th>
<th>No. of seats by political group (Labour: Conservative: UKIP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit Committee</td>
<td>6</td>
<td>5:1:0</td>
</tr>
<tr>
<td>Communities &amp; Wellbeing Overview &amp; Scrutiny Committee</td>
<td>6</td>
<td>5:1:0</td>
</tr>
<tr>
<td>Judicial Committee (External Funding)</td>
<td>4</td>
<td>3:1:0</td>
</tr>
<tr>
<td>Judicial Committee (Private Hire &amp; Hackney Carriage Licensing)</td>
<td>6</td>
<td>5:1:0</td>
</tr>
<tr>
<td>Licensing Committee</td>
<td>15</td>
<td>11:3:1</td>
</tr>
<tr>
<td>Licensing Sub-Committee</td>
<td>3</td>
<td>Any 3 from Licensing Committee</td>
</tr>
<tr>
<td>Management Review Committee</td>
<td>5</td>
<td>4:1:0</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>13</td>
<td>10:2:1</td>
</tr>
<tr>
<td>Resources Overview &amp; Scrutiny Committee</td>
<td>8</td>
<td>6:2:0</td>
</tr>
<tr>
<td>Standards Committee</td>
<td>4</td>
<td>3:1:0</td>
</tr>
<tr>
<td>Standards Committee – Hearing Sub-Committee</td>
<td>2</td>
<td>For matters relating to Hyndburn BC: 2 members plus 1 non-voting independent person For matters relating to Altham Parish Council: 2 members, plus 1 independent person and 1 parish representative</td>
</tr>
</tbody>
</table>
4.4 Proposals put forward by the political groups for membership of Committees and Sub-Committees, based on the political balance above, will be circulated before the meeting, together with the proposed membership of Panels and Working Groups.

5. Establishment and Membership of Panels and Working Groups

5.1 The schedule of Panels and Working Group is set out below. The membership does not need to be politically balanced.

5.2 In addition, under the Local Audit (Auditor Panel) Regulations 2014, Council is required to appoint an Auditor Panel, to consult with and advise Council on the selection and appointment of a local auditor. This is also referred to in greater detail in the separate report with changes to the Constitution. The terms of reference are included in Appendix 2. The Panels to be appointed are:-

<table>
<thead>
<tr>
<th>Name</th>
<th>Total no. of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accrington Town Team</td>
<td>5</td>
</tr>
<tr>
<td>Auditor Panel</td>
<td>1 Councillor and 2 independent members</td>
</tr>
<tr>
<td>Health and Communities Working Group</td>
<td>4</td>
</tr>
<tr>
<td>Leaders Policy Development Board</td>
<td>6</td>
</tr>
<tr>
<td>Learning &amp; Development Panel</td>
<td>5</td>
</tr>
<tr>
<td>Local Joint Negotiating/ Consultative Committee</td>
<td>2</td>
</tr>
<tr>
<td>Local Plan Member Working Group</td>
<td>7</td>
</tr>
<tr>
<td>Regeneration and Housing Panel</td>
<td>6</td>
</tr>
<tr>
<td>Standards (Recruitment of Independent Members Panel)</td>
<td>2 Councillors, plus 1 independent member</td>
</tr>
<tr>
<td>Standards (Assessment Panel)</td>
<td>2</td>
</tr>
</tbody>
</table>

5.2 The terms of reference and composition of Panels, to be incorporated into the Constitution, are attached as Appendix 2. The membership will be tabled at the meeting.

6. Appointment of Co-opted Members to Overview and Scrutiny Committees

6.1 It is proposed to re-appoint co-opted members to the Overview and Scrutiny Committees. The appointments process was changed at the Council meeting on 24th March 2016. Each scrutiny committee now considers applications to fill the co-opted member places and will make recommendations to Council, to approve such appointment(s).
7. **Appointment of Substitute Members**

7.1 A member of the Council who cannot attend a meeting can appoint a member not serving on that particular Committee, Sub-Committee, Panel or Working Group to act as a substitute, in accordance with Council Procedure Rule A26.8.

7.2 It should be noted that no substitute members may be appointed in respect of the Standards Committee.

7.3 It should also be noted that, members of the Licensing Committee, Judicial Committee (Private Hire and Hackney Carriage Licensing) and Planning Committee and their substitutes are required to undertake specific training because of the quasi-judicial nature of the decisions taken.

8. **Alternative Options considered and Reasons for Rejection**

8.1 The Council would not be able to meet its statutory responsibilities without the appointment of committees. The number and terms of reference of the various committees, panels and boards is a matter for members.

9. **Consultations**

9.1 The appointments have been made in consultation with the political groups.

10. **Implications**

| Financial implications (including mainstreaming) | None |
| Legal and human rights implications | The report meets the statutory requirements in relation to appointment of members to Committees and the political balance rules. |
| Assessment of risk | None |
| Equality and diversity implications | This is not deemed to be necessary. |
| *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.* |

11. **Local Government (Access to Information) Act 1985:**

**List of Background Papers**

11.1 Hyndburn Borough Council Constitution - Part 3 – responsibility for functions
12. **Freedom of Information**

12.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
Appendix 1

Terms of reference for:

1. Full Council
2. Leader and Cabinet
3. Cabinet Committee (Scrap Metal Dealers Act 2013)
4. Communities and Wellbeing Overview and Scrutiny Committee
5. Resources Overview and Scrutiny Committee
6. Standards Committee
7. Standards Committee - Hearing Sub-Committee
8. Planning Committee
9. Judicial Committee (Private Hire and Hackney Carriage Licensing)
10. Judicial Committee (External Funding)
11. Licensing Committee
12. Audit Committee
13. Management Review Committee
FULL COUNCIL

MEMBERSHIP: 35 councillors

REPORTS TO: Council is the sovereign body for all non-executive matters

TERMS OF REFERENCE:

- To adopt and agree changes to the Council’s constitution
- To appoint the leader of the Council in accordance with the Local Government Act 2000.
- To remove and replace the leader and appoint a replacement.
- Annually to appoint a mayor and deputy mayor (neither of whom may be the leader, deputy leader or a member of the cabinet).
- To agree and amend the terms of reference of committees, determine their composition, make appointments to them, appoint the chair and vice chair and fill any casual vacancies which occur.
- To agree the delegation of non-executive functions to officers.
- To make appointments to outside bodies.
- To make or confirm the appointment of the head of paid service, subject to compliance with the Officer Employment Procedure Rules.
- To enact, alter, re-enact and revoke bylaws and promote or oppose the making of local legislation.
- To determine the list of other officer posts reserved for member level appointment, having regard to any regulations made under the Local Government Act 2000 and to agree the procedure for recruitment and selection.
- To change the name of the Borough.
- To confer the title of Freedom of the Borough and to appoint honorary aldermen.
- To adopt and agree any amendments to the Code of Conduct for Members of the Council.
- To determine and delegate responsibility for all local choice functions prescribed by any regulations made under the Local Government Act 2000.
- To take decisions in respect of non-executive functions which have not been delegated by the Council to committees, officers, joint arrangements or other local authorities.
- To receive reports from the monitoring officer or chief finance officer in exercise of their statutory functions.
• To receive reports from committees on the discharge of their functions.

• To undertake any other matter that must, by law, be reserved to the Council.

• To approve and amend the Council's Petitions Scheme

• To approve and amend the Council's Pay Policy

Budget and Policy Framework

• To approve, amend and revoke the plans and strategies comprising the Council's policy framework.

• To agree the Council’s financial strategy and annual budget, including the following:

  the Council’s revenue and capital budgets and plans

  the Council Tax to be levied

  borrowing limits

• To make decisions on proposals for the exercise of executive functions which are not in accordance with the Council’s budget and/or policy framework

• To determine the level and pensionability of members’ allowances, subject to any regulations made under the Local Government Act 2000.

• To formulate a plan or strategy for the control of the Council’s borrowing, investments and/or capital expenditure
LEADER AND CABINET

MEMBERSHIP: 6 councillors

REPORTS TO: Leader and Cabinet is sovereign for all executive decisions

TERMS OF REFERENCE

MAIN TERMS OF REFERENCE

To provide overall leadership to the Council and be responsible for all functions of the Council which are not the responsibility of any other part of the Council, whether by law or under this constitution.

DETAILED TERMS OF REFERENCE

- To formulate proposals for the Council’s budget and policy framework and make recommendations to the Council.

- To formulate and approve all policies, plans and strategies not forming part of the Council’s policy framework.

- To be responsible for the effective implementation of Council policy and for the delivery of Council services in line with those policies.

- To manage the budget determined annually by the Council.

- To report to the Council on projected variations to income and expenditure during the year.

- To monitor the delivery of policies, services, projects and budgets during each year and make such adjustments, additions or other decisions as appropriate to achieve the Council’s overall objectives.

- To ensure the delivery of best value, the continuous improvement in Council services and the implementation of best practice within the Council.

- To oversee and take all necessary decisions in connection with the Council’s comprehensive area assessment

- To develop appropriate consultation arrangements to enable the views of partner organisations, groups and the local community to be taken into account in decision-making.

- To develop and approve partnerships and joint venture arrangements involving public, private or voluntary agencies to promote the economic, social and environmental well being of the Borough.

- To make arrangements for the effective management of land and property in the Council’s ownership.
• To submit recommendations to the Council in respect of decisions on executive functions where such decisions are not in accordance with the Council’s budget and policy framework.

• To undertake the following local choice functions prescribed by regulations made under the Local Government Act 2000:
  
  • the conduct of best value reviews
  
  • functions relating to contaminated land (Part IIA Environmental Protection Act 1990)
  
  • functions relating to control of pollution and management of air quality (Pollution Prevention and Control Act 1999, Environmental Protection Act 1990 and Clean Air Act 1993)
  
  • inspection and investigation of complaints of statutory nuisance (Environmental Protection Act 1990)
  
  • the service of abatement notices in respect of statutory nuisance (Environmental Protection Act 1990)
  
  • resolutions applying Schedule 2 Noise and Statutory Nuisance Act 1993 to the Borough
  
  • obtaining information as to interests in land or particulars of persons interested in land preliminary to the exercise of powers of compulsory purchase of land (Town & Country Planning Act 1990)
  
  • To form policy development boards to assist with and make recommendations for the development of Council policy.
  
  • To deal with matters relating to traffic regulation
  
  • To delegate responsibility for executive functions to officers (see note below).

RESPONSIBILITIES OF THE LEADER

The Leader of the Council shall:

• determine the size of the executive and appoint, remove and replace the deputy leader and other cabinet members.

• allocate broad functional responsibilities and corporate themes to individual cabinet member (portfolios) and to adjust or reallocate those portfolios during the year.

• delegate executive functions to cabinet committee’s, and officers of the Council

• object on behalf of the Council to any proposed decision by the Council on the budget and policy framework, subject to the Budget and Policy Framework Procedure Rules.

Note: this function has been delegated to the Cabinet by the Leader of the Council
CABINET COMMITTEE (SCRAP METAL DEALERS ACT 2013)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3)

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act

- To discharge the Council’s functions under paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013.
COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

MEMBERSHIP: 6 councillors, plus up to 3 non-voting co-optees

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE:

To monitor implementation of Hyndburn’s Community Strategy and the achievement of Community Strategy targets and objectives

To monitor the implementation of the Council’s policies and strategies in respect of community safety and promote community safety across the Council’s policies and services

In accordance with the Police and Justice Act 2006 to act as the Council’s crime and disorder committee by reviewing and scrutinising decisions made, or other action taken, by the responsible authorities in connection with the discharge of their crime and disorder functions

To monitor the performance of external public service providers, the impact of those services on the wellbeing of the Borough and the contribution of those services to the achievement of Community Strategy objectives.

To review and scrutinise and to make reports and recommendations on matters relating to education and health services in Hyndburn

To monitor progress in respect of the development of sustainable communities, including neighbourhood management, sustainable market towns, regeneration and housing market renewal

To conduct investigations and report in respect of issues affecting the wellbeing of the Borough or particular areas of the Borough

To monitor progress in respect of safeguarding the environment

DETAILED TERMS OF REFERENCE:

- To scrutinise the work of the Cabinet falling within the committee’s terms of reference

- To review and scrutinise the decisions made by and the performance of the Cabinet, committees and Council officers, both in relation to individual decisions and over time

- To conduct research and community and other consultation in respect of issues impacting upon the well-being of the Borough or particular area of the Borough.

- To question members of the Cabinet, committees and officers at service head level or above about their views on issues and proposals affecting the wellbeing of the Borough, including the implementation of the Community Strategy
• To liaise with external organisations operating in the Borough, whether national, regional or local, to:
  
  • ensure that the interests of local people and the wellbeing of the Borough are enhanced by collaborative working;
  
  • monitor the effectiveness and impact of the services provided by such organisations

• To review and scrutinise the performance of other public bodies in Hyndburn and invite reports from them by requesting them to address the committee about their activities and performance.

• Monitor the Council’s contribution to the implementation of the Community Strategy

• To make recommendations to the Cabinet and/or committees and/or the Council arising from the outcome of the scrutiny process.

• To question and gather evidence from any person with their consent.

• To exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet (and/or area councils where these relate to executive functions) subject to the Overview and Scrutiny Procedure Rules.

• To discuss topics of neighbourhood concern in response to a “councillor call for action” subject to the requirements of the Scrutiny Procedure Rules

• To deal with any matters referred to them under the Council’s Petitions Scheme
RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

MEMBERSHIP: 8 councillors, plus up to 3 non-voting co-optees

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE

To monitor the performance of Council services and make suggestions for service improvements

To consider the Cabinet’s proposals to achieve a balanced budget in advance of the budget being determined by the Council

To monitor the Council’s budgetary position throughout the year and advise in respect of possible efficiency savings and steps required to address any projected budget deficit

To monitor and review the Council’s Treasury Management Strategy and Policies

To carry out “value for money” reviews

To monitor and oversee the Comprehensive Area Assessment process and development and implementation of any Improvement Plan

To assist with the development and review of Council policies and services, including those delivered in partnership

DETAILED TERMS OF REFERENCE

- To scrutinise the work of the Cabinet falling within the Committee’s terms of reference

- To review and scrutinise the decisions made by, and the performance of, the Cabinet, committees and Council officers, both in relation to individual decisions and over time.

- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

- To question members of the Cabinet and/or committees and officers at service head level or above about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives and projects.

- To make recommendations to the Cabinet and/or committees and/or the Council arising from the outcome of the scrutiny process.

- To assist the Council and the Cabinet in the development of the Council’s budget and policy framework by in depth analysis of policy issues.

- To conduct research, community and other consultation in the analysis of policy issues and possible options.

- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
• To question members of the Cabinet, committees and officers at service head level or above about their views on issues and proposals affecting the Borough.

• To question and gather evidence from any person with their consent.

• To exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet (and/or area councils where these relate to executive functions) subject to the Overview and Scrutiny Procedure Rules.

• To discuss topics of neighbourhood concern in response to a “councillor call for action”, subject to the requirements of the Scrutiny Procedure Rules

• To deal with any matters referred to them under the Council’s Petitions Scheme
STANDARDS COMMITTEE

MEMBERSHIP: 4 councillors, and 3 non-voting representatives of Altham Parish Council

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE
To promote and maintain high standards of conduct by members, co-opted members and officers of the Council and Altham Parish Council

DETAILED TERMS OF REFERENCE
• To advise the Council on the adoption and revision of the members’ code of conduct.
• To monitor the operation of the members code of conduct
• To advise, train or arrange to train councillors and co-opted members on matters relating to the members code of conduct.
• To consider reports from the monitoring officer on complaints or investigations undertaken in respect of the conduct of councillors
• To undertake the above functions in respect of Altham Parish Council
• To consider and determine requests from any member or co-opted member who has a financial or other interest which would prevent or restrict them from participating in any business before the Council for a dispensation in accordance with any regulations governing the grant of such dispensations.
• To monitor the operation of the Council’s Member / Officer Relations Protocol, Planning Code of Conduct, Licensing Code of Conduct, Joint Venture Protocol and any other local codes or protocols relating to member or officer conduct
• To monitor the operation of and advise on revisions to the Council’s code of conduct for employees
• To monitor the operation of and advise on revisions to the Council’s whistleblowing policy
• To monitor the outcome of investigations by the Local Government Ombudsman
• To monitor the operation of and advise on revision of the Council’s constitution
• To monitor the operation of and advise on revisions to the Council’s complaints handling procedures
• To advise the Council on the introduction or revision of policies relating to ethical matters
• To make delegations to officers within its terms of reference
STANDARDS COMMITTEE

HEARING SUB-COMMITTEE

MEMBERSHIP

For matters relating to  
Hyndburn Borough  
Council  

For matters relating to  
Altham Parish  
Council  

2 members, plus 1 non-voting independent person
2 members, plus 1 independent person and 1 parish representative

The Sub-Committee shall not include any member, independent person or parish representative who has already considered the allegation to be determined.

MAIN TERMS OF REFERENCE

To hear complaints against members of Hyndburn Borough Council and Altham Parish Council following investigation by the Monitoring Officer, to determine whether there has been a breach of the relevant member code of conduct and, where appropriate, to impose a sanction.

DETAILED TERMS OF REFERENCE

1. To conduct the hearing of an allegation that a councillor or parish councillor is in breach of the relevant code of conduct and to do so in accordance with the law and the Council’s procedures for dealing with such hearings.

2. To make one of the following findings at the conclusion of a hearing:

   a. that the subject member has not failed to comply with the code of conduct; or
   b. that the subject member has failed to comply with the code of conduct but that no action needs to be taken in respect of the matters considered at the hearing; or
   c. that the subject member has failed to comply with the code of conduct and that a sanction should be imposed.

3. Following a determination in accordance with paragraph 3c above, to impose any one, or any combination of, the following sanctions:

   • Censure
   • Recommendation to Council that the subject member be removed a member from any committee or sub-committee
   • Recommendation to the Leader of the Council that the subject member be removed from Cabinet or their portfolio responsibilities changed
   • Recommendation to the subject member that he or she undergo training
• Recommendation to Council that the subject member be removed from outside appointments / bodies

• Withdrawal of Council facilities (provided this is proportionate and provided the member concerned is still allowed access to Council and committee meetings)

• Exclusion from Council premises (provided this is proportionate and provided the member concerned is still allowed access to Council and committee meetings)
PLANNING COMMITTEE

MEMBERSHIP: 13 councillors

REPORTS TO: full Council

TERMS OF REFERENCE

MAIN TERMS OF REFERENCE

To discharge the Council’s functions relating to town and country planning and development control as specified in Schedule 1 Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the 2000 Regulations”) in so far as these have not been delegated to the Chief Planning and Transportation Officer - this excludes the preparation of the local plan, the production of supplementary planning guidance, the designation of conservation areas and the removal of permitted development rights, which are executive functions.

DETAILED TERMS OF REFERENCE

PLANNING CONTROL

- To determine all applications for planning permission, listed building consent, conservation area consent, hazardous substances consent and advertisement consent which have not been delegated to the Chief Planning & Transportation Officer.

  The applications referred to are those made pursuant to Part III Town and County Planning Act, Part I Chapter II Planning (Listed Buildings and Conservation Areas) Act 1990. The Planning (Hazardous Substances) Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1991 or any enactment or regulations which replace or amend them

- To enforce planning control (including advertisements and land which is detrimental to local amenity)

- To handle all matters relating to the protection and replacement of trees and hedgerows which have not been delegated to the Chief Planning & Transportation Officer

- To consider and determine applications for certificates of lawful use and lawful development

- To exercise local planning authority powers relating to highways

- To consult with the Secretary of State and other planning authorities

- To advise the leader and cabinet on the content of the draft local and structure plans and the local transport plan

- To make any other non-executive decision within the responsibility of the local planning authority which has not been delegated to the Chief Planning & Transportation Officer
• To authorise agreements regulating the development or use of land.

• To revoke planning permissions.

• To register common land and town and village greens.

• To register the variation of rights of common.

• To discharge the Council’s powers under Part 8 Anti-social Behaviour Act 2003 (relating to high hedges)

• To exercise the Council’s powers and duties under sections 20-23, 25 and 26 Planning and Compulsory Purchase Act 2004 relating to local development documents which are development plan documents

• To decide whether to permit or refuse to permit the exercise of permitted development rights pursuant to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 where an objection has been received from the owner or occupier of adjoining land or premises.

RIGHTS OF WAY

• To discharge the Council’s functions relating to public rights of way as specified in Schedule 1 of the 2000 Regulations

BUILDING CONTROL

• To deal with all matters connected with the determination of applications under and enforcement of Building Regulations and the Building Acts not delegated to the Chief Planning & Transportation Officer

• To make decisions under local Acts concerning building work

• To set charges under the Building (Local Authority Charges) Regulations 1998

GENERALLY

• To make delegations to officers within its terms of reference
JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

MEMBERSHIP: 6 councillors

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE:
To deal with all matters where the Council is required to adjudicate between two or more opposing views and reach a decision in a quasi-judicial manner where such decision is not required to be the function of the leader and cabinet by virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (“the 2000 Regulations”).

DETAILED TERMS OF REFERENCE:
• To discharge the Council’s licensing and regulatory functions as specified in Schedule 1 of the 2000 Regulations and in particular, to determine applications and proposals for the grant, renewal amendment, transfer, revocation or refusal of licences, permits and consents relating to the following, where the decision has not been delegated to the Council’s Head of Environmental Services:
  Hackney carriages
  Private hire vehicles
• To determine any other matter that falls within the general terms of reference above and which has not been delegated to any other committee of the Council
• To make delegations to officers within its terms of reference
JUDICIAL COMMITTEE (EXTERNAL FUNDING)

MEMBERSHIP: 4 councillors
REPORTS TO: Full Council

TERMS OF REFERENCE:

- At the request of the Cabinet to consider and make recommendations to the Cabinet on Cabinet proposals for the allocation of grant assistance to external organisations and individuals in respect of grant applications made by voluntary and community groups and individuals active within the Borough.
- To make delegations to officers within its terms of reference

NOTE: The rules of debate contained in Rule 14 of the Council Procedure Rules (in Part 4 of this constitution) shall not apply to proceedings of this Sub-committee.
**LICENSING COMMITTEE**

**MEMBERSHIP:** 15 councillors

**REPORTS TO:** Full Council

**MAIN TERMS OF REFERENCE**

To deal with all matters where the Council is required under the Licensing Act 2003 to refer that matter to the Licensing Committee or where it is required to adjudicate between two or more opposing views and reach a decision in a quasi-judicial manner where such decision is not required to be the function of the leader and cabinet by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (“the 2000 Regulations”)

**DETAILED TERMS OF REFERENCE**

- To discharge the Council’s functions under the Licensing Act 2003 and the Gaming Act 1968 with the exception of:
  - making a statement of licensing policy; and
  - any function or matter referred to another committee in accordance with the scheme of delegation contained in the Statement of Licensing Policy

- To appoint a chair, vice-chair and two sub-committee chairs

- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act

- To appoint from time to time a Licensing Sub-Committee to discharge its functions under the Licensing Act 2003, the Gaming Act 1968 and paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013 subject to the following provisions:
  - The Licensing Sub-Committee shall comprise 3 members of the Licensing Committee, one of whom must be the chair or vice chair of the Licensing Committee or one of the chairs of the Licensing Sub-Committee
  - The quorum of the Licensing Sub-Committee shall be 3
  - The membership of the Licensing Sub-Committee is not required to be proportionately representative of the political balance of the Council

- To discharge the Council’s licensing and regulatory functions as specified in Schedule 1 of the 2000 Regulations and in particular to determine applications and proposals for the grant, renewal, amendment, transfer, revocation and refusal of licences, permits and consents relating to the following where the decision has not been delegated to the Council’s Head of Environmental Services:
  - Street and house-to-house collections
  - Sex establishments

- To discharge the Council’s functions under the Gambling Act 2005 except for the functions under section 349 (publication of statement of licensing policy), section 166 (issue of casino licenses) and section 212 (setting of fees for licenses)
AUDIT COMMITTEE

MEMBERSHIP: 6 councillors

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE:

- To monitor the operation and performance of the Council’s internal and external audit services
- To consider the audit plan, management letter and other audit related issues and discuss the same with the Council’s external auditor
- To approve (but not direct) the strategy, plan and performance of the Council's internal audit service
- To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- To consider the reports of external audit and inspection agencies
- To consider the effectiveness of the Council’s risk management arrangements and control environment and seek assurances that action is being taken on risk related issues identified by auditors and inspectors
- To satisfy itself that the Council’s assurance statements, including the annual governance statement, properly reflect the risk environment and any actions required to improve it
- To ensure that there are effective relationships between the Council’s internal and external audit services and other agencies
- To review financial statements, external auditors opinion and reports and monitor management action in response to issues raised by external audit.
- To approve expenditure out of any items of unspent budget allocation identified in the final accounts for the immediately preceding financial year
- To approve the Council’s final accounts on behalf of the Council.
MANAGEMENT REVIEW COMMITTEE

MEMBERSHIP: Leader and Deputy Leader of the Council and the Leader of each of the other political groups on the Council or their respective nominees.

REPORTS TO: Council

MAIN TERMS OF REFERENCE:

- To review the terms and conditions of employment of the Council’s Managing Director and Deputy Managing Director and to agree any changes to the same deemed necessary following such review. In carrying out a review to obtain such internal or external support and advice that is required to enable a review to be fully and properly undertaken.
- To determine the collective terms and conditions of employment of employees of the Council
Appendix 2

Terms of reference for:

1. Local Joint Negotiating & Consultative Committee
2. Learning & Development Panel
3. Accrington Town Team
4. Regeneration and Housing Panel
5. Health & Communities Working Group
6. Standards Committee (Recruitment Of Independent Persons Panel)
7. Standards Committee (Assessment Panel)
8. Leaders Policy Development Board
9. Local Plan Member Working Group
10. Auditor Panel
LOCAL JOINT NEGOTIATING CONSULTATIVE COMMITTEE

TERMS OF REFERENCE AND CONSTITUTION FOR EMPLOYEES EMPLOYED UNDER N.J.C. FOR LOCAL GOVERNMENT SERVICES TERMS AND CONDITIONS OF EMPLOYMENT

TITLE

The Committee is a consultative Committee and shall be named the Local Joint Negotiating and Consultative Committee for N.J.C. for Local Government Services Employees.

SCOPE

The functions of the Local Joint Negotiating Consultative Committee shall relate to all employees of Hyndburn Borough Council within the scope of the N.J.C. for Local Government Services.

MEMBERSHIP

The Council’s side of the L.J.N.C.C is to be chaired by the Leader of the Council or his delegated representative. Membership to include the Leader of the Opposition or his/her delegated representative. One Member from the controlling group i.e. the Leader/Deputy Leader or Portfolio Holder who will be allocated a seat and may choose to attend the meeting. The Council side will be supported by the Head of Human Resources. Departmental nominees may attend to respond to agenda items.

The Unions will be allocated the following seats:

<table>
<thead>
<tr>
<th>Union</th>
<th>Seats</th>
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<tbody>
<tr>
<td>UNISON</td>
<td>4</td>
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<tr>
<td>T &amp; GWU</td>
<td>1</td>
</tr>
<tr>
<td>GMB</td>
<td>1</td>
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</tbody>
</table>

Any Trade Union member of the L.J.N.C.C. may be represented at a meeting by a substitute, provided that such a substitute has been duly appointed by the appropriate trade union.

If a member of the L.J.N.C.C. ceases to be an employee of the Council or a trade union representative he/she shall cease to be a member of the L.J.N.C.C. On occurrence of a vacancy, a new member shall be appointed by the body in whose representation the vacancy occurs and shall be a member until the end of the period for which the previous member was appointed.

Each L.J.N.C.C. shall be supported by the Head of Human Resources or their nominated representative. Departmental nominees will attend to respond to agenda items. The Executive Director (Legal and Democratic Services) shall nominate an employee from the Member Services section to service and timetable the Committee.

FUNCTIONS

The L.J.N.C.C.’s guiding functions and principles are to support and encourage:
• a spirit of co-operation

• high quality services delivered by a well trained, motivated workforce in a climate of security of employment. To this end the Council endeavours to provide training and development opportunities for all its employees subject to its set budget constraints;

• equal opportunities in employment and the removal of all discrimination.; equality is a core principle which underpins both service delivery and employment relations;

• a flexible approach to providing services to the community, which where possible meets the needs of employees as well as the employers;

• stable industrial relations, negotiation and consultation between the Council and recognised trade unions;

• the development of local agreements on pay and conditions within the framework of relevant national and regional agreements;

• the application of employment legislation through policy development

Where any matter relates to any particular employee this shall not be considered by the L.J.N.C.C. The Council’s grievance procedure is the correct vehicle for employees raising matters of concern.

In the event of a dispute over terms and conditions of employment arising between the two sides of the Council the dispute shall, if requested by either side, be referred for settlement by arbitration. The arbitration shall be accepted by both sides and shall be treated as though it was an agreement between the two sides.

**CONDUCT OF BUSINESS**

Attendance of non-members in an advisory capacity;

Other officers or member of the Trade Unions or other persons with specialist knowledge, may attend meetings in an advisory capacity, by invitation on either side, but they may only speak with the agreement of the Chair of the meeting.

Full time officials of the relevant recognised Trade Unions may also attend meetings in an advisory capacity or as a substitute representative.

**CHAIR AND VICE CHAIR**

The Chair and Vice-Chair shall be appointed annually on a rotation basis. The Chair will be nominated by management and may be the elected member or the Executive Director (Legal & Democratic Services), with the Vice-Chair being elected by the staff side.

The Chair shall preside at the meetings. In the absence of the Chair the Vice-Chair shall preside over the meeting.
MEETINGS & PAPERWORK

Meetings will be held quarterly.

Any scheduled meeting of the L.J.N.C.C. may be cancelled where the Chair, Executive Director (Legal & Democratic Services) and Vice Chair agree to the cancellation.

The Executive Director (Legal & Democratic Services) must be notified of the matters to be considered at any scheduled meeting at least 7 working days in advance. At the same time, the management/trade union representatives requesting the item to be considered by the L.J.N.C.C. must also provide a brief written statement relating to each item.

These statements will be supplied (by the originator(s)) to both parties – see Appendix 1. Where the statement concerns a particular service area, the relative Chief Officer (or vice versa the relative Trade Union representative) will be responsible for supplying any further written comments for consideration from their own viewpoint.

Other than in very exceptional circumstances the only business to be considered at any meeting is that which has been notified. Other business may only be considered if the item is admitted by the Chair or Vice-Chair of the meeting.

RESOLUTION OF ISSUES

Where a resolution cannot be agreed at the meeting, the options available to either party are:

a) refer the matter to the Managing Director (should this fall within his delegated powers) for re-consideration in the first instance prior to either side registering a failure to agree.
b) refer the matter to Cabinet and then to Council to determine final approach where changes to terms and conditions occur
c) to call in ACAS to assist in resolution if all parties are agreeable
d) register a failure to agree with the option to bring in the Joint Secretaries to deal with matters of interpretation.

MINUTES

The Minutes of each meeting shall be submitted to attendees and the Portfolio Holder for information. The L.J.N.C.C. may also submit recommendations through the Portfolio Holder for Policy and Corporate Governance.

QUORUM

The quorum of the L.J.N.C.C. shall be TWO representatives of each side.

CONFIDENTIALITY

Members of the L.J.N.C.C. shall have full regard to the Council’s Code of Conduct if confidential information is made available to them in the course of consultation.
AGENDA ITEMS

Where an issue has been unable to be resolved at departmental level and requires the intervention of the LJNCC, the representative/officer requesting the agenda item should submit this completed form to the Head of Human Resources.

ISSUE:

Groups of Workers Involved

Signature:
(Forward for comments to obtain both viewpoints)

RESPONSE:

Signature:
(Forward to Human Resources for inclusion on the Agenda for the JCC)
LEARNING & DEVELOPMENT PANEL

REPORTS TO: Leader and Cabinet

MEMBERSHIP: 5 Councillors

TERMS OF REFERENCE

- To support the review and development of organisational learning and development strategies for elected members
- To enable councillors and officers to discuss and promote issues relating to the planning, delivery and evaluation of member development activities
- To assist in identifying elected member training needs and providing information on resources
- To monitor and evaluate performance regarding elected member development to ensure that all activities are planned and implemented within agreed budgets
- To benchmark and improve activities against quality standards such as the North West Charter on Elected Member Development and Investors In People
ACCRINGTON TOWN TEAM

REPORTS TO:

Leader and Cabinet

MEMBERSHIP (27 in total):

5 Councillors

Hyndburn Chamber of Trade - 8 representatives including:-
2 x members of the Chamber of Trade
2 x Town Centre Independent Retailers
2 x National Multiple Retailers
1 x Town Centre Pub representative
1 x Restaurant representative

Accrington Market Traders – 2 representatives -
1 x Open Market Trader
1 x Market Hall Trader

One representative from each of the following organisations:-

Lancashire Constabulary
Accrington Civic Trust
Accrington and Rossendale College
Accrington Business and Residents Association
Arndale Shopping Centre
Leisure In Hyndburn
Accrington Lions Rotary Club
Hyndburn Enterprise Trust
Hyndburn Heritage
East Lancashire Chamber of Trade
Disabled Forum
Hyndburn & Ribble Valley CVS
Campaign for Accrington Town Centres Heart (CATCH)

TERMS OF REFERENCE

- To promote Accrington Town Centre as a Floral Market Town, to improve its prosperity and create a viable Town centre economy.

- To work with partners and engage them in the strategic decision making and developing plans regarding the future of Accrington Town Centre.

- To promote Accrington Town Centre.

- To help increase footfall and visitor numbers to the Town Centre.
- To help improve the environment and physical infrastructure of Accrington Town Centre.
- To help reduce levels of crime in Accrington Town Centre.
- To help develop plans and initiatives that promote the development of Accrington Town Centre.
- To consider and advise the Council's Cabinet in respect of public and private sector development that have an impact on Accrington Town Centre.
- To help with, and promote regeneration activity that will have a positive impact on Accrington Town Centre.
REGENERATION AND HOUSING PANEL

REPORTS TO: Leader and Cabinet

MEMBERSHIP: 6 councillors

MAIN TERMS OF REFERENCE
To provide direction to the Council's regeneration plans and projects, and assist in the monitoring of projects and programmes.

DETAILED TERMS OF REFERENCE:

- To receive and examine regeneration and HMR strategies, policies, plans, projects and programmes and to evaluate their impact on Hyndburn's neighbourhoods
- To be a consultation mechanism for the Council's regeneration and HMR plans
- To monitor the progress of regeneration (including HMR) projects and, where necessary, review the delivery and performance arrangements
- To report to Cabinet on the above and any recommendations arising
HEALTH & COMMUNITIES WORKING GROUP

MEMBERSHIP: 4 Councillors
REPORTS TO: Leader and Cabinet

TERMS OF REFERENCE

- To advise on the development, implementation and monitoring of Council policies relating to equal opportunities and / or the prevention of discrimination on the grounds of characteristics which are protected under the Equality Act 2010. These are age, disability, gender reassignment, race, religion or belief, gender, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

- To advise the Cabinet on issues relating to or affecting community cohesion and to formulate proposals for promoting community cohesion within the Borough.

- To advise the Cabinet on developments to improve the health and wellbeing of the population and the provision of health services in the Borough.
STANDARDS COMMITTEE
(RECRUITMENT OF INDEPENDENT PERSONS PANEL)

Membership: 2 members of Standards Committee.

Reports To: Council

Terms of Reference
To assist in the recruitment of independent members of the Council’s Standard’s Committee by shortlisting and interviewing applicants and making recommendations for appointment to the Council.
STANDARDS COMMITTEE  
(ASSESSMENT PANEL)

Membership

For matters relating to Hyndburn Borough Council
2 members, plus one independent person

For matters relating to Altham Parish Council
2 members, plus 1 independent person and 1 parish representative

Main Terms of Reference

To undertake an initial assessment of complaints of breach of the member code of conduct in respect of members of Hyndburn Borough Council and Altham Parish Council and to determine whether the complaint merits investigation

Detailed Terms of Reference

1. To receive allegations that a councillor or parish councillor is in breach of the member code of conduct and to determine:
   (a) That the allegation should be referred to the monitoring officer for investigation or with a direction to take some other action; or
   (b) That no action be taken.

2. At its discretion, to refer an allegation to another relevant authority where the allegation relates to a person who is no longer a member of the Council or the Parish Council but is a member or co-opted member of that other relevant authority.

3. To determine whether any request for confidentiality on the part of the complainant should be granted and to what extent.
LEADER’S POLICY DEVELOPMENT BOARD

Reports To: Leader and Cabinet

Membership: Leader and Deputy Leader(s) of the Council and the Leader and Deputy Leader(s) of the Main Opposition Group and the Leader of the Minority Opposition Group or their respective nominees.

Terms of Reference

- To monitor and review:
  - the implementation of modernised political management structures within the Council.
  - the operation and effectiveness of the Council’s constitution
  - any recommendations from the Council’s Independent Remuneration Panel and the operation and administration of the Council’s members allowances scheme
  - To assist the Leader of the Council to monitor and review the delivery and performance of any services within his portfolio
  - To assist the Leader of the Council to consider and formulate proposals for the development and amendment of plans, policies and strategies within his portfolio
  - To make recommendations to the Leader and Cabinet (as appropriate) in respect of the above.
LOCAL PLAN MEMBER WORKING GROUP

MEMBERSHIP: 7 councillors (comprising cross-party membership)

REPORTS TO: Leader and Cabinet

TERMS OF REFERENCE:

To work with officers to:

1. Informally advise the relevant Cabinet Portfolio Holder on matters concerning the timetabling, preparation and review of the Hyndburn Local Plan;
2. Consider the findings and implications of key evidence base documents in relation to the development of the Hyndburn Local Plan;
3. Consider and advise on the content of Local Plan documents (e.g. the Development Management DPD, Site Allocations DPD and Core Strategy) including policies; reasoned justifications; supporting text; site allocations; and proposals maps;
4. Consider and advise on Local Plan documents at key stages in the process prior to consideration by Cabinet and Full Council. Key stages include:
   a. Consultation Draft stage;
   b. Publication stage;
   c. Submission stage (to the Secretary of State);
   d. Examination stage and receipt of the Inspector’s report; and
   e. Adoption
5. Consider and advise upon community involvement and consultation material for the review of the Local Plan;
6. Consider and propose responses to representations received during statutory consultations, including proposed modifications to Local Plan documents following receipt of the Inspectors report;
7. Consider the implications for Hyndburn of proposed plans, policies and strategies prepared by external agencies, and to make recommendations accordingly;
8. Where necessary, consider the formal designation of Neighbourhood Areas and Neighbourhood Forums and support and advise in the production and adoption of Neighbourhood Plans; and
9. Consider and advise upon proposed Supplementary Planning Documents to the Development Plan.
AUDITOR PANEL

MEMBERSHIP:  1 Councillor and 2 Independent Members (with one of the Independent Members to be appointed as chair)

REPORTS TO:  Full Council

MAIN TERMS OF REFERENCE

To consult with and advise the Council on the selection and appointment of a local auditor.

DETAILED TERMS OF REFERENCE

- To advise the Council on the selection and appointment of a local auditor to audit the Council’s accounts
- To advise the Council on the maintenance of an independent relationship with the local auditor who has been appointed to audit the accounts
- To advise the Council on any proposal by the Council to enter into a limited liability agreement with the local auditor pursuant to section 14 Local Audit and Accountability Act 2014
- To advise the Council whether to adopt a policy on obtaining non-audit services from the local auditor, including the contents of such a policy
- If the Council proposes to adopt a policy on obtaining non-audit services from the local auditor, to advise as to the contents of such a policy, including:
  - the circumstances in which the Council should ask the Audit Panel for advice about obtaining non-audit services from the local auditor; and
  - the circumstances in which the Council should, or should not, purchase non-audit services from the Council’s local auditor
- To advise the Council on the outcome of any investigation of an auditor’s resignation from office, if this occurs, or on any proposal to remove a local auditor from office
- To receive from the Council and the local auditor a copy of any public interest report relating to the Council as soon as practicable after issue of the same
- To exercise any other functions of a local authority audit panel as prescribed from time to time by regulations made pursuant to the Local Audit and Accountability Act 2014 and to have regard to any guidance issued by the Secretary of State, in exercising, or deciding whether to exercise, its functions
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ITEM 9: APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS, 2016/17

Supplementary Information

1. Committee Appointments

1.1 The schedule of appointments to Committees, Sub-Committees, Panels and Working Groups is attached as appendix A for approval.

1.2 The changes proposed by the controlling group are:

- Membership of the Town Team to increase from 4 to 6, the additional places to be taken by the Labour Group.
- Membership of the Regeneration and Housing Panel to increase from 6 to 7, the additional place to be taken by the Labour Group.

2. Church Gateway Working Group

2.1 The controlling group propose to set up a new Church Gateway Working Group, which is listed on the schedule. Its proposed terms of reference are included at Appendix B.

3. Cabinet

3.1 Cabinet membership and allocation of portfolio responsibilities is within the power of the Leader. The Cabinet membership and positions remain the same as in 2015/16, other than an addition to the portfolio for the Deputy leader - Environmental Services, to include enforcement activity in respect of blighted sites.

Recommendations:-

In addition to the recommendations set out on page 1 of the main report, Council is asked to approve the following:-

1. To approve the membership of Committees and Sub-Committees, Panels and Working Groups, set out in Appendix A and the proposed Chairs and Vice-Chairs.

2. To approve the establishment of the Church Gateway Working Group, with the terms of reference set out in Appendix B.

3. To note the membership of Cabinet for 2016/17 and allocation of portfolio responsibilities.
MEMBERSHIP OF CABINET, COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS, 2016/17

1. **CABINET**

<table>
<thead>
<tr>
<th>Cabinet Member</th>
<th>Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Miles Parkinson</td>
<td><strong>Leader of the Council</strong></td>
</tr>
<tr>
<td></td>
<td>• Overall responsibility for the Council’s strategic and corporate direction</td>
</tr>
<tr>
<td></td>
<td>• Overall strategic and financial management of the Council</td>
</tr>
<tr>
<td></td>
<td>• All Council services and functions not falling within any of the other portfolios</td>
</tr>
<tr>
<td></td>
<td>• Partnerships and economic development</td>
</tr>
<tr>
<td></td>
<td>• Regeneration</td>
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<tr>
<td></td>
<td>• Employment and worklessness</td>
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<tr>
<td></td>
<td>• Planning and transportation (including engineering services and building control)</td>
</tr>
<tr>
<td></td>
<td>• Development management and Local Development Framework</td>
</tr>
<tr>
<td></td>
<td>• Public Service Board</td>
</tr>
<tr>
<td></td>
<td>• Police and Crime Commissioner</td>
</tr>
<tr>
<td></td>
<td>• Policy development not falling within any of the other portfolios (unless referred by the Leader to another cabinet member, a working group or the Cabinet as a whole)</td>
</tr>
<tr>
<td>Councillor Paul Cox</td>
<td><strong>Deputy Leader - Environmental Services</strong></td>
</tr>
<tr>
<td></td>
<td>• Waste management</td>
</tr>
<tr>
<td></td>
<td>• Refuse and recycling collections</td>
</tr>
<tr>
<td></td>
<td>• Enforcement activity in respect of blighted sites</td>
</tr>
<tr>
<td></td>
<td>• Street Cleaning</td>
</tr>
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<td></td>
<td>• Climate Change / Environmental Agenda</td>
</tr>
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<td></td>
<td>• Environmental Health</td>
</tr>
<tr>
<td></td>
<td>• CVMU</td>
</tr>
<tr>
<td>Councillor Clare Cleary</td>
<td><strong>Housing and Regeneration</strong></td>
</tr>
<tr>
<td></td>
<td>• Housing and neighbourhoods</td>
</tr>
<tr>
<td></td>
<td>• Liaison with housing associations and private sector housing providers</td>
</tr>
<tr>
<td></td>
<td>• Town centres, including markets</td>
</tr>
<tr>
<td></td>
<td>• Asset management and maintenance</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>Portfolio</td>
</tr>
<tr>
<td>------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Councillor Munsif Dad</td>
<td><strong>Health and Communities</strong></td>
</tr>
<tr>
<td></td>
<td>- Equality and diversity</td>
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<tr>
<td></td>
<td>- Cohesion and integration</td>
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<td></td>
<td>- Community and voluntary sector liaison</td>
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<td></td>
<td>- Older people and vulnerable adults</td>
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<td>- Health and social care</td>
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<td></td>
<td>- Community safety</td>
</tr>
<tr>
<td></td>
<td>- Customer focus</td>
</tr>
<tr>
<td>Councillor Gareth Molineux</td>
<td><strong>Resources</strong></td>
</tr>
<tr>
<td></td>
<td>- Finance and the budget process</td>
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<tr>
<td></td>
<td>- Health and safety</td>
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<td></td>
<td>- Revenues and Benefits Service</td>
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<td></td>
<td>- IT</td>
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<td></td>
<td>- Audit function</td>
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<td></td>
<td>- Human resources and organisational development</td>
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<td></td>
<td>- Constitution and corporate governance</td>
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<tr>
<td></td>
<td>- Licensing</td>
</tr>
<tr>
<td></td>
<td>- Area Management</td>
</tr>
<tr>
<td>Councillor Ken Moss</td>
<td><strong>Education, Leisure and Arts</strong></td>
</tr>
<tr>
<td></td>
<td>- Education</td>
</tr>
<tr>
<td></td>
<td>- Children, young people and families</td>
</tr>
<tr>
<td></td>
<td>- Parks and open spaces</td>
</tr>
<tr>
<td></td>
<td>- Grounds maintenance</td>
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<tr>
<td></td>
<td>- Cemeteries</td>
</tr>
<tr>
<td></td>
<td>- Sports centres and Leisure Trust</td>
</tr>
<tr>
<td></td>
<td>- Sports pitches, sports grounds and other sports facilities</td>
</tr>
<tr>
<td></td>
<td>- Sports development</td>
</tr>
<tr>
<td></td>
<td>- Public halls and public events</td>
</tr>
<tr>
<td></td>
<td>- Play facilities</td>
</tr>
<tr>
<td></td>
<td>- Tourism</td>
</tr>
<tr>
<td></td>
<td>- Arts and culture</td>
</tr>
<tr>
<td></td>
<td>- Allotments and Prospects</td>
</tr>
</tbody>
</table>
2. COMMITTEES AND SUB-COMMITTEES

These committees are politically balanced.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Total No. of Seats</th>
<th>No. of seats by political group (Labour: Conservative: UKIP)</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audit Committee</td>
<td>6</td>
<td>5:1:0</td>
<td>Aziz (C), Fielding (V/C), Button, B. Parkinson, G. Harrison, Livesey</td>
</tr>
<tr>
<td>Communities &amp; Wellbeing Overview &amp; Scrutiny Committee</td>
<td>6</td>
<td>5:1:0</td>
<td>Ayub, L. Cox, G. Harrison, Higgins (C), B. Parkinson (V/C), Pratt</td>
</tr>
<tr>
<td>Judicial Committee (External Funding)</td>
<td>4</td>
<td>3:1:0</td>
<td>Scales (C), Ayub, J. Harrison, Britcliffe</td>
</tr>
<tr>
<td>Judicial Committee (Private Hire &amp; Hackney Carriage Licensing)</td>
<td>6</td>
<td>5:1:0</td>
<td>Plummer (C), Fisher, (V/C), Short, Higgins, Eaves, Livesey</td>
</tr>
<tr>
<td>Licensing Committee</td>
<td>15</td>
<td>11:3:1</td>
<td>Fisher (C), Ayub (V/C), Higgins, J. Harrison, Khan, Plummer, Eaves, Haworth, Short, Battle, Scales, Hurn, Livesey, Pratt, Thompson</td>
</tr>
<tr>
<td>Licensing Sub-Committee</td>
<td>3</td>
<td>Any 3 from Licensing Committee</td>
<td></td>
</tr>
<tr>
<td>Management Review Committee</td>
<td>4</td>
<td>3:1:0</td>
<td>M. Parkinson (C), P. Cox, Cleary Dobson</td>
</tr>
<tr>
<td>Planning Committee</td>
<td>13</td>
<td>10:2:1</td>
<td>Ayub, B. Dawson (C), L. Cox (V/C), Button, Eaves, Fisher, J. Harrison, Higgins, Khan, Short, Addison, Pratt, Thompson</td>
</tr>
<tr>
<td>Resources Overview &amp; Scrutiny Committee</td>
<td>8</td>
<td>6:2:0</td>
<td>Battle, Button, Khan (C), Nedwell (V/C), O’Kane, Short, Allen, Hurn</td>
</tr>
<tr>
<td>Standards Committee</td>
<td>4</td>
<td>3:1:0</td>
<td>J. Harrison (C), Plummer (V/C), Scales, Pratt</td>
</tr>
<tr>
<td>Committee</td>
<td>Total No. of Seats</td>
<td>No. of seats by political group (Labour: Conservative: UKIP)</td>
<td>Membership</td>
</tr>
<tr>
<td>------------------------------------------------</td>
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<td>-------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Standards Committee – Hearing Sub-Committee</td>
<td>2</td>
<td>For matters relating to Hyndburn BC: 2 members plus 1 non-voting independent person For matters relating to Altham Parish Council: 2 members, plus 1 independent person and 1 parish representative</td>
<td></td>
</tr>
</tbody>
</table>

### 3. PANELS AND WORKING GROUPS

<table>
<thead>
<tr>
<th>Name</th>
<th>Total no. of seats</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accrington Town Team</td>
<td>6</td>
<td>Cleary (C), Dad, J. Harrison, Higgins, Short Dobson</td>
</tr>
<tr>
<td>Auditor Panel</td>
<td>1 Councillor and 2 independent members</td>
<td>Aziz</td>
</tr>
<tr>
<td>Church Gateway Group</td>
<td>4</td>
<td>Battle (C), L. Cox, P. Cox, M. Parkinson</td>
</tr>
<tr>
<td>Health and Communities Working Group</td>
<td>4</td>
<td>G. Harrison, Higgins (C), B. Parkinson Dobson</td>
</tr>
<tr>
<td>Leaders Policy Development Board</td>
<td>6</td>
<td>Cleary, P. Cox, M. Parkinson (C) Dobson, Hurn Thompson</td>
</tr>
<tr>
<td>Learning &amp; Development Panel</td>
<td>5</td>
<td>Button, Cleary (C) Addison, Hurn Thompson</td>
</tr>
<tr>
<td>Local Joint Negotiating/ Consultative Committee</td>
<td>2</td>
<td>Cleary (C) Britcliffe</td>
</tr>
<tr>
<td>Local Plan Member Working Group</td>
<td>7</td>
<td>L. Cox (C), Eaves, Fisher, Higgins, Short Addison, Pratt</td>
</tr>
<tr>
<td>Name</td>
<td>Total no. of seats</td>
<td>Membership</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Regeneration and Housing Panel</td>
<td>7</td>
<td>Ayub, Battle, Cleary (C), Eaves, Plummer, J. Harrison Dobson</td>
</tr>
<tr>
<td>Standards (Recruitment of Independent Members Panel)</td>
<td>2 Councillors, plus 1 independent member</td>
<td></td>
</tr>
<tr>
<td>Standards (Assessment Panel)</td>
<td>2 Councillors, plus 1 independent member</td>
<td></td>
</tr>
</tbody>
</table>

==============
CHURCH GATEWAY WORKING GROUP

REPORTS TO: Leader and Cabinet

MEMBERSHIP: 4 Councillors, to include the 2 Church ward councillors

TERMS OF REFERENCE

• To promote the regeneration of the Church Gateway area

Detailed terms of reference:

• To receive and examine policies, plans and proposals relating to the Church Gateway area

• To act as a consultation body for the Council’s regeneration proposals for the Church Gateway area

• To monitor the progress of regeneration proposals for the Church Gateway area

• To report to Cabinet on the above and any recommendations arising
1. **Purpose of Report**

1.1 To seek approval for the attached scheme of delegation of non-executive functions to officers.

2. **Recommendations**

2.1 That Council approves Parts 1, 3 and 4 of the attached scheme of delegation to officers, which relate to the delegation of the Council’s non-executive functions.

3. **Reasons for Recommendations and Background**

3.1 The Council’s constitution requires that the scheme of delegation to officers is approved annually at the AGM. It is also good practice to review the scheme of delegation regularly and keep it up to date. This helps to ensure that the Council’s decision-making processes operate as effectively as possible.

3.2 In accordance with The Local Government & Public Involvement in Health Act 2007, the Council adopted the “Leader and Cabinet Executive (England) model” with effect from the 9th May 2011. By law, the Leader of the Council is now required to allocate responsibility for the Council’s executive functions and this includes approving the Council’s scheme of delegation of executive functions. The delegations set out in Part 2 of the attached scheme will therefore be submitted to the Leader of the Council for approval after the AGM.

3.3 Very few amendments are proposed to the scheme of delegation for 2015-16 and these relate to legislative changes, changes to officer duties and responsibilities and changes of job title.
4. **Alternative Options considered and Reasons for Rejection**

4.1 Not applicable – the Council’s constitution requires the AGM to agree an annual scheme of delegation of non-executive functions to officers

5. **Consultations**

5.1 All service managers were consulted as part of the review of the existing scheme of delegation.

6. **Implications**

<table>
<thead>
<tr>
<th>Financial implications (including mainstreaming)</th>
<th>None.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal and human rights implications</td>
<td>None, other than those set out in paragraph 3 of this report</td>
</tr>
<tr>
<td>Assessment of risk</td>
<td>None</td>
</tr>
<tr>
<td><strong>Equality and diversity implications</strong></td>
<td>None</td>
</tr>
<tr>
<td>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</td>
<td>None</td>
</tr>
</tbody>
</table>

7. **Local Government (Access to Information) Act 1985: List of Background Papers**

None

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
Appendix 4

This document is split into three parts:

**Part 1** - requirements applying to all delegations

**Part 2** – delegations of executive (i.e. Cabinet) functions

**Part 3** – delegations of non-executive (i.e. non Cabinet) functions

**Part 4** - appointment of statutory and proper officers

**NB: delegations of executive functions have been approved by the Leader of the Council and delegations of non-executive functions have been agreed by the full Council**

**Part 1**

All delegations to officers are subject to the terms of the particular delegation and to the following general conditions:

(i) When exercising their delegated powers officers must act in accordance with the law, the Council’s constitution (with specific regard to the Financial and Contract Procedure Rules) and the Council’s other policies and procedures and must act within the budget for the relevant service area..

(ii) an officer to whom a function is delegated may authorise another officer to exercise that function, provided that the other officer reports to or is responsible to the officer in question. In the absence of the relevant officer, the Chief Executive shall have power to act in any case of emergency.

(iii) references to any enactment, regulation order or by-law shall include any amendment or re-enactment, whether or not with amendments

(iv) If authority is delegated to two or more officers, then in the event of a failure to agree, the decision will be taken by the Chief Executive or relevant Chief Officer.

(v) Where the exercise of powers is to be subject to prior consultation with another officer or Cabinet member, that officer or Cabinet member may give his or her views in general terms in advance to apply to any particular circumstance, to remove the need for consultation for each proposal.
(vi) Any heading or sub-heading used to categorise the type of power, duty or functions being delegated, is for description only, and shall not be taken to limit or qualify it in any way.

(vii) Subject to any express instructions to the contrary any power to approve also includes the power to refuse and the power to impose appropriate conditions.

(viii) All delegated functions shall be exercised on behalf of and in the name of the Council.

(ix) **Emergency Action / Emergency Powers**

**Executive / Cabinet functions**

In cases of emergency, each Chief Officer is authorised to take any necessary action in the interests of the Council or the residents or other persons having interests within the Borough provided that:

- The action is within the powers of the Leader and Cabinet;

- The emergency is certified as such by the Chief Executive (or his/her nominated deputy) and the Chief Officer concerned (or his / her nominated Deputy);

- The Leader, Deputy Leader and relevant Cabinet member are consulted and give approval in principle to the proposed action. In the absence of any of these, another member of the Cabinet shall be consulted

- The approval of the Deputy Chief Executive is obtained to any expenditure involved; and

- A full report is submitted to the next meeting of the Cabinet

**Non-executive / Non-Cabinet functions**

In cases of emergency, each Chief Officer is authorised to take any necessary action in the interests of the Council or the residents or other person having interests within the Borough provided that:

- The action is within the powers of the Council;

- The emergency is certified as such by the Chief Executive (or his nominated Deputy) and the Chief Officer concerned (or his/her nominated Deputy);

- The Chair and Vice-Chair of relevant committee and the Leader of the main opposition group are consulted and give approval in principle to the proposed action. In their absence, two substitutes shall be consulted from a panel comprising:-

  - Chairs of any other Committee (excluding the Leader and Cabinet members)
- Deputy Leader of the opposition
- Opposition spokesperson on any committee

- The approval of the Deputy Chief Executive is obtained to any expenditure involved;

- A full report is submitted to the next meeting of the appropriate committee of the Council.

(x) **Limit on all delegations of executive functions**

The functions set out in column (1) below are not the responsibility of the Leader and Cabinet if any of the circumstances in column (2) apply. In such circumstances the officer concerned does not have any delegated authority and the matter must be referred to full Council for a decision.

<table>
<thead>
<tr>
<th>(1) Function</th>
<th>(2) Circumstances</th>
</tr>
</thead>
<tbody>
<tr>
<td>A decision which is delegated to an officer by the Leader and Cabinet; and which is concerned with the Council’s budget, or its borrowing or capital expenditure.</td>
<td>The officer to whom the decision is delegated is minded to determine the matter contrary to, or not wholly in accordance with:- (i) the Council’s budget; or (ii) the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; and the decision is not authorised by the Council’s constitution as being something that can be decided by the Leader and Cabinet.</td>
</tr>
<tr>
<td>A decision which is the responsibility of the Leader and Cabinet and in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the full Council</td>
<td>The officer to whom the decision is delegated is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the Council</td>
</tr>
</tbody>
</table>
**Part 2 - Delegation of Executive Functions to Officers**

**DELEGATIONS TO ALL CHIEF OFFICERS**

Chief Officer for these purposes means the Chief Executive, the Deputy Chief Executive, the Executive Director (Legal & Democratic), the Head of Environmental Partnerships, the Head of Parks and Cemeteries, the Head of Community Services, the Head of Regeneration and Housing and the Chief Planning & Transportation Officer

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 1.1            | To perform and / or carry out those functions of the Council within the Chief Officers service area. “Functions” are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the relevant functions. | In exercising their delegated powers Chief Officers must:  
  i) act within the law and in accordance with any statutory requirements and procedures  
  ii) comply with the Council’s constitution, paying particular regard to the Financial Procedure Rules and the Contracts Procedure Rules  
  iii) comply with the Council’s other policies and procedures  
  iv) act within the budget for the relevant service area  
  v) consult the relevant portfolio holder in respect of significant decisions and, where requested by the portfolio holder, refer the matter to Cabinet for decision  
  vi) consult appropriate colleagues if the proposed decision may have significant financial, legal, property or staffing implications  
  v) keep a written record of the decision taken and the reasons for it |

In exercising their delegated powers Chief Officers may:

a. incur, vary and discontinue expenditure  
b. manage the staffing, property, financial and other resources within the Chief Officers’ control  
c. procure works, goods and services, including accepting tenders and signing contracts/agreements, subject to all necessary approvals being received  
d. terminate contracts  
e. exercise virement within the limits set out in the Finance Procedure Rules  
f. serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions and make orders in the exercise of the Council’s powers and duties  
g. set, vary and waive fees and charges for the delivery of services and for the issue of any licence, permit, consent or approval subject to any statutory requirements and following consultation with the relevant portfolio holder  
h. charge for services, where a service beyond that normally supplied free of charge is requested, subject to the prior agreement of the person to be charged.
<table>
<thead>
<tr>
<th>Charged</th>
<th>The Chief Officer must maintain a proper record of such authorisation. Such officers to be suitably qualified and/or experienced. The exercise of delegated powers by these individuals is subject to the same restrictions as apply to the relevant Chief Officer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To authorise any officer(s) under his/her control to exercise any of the functions delegated to that Chief Officer.</td>
<td>In exercising their delegated powers Chief Officers must:</td>
</tr>
<tr>
<td></td>
<td>i) act within the law and in accordance with any statutory requirements and procedures</td>
</tr>
<tr>
<td></td>
<td>ii) comply with the Council’s policies and procedures</td>
</tr>
<tr>
<td></td>
<td>iii) act within the budget for the relevant service area</td>
</tr>
</tbody>
</table>

1.3 To deal with the following employment issues within the Chief Officers service area:

<p>| To engage, suspend, dismiss and deploy staff. |
| To take disciplinary action against staff. |
| To apply conditions of service. |
| To regrade posts in accordance with the Council's job evaluation scheme. |
| To make changes to staffing structures within the relevant service budget. |
| To approve honoraria payments not exceeding £2000. |
| To award car / telephone allowances. |
| To make arrangements for maternity leave and staffing cover. |
| To amend job descriptions of staff within his/her department. |
| To approve applications for leave of absence in cases not covered by Council policy. |</p>
<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>CHIEF EXECUTIVE’S GENERAL REMIT</td>
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<tr>
<td>2.2</td>
<td>To act as the head of paid service under section 4 of the Local Government and Housing Act 1989</td>
<td></td>
</tr>
<tr>
<td>2.3</td>
<td>To guide and where appropriate, direct chief officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>To carry out any function which is delegated to a particular chief officer subject to any limits or conditions attaching to that delegation</td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>To grant exemptions on the political restriction of officer posts under the Localism Act 2011</td>
<td></td>
</tr>
<tr>
<td>2.6</td>
<td>To grant dispensations to Cabinet members prior to the taking of an executive decision in respect of which they have a conflict of interest pursuant to regulations 12 and 13 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</td>
<td>In consultation with the monitoring officer</td>
</tr>
<tr>
<td>2.7</td>
<td>Designation of reserve delegated officers in absence of Chief Officer/Deputy</td>
<td></td>
</tr>
<tr>
<td>2.8</td>
<td>To keep under review the terms and conditions of the members of the Corporate Management Team and make such revisions as considered appropriate within the resources available</td>
<td></td>
</tr>
<tr>
<td>2.9</td>
<td>Attestation of the Common Seal and authorisation of other officers for this purpose in connection with the exercise of executive functions</td>
<td></td>
</tr>
<tr>
<td>2.10</td>
<td>Appointment of officers(s) to act as deputy in respect of delegated functions in this constitution or in accordance with Cabinet minutes</td>
<td>Consult with Mayor and Group Leaders</td>
</tr>
<tr>
<td>2.11</td>
<td>Exceptions to Flying the Flag policy</td>
<td>Consult with Leader, Deputy Leader and relevant Cabinet member.</td>
</tr>
<tr>
<td>2.12</td>
<td>Applications for marches under Public Order Act 1936</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To take action within the Council’s powers in</td>
<td>After consulting as widely as is</td>
</tr>
<tr>
<td>2.13</td>
<td>Power to authorise directed surveillance and to authorise the conduct of covert intelligence sources pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
<td>practicable in the circumstances</td>
</tr>
<tr>
<td>2.14</td>
<td>To exercise powers under the Civil Contingencies Act 2004</td>
<td></td>
</tr>
<tr>
<td>2.15</td>
<td>To receive and respond to expressions of interest under the Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011</td>
<td></td>
</tr>
<tr>
<td>2.16</td>
<td>To designate approved duties for the purpose of the Council’s members allowances scheme</td>
<td></td>
</tr>
<tr>
<td>2.17</td>
<td>To review decisions to include land and/or buildings on the list of assets of community value pursuant to section 92 Localism Act 2011 and to review decisions relating to compensation pursuant to section 99 Localism Act 2011 in respect of assets of community value</td>
<td>These functions may be delegated by the Chief Executive to the Deputy Chief Executive and the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>2.18</td>
<td>To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
<td>Subject to compliance with the Council’s guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
</tr>
<tr>
<td>2.19</td>
<td>(Subject to the delegation in Part 2 paragraph 4.20 of this scheme of delegation) to exercise the powers conferred on the Council by the Anti-Social Behaviour Crime and Policing Act 2014 and to appoint and authorise officers of the Council to exercise any of the powers and duties of the Council under that Act</td>
<td>Subject to approval by the Executive Director (Legal &amp; Democratic Services), or the Legal Services Manager or a solicitor within the Council’s Legal Services Section</td>
</tr>
<tr>
<td>2.20</td>
<td>To ensure appropriate risk management arrangements are in place across the Council</td>
<td></td>
</tr>
</tbody>
</table>
| 3.1 | To approve housing renewal assistance as defined in the Council’s Housing Renewal Policy up to the following maximums  
- grant aid up to a maximum of £30,000  
- equity loan for refurbishment up to a maximum of £30,000  
- equity loan for relocation up to a maximum of £40,000  
- grant aid / equity loan for conversions of 2 or more dwellings to 1 to provide satisfactory accommodation up to a maximum of £50,000 |
<p>| 3.2 | Make grants towards the cost of separate water connection |
| 3.3 | Adaptations for the disabled – permit grant aid for extensions where internal amenities and structural change necessitate this to accommodate a stair lift or similar |
| 3.4 | To determine whether or not to approve housing assistance where works commenced prior to approval where good reason shown |
| 3.5 | To set fees for agency services for housing renewal activity as defined by the Council’s Housing Renewal Policy |
| 3.6 | To acquire houses for Regeneration / Housing Renewal purposes and where appropriate selecting such houses for improvement |
| 3.7 | To carry out necessary works (following tendering procedures) to houses for improvement for sale |
| 3.8 | To be responsible for administration and pre-contract works of block rehabilitation schemes |
| 3.9 | To make statutory returns under the Home Energy Conservation Act |
| 3.10 | To implement legislation relating to homelessness and housing allocations |
| 3.11 | To assess housing need and make nominations to RSL’s under the terms of the Council’s approved allocations scheme |
| 3.12 | To assess, advise and where appropriate assist all households presenting themselves |</p>
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>3.13</strong></td>
<td>Under the Council’s regeneration programmes authorise the acquisition of properties by agreement in areas designated for redevelopment or authorise the payment for properties to be purchased under any proposed or confirmed CPO</td>
</tr>
<tr>
<td><strong>3.14</strong></td>
<td>To negotiate a contract with a housing association without recourse to open tendering in circumstances where considered to be suitable and advantageous</td>
</tr>
</tbody>
</table>

In consultation with the Chief Executive and the Executive Director (Legal & Democratic Services)
<table>
<thead>
<tr>
<th>3.16</th>
<th>Virement between HIP expenditure blocks and between yearly programmes</th>
<th>In consultation with the Deputy Chief Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.17</td>
<td>To authorise holding of car boot sales/markets where organiser intends profits generated to be solely for charitable, sporting, social or political purposes. Provided no vans individual or organisation in same location more than once in 3 months</td>
<td></td>
</tr>
<tr>
<td>3.18</td>
<td>Take appropriate action in behalf of the Council’s market franchise rights</td>
<td>In consultation with the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>3.19</td>
<td>To manage the Council’s markets</td>
<td></td>
</tr>
<tr>
<td>3.20</td>
<td>To authorise the sale of properties purchased by the Council where the original purchase was made as part of the Council’s empty property strategy or where the property is located within a regeneration area</td>
<td>In consultation with the Chief Executive and the relevant portfolio holder</td>
</tr>
<tr>
<td>3.21</td>
<td>To award assistance, including grants, up to a maximum of £20,000 to help bring empty properties back into use</td>
<td>Subject to the availability of resources</td>
</tr>
<tr>
<td>3.22</td>
<td>To issue licences and generally to manage the Council’s scheme for the selected licensing of private rented accommodation.</td>
<td></td>
</tr>
<tr>
<td>3.23</td>
<td>To enter into agreements with registered social landlords in respect of the Council’s duties under Part 4 Housing Act 2004 relating to management orders</td>
<td>In consultation with the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>3.24</td>
<td>To create, review and maintain an advisory list of building contractors for renovation grants. To determine whether or not to accept assignment of grant monies to contractors not on the Council’s advisory list</td>
<td></td>
</tr>
<tr>
<td>3.25</td>
<td>(a) To exercise the powers conferred on the Council by the Scrap Metal Dealers Act 2013 (and any Regulations, Orders, Byelaws or other subsidiary legislation made under that Act and any enactments amending or replacing the same) and to appoint and</td>
<td></td>
</tr>
</tbody>
</table>
**PROPERTY SERVICES**

| 3.26 | To take all actions required in relation to the management of Elmfield Hall and the discharge of the Council’s responsibilities and statutory obligations as landlord in respect of the same | In conjunction with the Executive Director (Legal & Democratic Services) |
| 3.27 | To make appropriate planning applications on behalf of the Council for any Council owned land and property assets where it is considered that a planning permission for an alternative use would be beneficial to the future management or disposal of the asset provided that the costs of making such an application do not exceed £10,000 (ten thousand pounds) per individual asset. | In consultation with the Leader, Deputy Leader and appropriate Cabinet member |
| 3.28 | To negotiate, agree compensation and acquire properties identified by the Council and approved by Cabinet as appropriate for compulsory purchase under all appropriate Acts of Parliament. |  |
| 3.29 | (i) To agree terms for the granting, acquisition, variation or extinguishment of easements and wayleaves and where necessary to enter into Licences to enter third party land for the purposes of carrying out works; and (ii) To negotiate and agree terms for the granting of leases, licences and tenancy agreements to statutory undertakers for the implementation of infrastructure in accordance with their statutory obligations. |  |
| 3.30 | In connection with general vesting declarations, to agree further occupation periods of up to six months for occupiers of business premises. |  |
| 3.31 | (i) To manage, agree terms and instruct the Council’s Legal Services department to effect all new and renewal leases, licences and tenancy agreements and all ancillary or supplementary documentation notices and consents relating thereto in respect of all property owned by the Council and not |  |

Municipal Year 2014/15
occupied by the Council for the performance of its functions including its investment land and other non-operational properties and property interests provided that the delegated authority to agree terms shall not apply if any of the following applies:

- the term exceeds twenty years
- the annual rent or fee until the first rent or fee review (if applicable) exceeds £20,000 (twenty thousand pounds) per annum; or
- the letting is at less than best consideration

(ii) To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council

(iii) To take all appropriate action to recover possession of all land and buildings let by the Council in circumstances where the lessee, tenant or licensee has become bankrupt, insolvent or where such other grounds for forfeiture arise.

(iv) To agree terms for and instruct the Council’s Legal Services department to effect the acquisition of new and renewal leases where the Council is the tenant or licensee provided that the lease or licence term does not exceed five years and / or the annual rental during the term or licence period up until the first rent or licence review (if applicable) does not exceed £10,000 (ten thousand pounds) per annum.

(v) To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences held by the Council as the tenant or licensee.

(vi) To negotiate and agree any dilapidation claim arising from a lease or licence either granted by or held by the Council provided the value of the claim does not exceed £100,000 (one hundred thousand pounds) (exclusive of fees).

| 3.32 | To exercise statutory responsibility in relation to property management including such matters as the disposal of the Council’s freehold interest in the site of properties |
| (iv) In consultation with the Leader, Deputy Leader and appropriate Cabinet member |
| (v) In consultation with the Leader, Deputy Leader and appropriate Cabinet member |
| (vi) In consultation with the Executive Director (Legal & Democratic) Services |
which fall under the provisions of the Leasehold Reform Act 1967, and the Leasehold Reform, Housing & Urban Development Act 1993 enabling the occupants to acquire (enfranchise) their landlord’s freehold interest.

| 3.33 | (i) To agree terms and instruct the Council’s Legal Services department in respect of all property and land asset disposals, transfers and agreements of any interest where the capital value does not exceed £75,000 (seventy five thousand pounds) per transaction (exclusive of fees) and where the disposal sale or transfer is not at less than best consideration; and  
(ii) To agree terms for the purchase of ground rents that it is considered beneficial for the Council to purchase provided that the total expenditure on such transactions does not exceed £10,000 (ten thousand pounds) (exclusive of fees) in any one financial year. | (i) In consultation with the Leader, Deputy Leader and appropriate Cabinet member  
(ii) In consultation with the Leader, Deputy Leader and appropriate Cabinet member |

| 3.34 | To grant permission for community organisations to enter onto Council land under licence to undertake minor environmental improvement schemes. “Minor” schemes will include all schemes where any increase in maintenance obligation or liability for the Council could be funded from existing approved budgets without detriment to other services and projects | In consultation with the Leader, Deputy Leader and appropriate Cabinet member |

| 3.35 | In respect of assets of community value and pursuant to Sections 87, 90, 91, 92 (4), 93, 94, 97, 98, 99 and 102 Localism Act 2011 to  
(i) maintain a list of Assets of Community Value, (ii) to give notification of inclusion or removal of assets from the list, (iii) to remove entries from the list following a review, (iv) to maintain a list of unsuccessful nominations, (v) to publish and make available lists, (vi) to give notice of and publicise receipt of notice of intended disposal, (vii) to inform owners of requests to be treated as a bidder, (viii) to cooperate with other local authorities (ix) to determine nominations for the list of assets of community value (x) to administer a compensation scheme | |

<p>| 3.36 | To determine the number and location of Christmas light “switch on” events to be supported by Council staff each year | In consultation with the Portfolio Holder |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>4.1</td>
<td>In relation to executive functions to commence, defend, conduct, settle, and appear in any legal proceedings to protect the Council’s assets or interests or relating to the Council’s functions or, if appropriate, for the benefit of the inhabitants of the Borough and to prosecute any person or persons in accordance with the Council’s executive functions.</td>
<td></td>
</tr>
<tr>
<td>4.2</td>
<td>To authorise appropriate staff within the legal section to appear in court, including appearance in the magistrates court pursuant to section 223 Local Government Act 1972</td>
<td></td>
</tr>
<tr>
<td>4.3</td>
<td>To instruct external solicitors and/or counsel to represent the Council</td>
<td></td>
</tr>
<tr>
<td>4.4</td>
<td>To authenticate documents in connection with the exercise of executive functions</td>
<td></td>
</tr>
<tr>
<td>4.5</td>
<td>To settle legal documents relating to or affecting the functions of the Council and to sign documents on behalf of the Council, including any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings</td>
<td></td>
</tr>
<tr>
<td>4.6</td>
<td>To obtain particulars of land ownership in connection with any executive function</td>
<td></td>
</tr>
<tr>
<td>4.7</td>
<td>To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements</td>
<td></td>
</tr>
<tr>
<td>4.8</td>
<td>To take all steps prescribed by law to implement compulsory purchase powers</td>
<td>Subject to a decision by the Leader and Cabinet to exercise compulsory purchase powers</td>
</tr>
<tr>
<td>4.9</td>
<td>To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration up to a maximum of £500 per claim, pursuant to section 92 Local Government Act 2000</td>
<td></td>
</tr>
<tr>
<td>4.10</td>
<td>To authorise directed surveillance and the conduct of covert intelligence sources pursuant to sections 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
<td></td>
</tr>
<tr>
<td>4.11</td>
<td>To act as the Senior Responsible Officer for the purpose of Part II Regulation of Investigatory Powers Act 2000</td>
<td></td>
</tr>
<tr>
<td>4.12</td>
<td>To agree terms for block rehabilitation agreement(s)</td>
<td>In consultation with Head of Regeneration and Housing and the Chief Planning and Transportation Officer</td>
</tr>
<tr>
<td>4.13</td>
<td>To make changes to the workplace smoking policy to take account of legislative requirements</td>
<td></td>
</tr>
<tr>
<td>4.14</td>
<td>Access to Information – to determine charges for inspecting and copying documents and access arrangements for viewing documents and registers</td>
<td></td>
</tr>
<tr>
<td>4.15</td>
<td>To implement the Enforced Sales Procedure in accordance with the Council’s Empty Dwellings Strategy (or to recover debt owed to the Council and / or in support of regeneration and housing renewal activity) if satisfied that the power of sale is available to the Council in respect of a particular property. This includes serving the necessary notices pursuant to the Law of Property Act 1925, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property.</td>
<td>In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder</td>
</tr>
<tr>
<td>4.15</td>
<td>To make changes to the Council’s policy on Councillors’ use of ICT services and equipment.</td>
<td>In consultation with the Leader’s Policy Development Board</td>
</tr>
<tr>
<td>4.16</td>
<td>To act as returning officer for Council elections (and deputy returning officer for other elections) in accordance with section 35 Representation of the People Act 1983</td>
<td></td>
</tr>
<tr>
<td>4.17</td>
<td>To act as electoral registration officer for the Council in accordance with section 8 Representation of the People Act 1983</td>
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</tr>
<tr>
<td>4.18</td>
<td>To administer the Council’s payroll function</td>
<td></td>
</tr>
<tr>
<td>4.19</td>
<td>Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
<td>Subject to compliance with the Council’s guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
</tr>
</tbody>
</table>

Subject to confirmation of the approval by the Executive Director
(Legal & Democratic Services), the Legal Services Manager or a solicitor within the Council’s Legal Services Section

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<thead>
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</thead>
<tbody>
<tr>
<td>4.20</td>
<td>To make public spaces protection orders pursuant to the Anti-Social Behaviour Crime and Policing Act 2014 for the purpose of restricting access to highways and providing alley gates</td>
<td>In consultation with the portfolio holder and relevant ward councillors</td>
</tr>
<tr>
<td>4.21</td>
<td>To authorise officers of the Council to issue fixed penalty notices in respect of contravention of public spaces protection orders made pursuant to the Anti-Social Behaviour Crime and Policing Act 2014</td>
<td></td>
</tr>
<tr>
<td>4.22</td>
<td>Subject to 4.20 above, to exercise the powers conferred on the Council by the Anti-Social Behaviour Crime and Policing Act 2014 and to appoint and authorise officers of the Council to exercise any of the powers and duties of the Council under that Act</td>
<td></td>
</tr>
<tr>
<td>4.23</td>
<td>To agree amendments to the allotment guidelines and to publish the same</td>
<td>In consultation with the portfolio holder, the Chief Planning &amp; Transportation Officer and the Hyndburn Federation of Allotment Holders</td>
</tr>
</tbody>
</table>

**DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER**

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<tr>
<td>5.1</td>
<td>Directions under the provisions of Article 4 of the Town and Country Planning General Development Procedure Order 1995</td>
<td></td>
</tr>
<tr>
<td>5.2</td>
<td>Following consultation with the relevant portfolio holder, power to respond on behalf of the Council to consultation by other local authorities on proposed or amended development plans, policies, strategies and supplementary planning guidance</td>
<td></td>
</tr>
<tr>
<td>5.3</td>
<td>Following consultation with the relevant portfolio holder, power to respond on behalf of the local planning authority to consultation by external agencies and government departments</td>
<td></td>
</tr>
<tr>
<td>5.4</td>
<td>To obtain additional information in connection with planning purposes whether under S330 of Town and Country Planning Act 1990 or by By Statutory Notice</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td></td>
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<tr>
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</tr>
<tr>
<td>5.5</td>
<td>Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
<td></td>
</tr>
<tr>
<td>5.6</td>
<td>To exercise the Council's residual highway functions In consultation with the relevant portfolio holder</td>
<td></td>
</tr>
<tr>
<td>5.7</td>
<td>To authorise persons to enter land in accordance with section 324 Town &amp; Country Planning Act 1990 and section 88 Planning (Listed Buildings and Conservation Areas) Act 1990</td>
<td></td>
</tr>
<tr>
<td>5.8</td>
<td>To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925</td>
<td></td>
</tr>
<tr>
<td>5.9</td>
<td>To provide seats on highway land, where appropriate</td>
<td></td>
</tr>
<tr>
<td>5.10</td>
<td>To operate the Hedgerow Regulations 1997 on land in the Borough including issuing a Hedgerow Retention Notice</td>
<td></td>
</tr>
<tr>
<td>5.11</td>
<td>The making of Temporary Highway Closure Orders under Section 21 of the Town Police Clauses Act 2007</td>
<td></td>
</tr>
<tr>
<td>5.12</td>
<td>To agree the terms of garage tenancy agreements, to agree variations of the same and to take any steps prescribed by law to determine or enforce garage tenancy agreements</td>
<td></td>
</tr>
<tr>
<td>5.13</td>
<td>ENGINEERING</td>
<td></td>
</tr>
<tr>
<td>5.13.1</td>
<td>To receive notice of intention to demolish buildings or parts of buildings (unless exempt) within the Borough. To issue notices concerning the manner of any demolition to be carried out In consultation with the Head of Environmental Partnerships</td>
<td></td>
</tr>
<tr>
<td>5.13.2</td>
<td>To take steps to protect unoccupied buildings from unauthorised entry or causing danger to public health In consultation with the Head of Environmental Partnerships</td>
<td></td>
</tr>
<tr>
<td>5.13.3</td>
<td>To make additions to or deletions from list of contractors approved for demolition</td>
<td></td>
</tr>
<tr>
<td>5.13.4</td>
<td>To exercise the Council's functions as risk management authority under section 6 Flood and Water Management Act 2010</td>
<td></td>
</tr>
<tr>
<td>5.13.5</td>
<td>To exercise the Council's functions as designating and responsible authority under</td>
<td></td>
</tr>
</tbody>
</table>
### DELEGATIONS TO HEAD OF ENVIRONMENTAL PARTNERSHIPS

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td><strong>ENVIRONMENTAL HEALTH FUNCTIONS</strong></td>
<td>yna</td>
</tr>
<tr>
<td>8.1.1</td>
<td>In so far as they are executive functions to exercise the powers conferred by the following legislation and to appoint and authorise officers under any of the Statutes for any of the appropriate provisions which fall within the remit of the Environmental Health Section and any re-enactment of similar provisions or regulations made under any of the Acts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Applicable to:-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Environmental Protection Act 1990</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pollution Prevention and Control Act 1999</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clean Air Act 1993</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Noise and Statutory Nuisance Act 1993</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Also any Regulations, Order, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</td>
<td></td>
</tr>
<tr>
<td>8.1.2</td>
<td>To authorise appropriate staff within the department to appear in court in connection with proceedings relating to the Functions listed in 8.1.1 above</td>
<td></td>
</tr>
<tr>
<td>8.1.3</td>
<td>Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
<td></td>
</tr>
<tr>
<td>8.1.4</td>
<td>To exercise the provisions of and issue notices under Sections 43 and 48 of the Anti-Social Behaviour Act 2003</td>
<td></td>
</tr>
<tr>
<td>8.1.5</td>
<td>Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
<td>Subject to compliance with the Council's guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
</tr>
</tbody>
</table>
### DELEGATIONS TO THE DEPUTY CHIEF EXECUTIVE

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>FINANCIAL MANAGEMENT</td>
<td></td>
</tr>
<tr>
<td>9.1</td>
<td>To undertake the proper administration of the Council’s financial affairs and the operation of the Council’s accounting systems</td>
<td></td>
</tr>
<tr>
<td>9.2</td>
<td>To arrange all borrowing, financing and investment in line with the Council’s Treasury Management Policy</td>
<td></td>
</tr>
<tr>
<td>9.3</td>
<td>To exercise the budgetary control functions referred to the Deputy Chief Executive in the Council’s Financial Procedure Rules</td>
<td></td>
</tr>
<tr>
<td>9.4</td>
<td>To administer the calculation and payment of housing benefit and council tax support</td>
<td></td>
</tr>
<tr>
<td>9.5</td>
<td>To make amendments to the Council’s council tax support scheme as required, to comply with national guidelines and to ensure the scheme remains fiscally neutral.</td>
<td></td>
</tr>
<tr>
<td>9.6</td>
<td>To take all necessary steps to undertake the calculation, collection, administration and recovery of Council Tax and Non-domestic Rates in accordance with the Local Government Finance Act 2012, the Local Government Finance Act 1992 and the Local Government Finance Act 1988, (all as amended from time to time) and further government regulations and guidance, that may be issued.</td>
<td></td>
</tr>
<tr>
<td>9.7</td>
<td>To determine the size of the Council Tax Support Exceptional Hardship Fund each year;</td>
<td></td>
</tr>
<tr>
<td>9.8</td>
<td>To make appropriate banking arrangements on behalf of the Council</td>
<td></td>
</tr>
<tr>
<td>9.9</td>
<td>To insure against risks where he considers this appropriate</td>
<td></td>
</tr>
<tr>
<td>9.10</td>
<td>To sign attachment of earnings orders</td>
<td></td>
</tr>
<tr>
<td>-------</td>
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<td></td>
</tr>
<tr>
<td>9.11</td>
<td>To determine National Non Domestic Rates hardship cases and assess relief</td>
<td></td>
</tr>
<tr>
<td>9.12</td>
<td>To authorise suitable officers to attend court and valuation panels/tribunals on behalf of the Council for the administration and collection of council tax and non-domestic rates in accordance with legislation and Council policy</td>
<td></td>
</tr>
<tr>
<td>9.13</td>
<td>To make payments for properties to be purchased by agreement in an area proposed for redevelopment or for properties to be purchased under any confirmed compulsory purchase order</td>
<td></td>
</tr>
<tr>
<td>9.14</td>
<td>To award, cancel and recover discretionary housing payments under the Discretionary Financial Assistance Regulations 2001</td>
<td></td>
</tr>
<tr>
<td>9.15</td>
<td>Power to write off debts up to a value of £5,000 each</td>
<td></td>
</tr>
</tbody>
</table>
| 9.16  | Power to write off debts of any value if:  
|       | - The debtor is bankrupt or in liquidation and there is no likelihood of the debt being paid; or  
|       | - The debtor has absconded and all reasonable enquiries have failed to locate them; or  
|       | - The debtor is in prison and has no means to pay; or  
|       | - The debtor has died and there is no estate |
| 9.17  | Power to write off debts of council tax and non-domestic rates of any value if:  
|       | - The debt has been remitted by the magistrates court; or  
<p>|       | - The debtor has been imprisoned in respect of the debt |
| 9.18  | Responsibility for maintaining an adequate and effective system of internal audit |
| 9.19  | Responsible for the Council’s compliance with taxation regulations for the purposes of the CIPFA Code of Tax Management |
| 9.20  | to operate the Council’s car loan and car leasing schemes |
| 9.21  | To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 |</p>
<table>
<thead>
<tr>
<th>10.</th>
<th><strong>LEISURE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1</td>
<td>Granting of use of sports and leisure facilities for annual galas, tuition of school children and other similar events including free/discount use policy at Council leisure facilities</td>
</tr>
<tr>
<td>10.2</td>
<td>To allocate athletics track at Wilson Playing Fields free of charge up to 4 times each year to Hyndburn Athletics Club</td>
</tr>
<tr>
<td>10.3</td>
<td>Relaxation of by-laws for cycle races</td>
</tr>
<tr>
<td>10.4</td>
<td>To determine Christmas closure arrangements in respect of leisure facilities</td>
</tr>
<tr>
<td>10.5</td>
<td>To determine the terms and conditions with artists/organisers for the arts and entertainments programme</td>
</tr>
<tr>
<td>10.6</td>
<td><strong>MISCELLANEOUS</strong></td>
</tr>
<tr>
<td>10.6.1</td>
<td>Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
</tr>
<tr>
<td>10.6.2</td>
<td>Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>10.6.3</td>
<td>(Subject to the delegation in Part 2 paragraph 4.20 of this scheme of delegation) to exercise the powers conferred on the Council by the Anti-Social Behaviour Crime and Policing Act 2014 and to appoint and authorise officers of the Council to exercise any of the powers and duties of the Council under that Act</td>
</tr>
</tbody>
</table>
### DELEGATIONS TO THE HEAD OF AUDIT & INVESTIGATIONS

<table>
<thead>
<tr>
<th>DELEGATION NO.</th>
<th>SUMMARY OF DELEGATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1</td>
<td>Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
<td></td>
</tr>
<tr>
<td>11.2</td>
<td>Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
<td>Subject to compliance with the Council’s guidance for officers on the application and use of surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subject to confirmation of the approval by the Executive Director (Legal &amp; Democratic Services), the Legal Services Manager or a solicitor within the Council’s Legal Services Section</td>
</tr>
</tbody>
</table>

### DELEGATIONS TO HEAD OF BENEFITS, REVENUES AND CUSTOMER SERVICES

<table>
<thead>
<tr>
<th>DELEGATION NO.</th>
<th>SUMMARY OF DELEGATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1</td>
<td>Power to write off debts relating to housing benefit overpayments, non-domestic rates and council tax up to a value of £2,000 each.</td>
<td></td>
</tr>
</tbody>
</table>

### DELEGATIONS TO HEAD OF HUMAN RESOURCES

<table>
<thead>
<tr>
<th>DELEGATION NO.</th>
<th>SUMMARY OF DELEGATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1</td>
<td>To authorise internal candidate only recruitment exercises in accordance with the Council’s Recruitment and Selection policy</td>
<td></td>
</tr>
<tr>
<td>DELEGATION NO.</td>
<td>SUMMARY OF DELEGATION</td>
<td>COMMENTS</td>
</tr>
<tr>
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</tr>
<tr>
<td>13.2</td>
<td>To implement the Council’s job evaluation scheme</td>
<td></td>
</tr>
<tr>
<td>13.3</td>
<td>To develop and implement the Council’s training and development programme for members and employees</td>
<td></td>
</tr>
</tbody>
</table>

**DELEGATIONS TO THE HEAD OF COMMUNITY SERVICES**

<table>
<thead>
<tr>
<th>DELEGATION NO.</th>
<th>SUMMARY OF DELEGATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.1</td>
<td>Power to authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of Investigatory Powers Act 2000 subject to the provisions and requirements of that Act</td>
<td></td>
</tr>
<tr>
<td>14.2</td>
<td>In so far as they are executive functions to exercise the powers conferred by the following legislation and to appoint and authorise officers under any of the Statutes for any of the appropriate provisions which fall within the remit of the Community Services Section and any re-enactment of similar provisions or regulations made under the Environmental Protection Act 1990 Also any Regulations, Order, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</td>
<td></td>
</tr>
<tr>
<td>14.3</td>
<td>To authorise appropriate staff within the Community Services Division to appear in court in connection with proceedings relating to the functions listed in 14.2 above</td>
<td></td>
</tr>
<tr>
<td>14.4</td>
<td>To deal with applications for rubbish amnesty, Clean Streets initiatives or similar</td>
<td>In consultation with the relevant Portfolio Holder</td>
</tr>
<tr>
<td>14.5</td>
<td>To act as delegated officer in respect of the Council’s goods</td>
<td></td>
</tr>
<tr>
<td></td>
<td>vehicle operator licence</td>
<td>In consultation with the relevant portfolio holder</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>14.6</td>
<td>To amend and update the Council's strategy and service standards for Community Services and to exercise the powers and duties of the Council pursuant to the Waste (England and Wales) Regulations 2011</td>
<td>In consultation with the relevant portfolio holder</td>
</tr>
</tbody>
</table>

**DELEGATIONS TO THE HEAD OF PARKS AND CEMETERIES**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15.1</td>
<td>The provision and management of the Cemeteries and Crematoria</td>
</tr>
<tr>
<td>15.2</td>
<td>The appointment of the Medical Referee and Deputy Medical Referee by virtue of Cremation Regulations 1930</td>
</tr>
<tr>
<td>15.3</td>
<td>To grant permission for community organisations to enter onto parks and cemetery land under licence to undertake minor environmental improvement schemes. “Minor” schemes will include all schemes where any increase in maintenance obligation or liability for the Council could be funded from existing approved budgets without detriment to other services and projects</td>
</tr>
</tbody>
</table>
### Part 3 - Delegation of Non-Executive Functions to Officers

#### DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DEVELOPMENT CONTROL FUNCTIONS</td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>DETERMINATION OF PLANNING APPLICATIONS</td>
<td></td>
</tr>
</tbody>
</table>
| 1.1.1          | All applications for permission, consent, certificates determinations and prior notifications made under Town and Country Planning legislation unless:  
1. the Chief Planning and Transportation Officer considers that the application should be considered by the Planning Committee  
2. the application would constitute a significant departure from the policies of the statutory development plan and it is intended to approve the application  
3. the application is for a significant proposal by the Council or the County Council and is not of a minor nature  
4. the applicant is a member of the Council  
5. the applicant is an employee of the Planning & Transportation Section or is a senior manager of the Council  
6. the application is recommended for approval subject to a planning agreement under s106 Town and Country Planning Act 1990 (although planning applications for renewals/time extensions do not need to be referred to Planning Committee if there is a Section 106 agreement).  
7. A local Councillor has requested in writing that the application be referred to Planning Committee within 14 days of such a planning application first being included on the weekly list of planning applications and subject to the local Councillor giving planning reasons for the referral to Planning Committee.  
This includes legislation relating to listed buildings, conservation areas and hazardous substances. |          |
| 1.2            | DEVELOPMENT CONTROL                   |          |
| 1.2.4          | Serve Building Preservation Notices    |          |

Municipal Year 2014/15
<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2.5</td>
<td>Service of Discontinuance Notices under the Advertisement Regulations for advertisements which seriously conflict with adopted policies, taking into account possible compensation liability</td>
<td>Consult the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>1.2.6</td>
<td>Secure removal of an advertisement displayed in contravention of Regulations or use of any site</td>
<td>Consult Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>1.2.7</td>
<td>Removal or obliteration of placards and posters</td>
<td></td>
</tr>
<tr>
<td>1.2.8</td>
<td>Issue of enforcement notices for breach of planning control under the Town &amp; Country Planning legislation</td>
<td>To be reported to Planning Committee every six months.</td>
</tr>
<tr>
<td>1.2.9</td>
<td>In relation to listed buildings:</td>
<td>Consultation required with the Executive Director (Legal and Democratic Services)</td>
</tr>
<tr>
<td></td>
<td>Issue of listed building enforcement notices</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Issue of repairs notices</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Execution of urgent works</td>
<td></td>
</tr>
<tr>
<td>1.2.10</td>
<td>Issue of stop notices and temporary stop notices</td>
<td>Consultation required with the Executive Director (Legal and Democratic Services)</td>
</tr>
<tr>
<td>1.2.11</td>
<td>Issue of breach of conditions notices or planning contravention notices</td>
<td></td>
</tr>
<tr>
<td>1.2.11a</td>
<td>Issue of completion notices</td>
<td></td>
</tr>
<tr>
<td>1.2.12</td>
<td>Take steps to secure compliance with an enforcement notice either through prosecution or by taking direct action under the Town &amp; Country Planning Acts</td>
<td>Consultation with the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>1.2.13</td>
<td>For purposes of the Town &amp; Country Planning (Enforcement Notices &amp; Appeals) Procedure, to make a statement as to whether or not the Council would grant planning permission for the development alleged and, if so, on what conditions</td>
<td></td>
</tr>
<tr>
<td>1.2.14</td>
<td>To make representations (for or against) on planning applications for developments in neighbouring districts</td>
<td></td>
</tr>
<tr>
<td>1.2.15</td>
<td>Assess interim development order submissions relating to mineral extraction and give observations to Lancashire County Council</td>
<td></td>
</tr>
<tr>
<td>1.2.16</td>
<td>Take action on dangerous trees</td>
<td></td>
</tr>
<tr>
<td>1.2.17</td>
<td>Make and confirm Tree Preservation Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area</td>
<td></td>
</tr>
<tr>
<td>1.2.18</td>
<td>Serve notices and take appropriate action for replacement tree planting under the Town &amp;</td>
<td></td>
</tr>
<tr>
<td>Delegation No.</td>
<td>Summary of Delegation</td>
<td>Comments</td>
</tr>
<tr>
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</tr>
<tr>
<td>1.2.19</td>
<td>Operate the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in all cases involving works to trees protected by TPO’s and situated on land owned or controlled by the Council except where the trees in question are managed by the Chief Planning &amp; Transportation Officer.</td>
<td></td>
</tr>
<tr>
<td>1.2.20</td>
<td>Determine applications to carry out work on trees protected by TPO’s except in the case of proposed felling</td>
<td>The Chair and Vice Chair of Planning Committee and the ward councillors are to receive copies of any determination made pursuant to this delegation.</td>
</tr>
</tbody>
</table>
| 1.2.21        | Determine applications to fell trees protected by TPO’s and situated on land which is not owned or controlled by the Council if:                                                                                      | The Chair and Vice Chair of Planning Committee and the ward councillors are to receive copies of any determination made pursuant to this delegation.  
- The trees are causing structural damage to property, retaining walls, services or similar; or  
- The trees contain decay which is not advanced enough to make them immediately dangerous, but which will make them potentially dangerous within the next 5 years; or  
- The trees are not immediately dangerous, but are growing in a particular way (such as with a pronounced lean) that makes them potentially dangerous within the next 5 years  
- The trees are growing close to other trees and are stunted in their growth by the competition with neighbouring trees and the trees need to be felled as a thinning operation to allow adjacent trees to develop properly |
<p>| 1.2.22        | Following consultation with the chair and vice chair of Planning Committee, determine applications to fell trees protected by TPO’s and situated on land which isn’t owned or controlled by the Council in circumstances not covered by delegation 1.2.21 | The ward councillors must be consulted prior to any decision being taken and allowed 2 weeks in which to register an objection to the proposal.                                                                                     |
| 1.2.23        | Determine repeat applications to fell trees protected by TPO and situated on land which is not owned or controlled by the Council if made within 2 years of an original application which was refused and if the officer recommendation remains unchanged from the original application. | The Chair and Vice Chair of Planning Committee and ward councillors are to receive a copy of any determination made under this delegation.                                                                                 |
| 1.2.24        | Make structural appraisal of building regulation applications. This includes making arrangements for outside specialist appraisal, if necessary.                                                               |                                                                                                                                                                                                                                 |
| 1.2.25        | Determine all applications for building regulation approval/rejection                                                                                                                                                 |                                                                                                                                                                                                                                 |</p>
<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.2.26</td>
<td>Process all applications for determination of building regulations</td>
<td>If controversial these are referred to Planning Committee</td>
</tr>
<tr>
<td>1.2.27</td>
<td>Securing deposited plans providing access and other safety for the fire brigade</td>
<td></td>
</tr>
<tr>
<td>1.2.28</td>
<td>Approve repair grants involving replacement of lead water service pipes where not in a designated improvement area and unlikely to receive a renovation grant within 5 years or to support a common water supply replacement scheme</td>
<td></td>
</tr>
<tr>
<td>1.2.29</td>
<td>Allow withdrawal of a notice served under Section 65 of Public Health Act 1936 if this proves necessary after receipt of an independent report from a suitably qualified person</td>
<td></td>
</tr>
<tr>
<td>1.2.30</td>
<td>To make payments at his discretion for renovation grant works carried out without prior approval. If not satisfied, to refer to Cabinet for a final decision</td>
<td></td>
</tr>
<tr>
<td>1.2.31</td>
<td>Use of powers re ruinous, dilapidated and neglected sites</td>
<td></td>
</tr>
<tr>
<td>1.2.32</td>
<td>Use of powers re dangerous buildings and structures</td>
<td></td>
</tr>
<tr>
<td>1.2.33</td>
<td>Approve house renovation grants together with making stage and final payments</td>
<td></td>
</tr>
<tr>
<td>1.2.34</td>
<td>To authorise rights of entry on land under S196A of Town &amp; Country Planning Act 1990 for appropriate staff within the Section</td>
<td></td>
</tr>
<tr>
<td>1.2.35</td>
<td>To operate the Hedgerow Regulations 1997 on land in ownership other than Hyndburn Borough Council including the issue of hedgerow retention notices</td>
<td></td>
</tr>
<tr>
<td>1.2.36</td>
<td>To obtain an ecological or archaeological survey on a hedgerow once a hedgerow removal notice has been received</td>
<td></td>
</tr>
<tr>
<td>1.2.37</td>
<td>To determine, in consultation with the Executive Director (Legal &amp; Democratic Services), whether to prosecute after contravention of TPO or hedgerow regulations and to undertake appropriate action</td>
<td></td>
</tr>
<tr>
<td>1.2.38</td>
<td>To deal with all matters relating to the listing of buildings</td>
<td></td>
</tr>
<tr>
<td>1.2.39</td>
<td>To take action pursuant to the Anti-social Behaviour Act 2003 in connection with high hedges, including the service of remedial notices and action in default of remedial notices</td>
<td>In consultation with the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>1.2.40</td>
<td>To decide the level of fee payable for processing complaints made about high hedges under the Anti-social Behaviour Act 2003</td>
<td>In consultation with the relevant portfolio holder and the Deputy Chief Executive</td>
</tr>
<tr>
<td>1.2.41</td>
<td>To waive or refund application fees payable for processing complaints about high hedges under the</td>
<td>In consultation with the relevant portfolio holder</td>
</tr>
<tr>
<td>Delegation No.</td>
<td>Summary of Delegation</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------</td>
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</tr>
<tr>
<td></td>
<td>Anti-social Behaviour Act 2003 where the complainant is in receipt of income support, income based job seekers allowance or guaranteed pension credit</td>
<td></td>
</tr>
<tr>
<td>1.2.42</td>
<td>To order works in default of a remedial notice served in respect of high hedges in anticipation of full cost recovery</td>
<td></td>
</tr>
<tr>
<td>1.2.43</td>
<td>To make agreements under s25 Highways Act 1980</td>
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<tr>
<td>1.2.44</td>
<td>To make orders under s26 Highways Act 1980</td>
<td></td>
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<tr>
<td>1.2.45</td>
<td>To require the discontinuance of a use of land</td>
<td></td>
</tr>
<tr>
<td>1.2.46</td>
<td>To apply for injunctions restraining a breach of planning control or in relation to a listed building</td>
<td>In conjunction with the Executive Director (Legal Services)</td>
</tr>
<tr>
<td>1.2.49</td>
<td>To take action under section 215 Town and Country Planning Act 1990 (including the service of notices) and to take action to enforce any notice served under section 215</td>
<td>In consultation with the Chair and Vice Chair of Planning Committee and the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
</tbody>
</table>

### DELEGATIONS TO HEAD OF ENVIRONMENTAL PARTNERSHIPS

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td><strong>ENVIRONMENTAL HEALTH FUNCTIONS</strong></td>
<td></td>
</tr>
<tr>
<td>2.1.1</td>
<td>To exercise the powers conferred by the following legislation and to appoint and authorise officers under any of the Statutes for any of the appropriate provisions which fall within the remit of the Environmental Health Section and any re-enactment of similar provisions or regulations made under any of the Acts. Applicable to:- Rag Flock and other Filling Materials Act 1951 Control of Pollution Act 1974 Agriculture (Safety, Health &amp; Welfare Provisions) Act 1956 Animal Boarding Establishments Act 1963 Caravan Sites and Control of Development Act 1960 Breeding of Dogs Act 1973 Riding Establishments Act 1964 Pet Animals Act 1951 Prevention of Damage of Pests Act 1964 Scrap Metal Dealers Act 1964</td>
<td></td>
</tr>
<tr>
<td>Delegation No.</td>
<td>Summary of Delegation</td>
<td>Comments</td>
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<tr>
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<tr>
<td></td>
<td>Public Health Act 1936</td>
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<tr>
<td></td>
<td>Dangerous Wild Animals Act 1976</td>
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<td></td>
<td>Deer Act 1980</td>
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<tr>
<td></td>
<td>Health &amp; Safety at Work etc. Act 1974</td>
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<td></td>
<td>Food Safety Act 1990</td>
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<tr>
<td></td>
<td>Environmental Protection Act 1990 (in so far it is a non-executive function)</td>
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<tr>
<td></td>
<td>Public Health Act 1961</td>
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<td></td>
<td>Public Health (Control of Disease) Act 1984</td>
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<tr>
<td></td>
<td>Offices, Shops &amp; Railway Premises Act 1963</td>
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<td></td>
<td>Riding Establishments Act 1970</td>
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<td></td>
<td>Guard Dogs Act 1975</td>
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<td></td>
<td>Cinemas Act 1985</td>
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<td></td>
<td>Theatres Act 1968</td>
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<td></td>
<td>Sunday Entertainments Act 1932</td>
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<td></td>
<td>Sunday Theatre Act 1972</td>
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<td></td>
<td>Hypnotism Act 1952</td>
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<td></td>
<td>Local Government (Miscellaneous Provisions) Act 1976</td>
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<td></td>
<td>Local Government (Miscellaneous Provisions) Act 1982</td>
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<td></td>
<td>Caravan Sites Act 1968</td>
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<td></td>
<td>Materials and Articles in Contact with Food Regulations 1978</td>
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<td></td>
<td>Building Act 1984</td>
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<td>Housing Act 1985</td>
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<td>Housing Act 1988</td>
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<td></td>
<td>Local Government and Housing Act 1989</td>
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<td>Rent Act 1977</td>
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<td></td>
<td>Protection from Eviction Act 1977</td>
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<td>Water Industry Act 1991</td>
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<td>Water Resources Act 1991</td>
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<td></td>
<td>Transport Act 1985</td>
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<td></td>
<td>Town Police Clauses Act 1847</td>
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<td></td>
<td>Lotteries and Amusements Act 1976</td>
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<td></td>
<td>Breeding of Dogs Act 1991</td>
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<tr>
<td></td>
<td>Dangerous Dogs Act 1991</td>
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<td></td>
<td>Clean Air Act 1993 (in so far as it is a non-executive function)</td>
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<td></td>
<td>Noise and Statutory Nuisance Act 1993 (in so far as it is a non-executive function)</td>
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<td></td>
<td>Criminal Justice and Public Order Act 1994 (including taking legal proceedings)</td>
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<td></td>
<td>National Assistance Act 1948</td>
<td></td>
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<td></td>
<td>Sunday Trading Act 1994</td>
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<td></td>
<td>County of Lancashire Act 1984</td>
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<tr>
<td></td>
<td>Food and Environment Protection Act 1985</td>
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<tr>
<td></td>
<td>Local Authorities Cemeteries Order 1977</td>
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</tr>
</tbody>
</table>
### Delegation No.

<table>
<thead>
<tr>
<th>Delegation number</th>
<th>Summary of delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Power to designate attendance at meetings and other events as approved duties for the purpose of eligibility for travel and subsistence allowance</td>
<td></td>
</tr>
</tbody>
</table>

#### DELEGATIONS TO CHIEF EXECUTIVE

<table>
<thead>
<tr>
<th>Delegation number</th>
<th>Summary of delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.2</td>
<td>Authority to appoint and authorise officers to act as “the officer’s manager” for the purposes of any representations received by the Authority under The Deregulation (Improvement of Enforcement Procedures) (Food Safety Act 1990) Order 1996</td>
<td></td>
</tr>
<tr>
<td>2.1.3</td>
<td>To authorise appropriate staff within the department to appear in court</td>
<td>This includes the conducting of the proceedings</td>
</tr>
<tr>
<td>2.1.4</td>
<td>To take action under section 215 of the Town and Country Planning Act 1990 (including the service of notices) and to take action to enforce any notice served under section 215</td>
<td>In consultation with Chair and Vice Chair of Planning Committee and the Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>2.1.5</td>
<td>To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section</td>
<td></td>
</tr>
<tr>
<td>2.1.6</td>
<td>To appoint proper officers and alternative proper officers for the purposes of the Public Health (Control of Disease) Act 1984 or any statutory enactment or amendment to that Act</td>
<td></td>
</tr>
<tr>
<td>2.1.7</td>
<td>To review and update the Council’s food law enforcement plan</td>
<td></td>
</tr>
</tbody>
</table>

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where such attendance is in connection with the discharge of the Council’s functions, including its executive function

| 3.2 | Power to approve applications for early retirement / voluntary redundancy including under the Local Government Pension Scheme 85 year rule (while in force) and to approve retirement of employees on the grounds of efficiency of the service | Having regard to the relevant Council policy |
| 3.3 | Appointment of, dismissal of and taking of disciplinary action as defined in the Local Authorities (Standing Orders) (England) Regulations 2001 ("the 2001Regs") against chief officers within the meaning of sections 2(6) and 2(7) Local Government and Housing Act 1989 ("the 1989 Act"), Deputy Chief Officers within the meaning of Section 2(8) of the 1989 Act and political assistants within the meaning of section 9 of the 1989 Act. This delegation does not authorise the Chief Executive to take disciplinary action as defined in the 2001 Regs or to dismiss the officers designated as monitoring officer (within the meaning of section 5 1989 Act) or chief finance officer (within the meaning of section 151 if the Local Government Act 1972) and other officers who have the benefit of the JNC Chief Officers terms and Conditions of Employment | This delegation must be exercised in accordance with the Officer Employment Procedure Rules The Chief Executive must report on any action taken under this delegation to the next available meeting of the Council and include in such report confirmation that the said Procedure Rules have been followed The Chief Executive is not authorised to delegate the appointment or dismissal or the taking of disciplinary action against a chief officer to another officer |
| 3.4 | Approval of changes to any document forming part of the Council’s policy framework provided the proposed change: a) is prescribed by legislation or statutory instrument; or b) merely corrects a typographical error or errors; or c) is of a minor nature (i.e. the proposed change does not affect the substance of the document or change Council policy) | |

Municipal Year 2014/15
DELEGATIONS TO ALL CHIEF OFFICERS

Chief Officer for these purposes means the Chief Executive, the Deputy Chief Executive, the Executive Director (Legal & Democratic), the Head of Environmental Partnerships, the Head of Parks and Cemeteries, the Head of Community Services, the Head of Regeneration and Housing and the Chief Planning & Transportation Officer

<table>
<thead>
<tr>
<th>Delegation number</th>
<th>Summary of delegation</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 4.1               | Power to refuse applications for early retirement / voluntary redundancy including under the Local Government Pension Scheme 85 year rule having regard to the relevant Council policy | Final approval of such applications is delegated to the Chief Executive  
A Chief Officer wishing to recommend approval of such an application must make a report to the Chief Executive |
| 4.2               | Determination of appeals against cautions under the Council’s capability procedures | An officer determining an appeal must have had no previous involvement with the relevant capability process  
In consultation with the Leader of the Council or his / her nominee and the Leader of the main opposition party or his / her nominee and the Head of Human Resources or his / her nominee and in accordance with the Council’s capability policy  
A Chief Officer must have had no previous involvement with the relevant capability procedure or decision making process  
Determination of appeals against dismissal may not be delegated by a chief officer |
### DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)

<table>
<thead>
<tr>
<th>Delegation number</th>
<th>Summary of delegation</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 5.1               | To approve changes to the Council’s written constitution provided the proposed change:  
  a) is prescribed by legislation or statutory instrument; or  
  b) merely corrects a typographical error or errors                                                                                                           | In consultation with the Chair of the Standards Committee                                           |
| 5.2               | To appoint Independent Members to the Standards Committee                                                                                                                                                    |                                                                                                     |
| 5.3               | To appoint Members of the Independent Remuneration Panel                                                                                                                                                             |                                                                                                     |
| 5.4               | To agree and enter into agreement pursuant to section 106 Town and Country Planning Act 1990                                                                                                                       | In consultation with the Chair Planning and Transportation Officer and the Chair and Vice Chair of the Planning Committee |
| 5.5               | In respect of Part 1 Chapter 1 Local Government and Public Involvement in Health Act 2007:  
  To undertake consultations in respect of proposed changes to the Council’s scheme for elections; and  
  To comply with the statutory requirements for publicity and notification of the Electoral Commission in respect of changes to the Council’s scheme for elections |                                                                                                     |
| 5.6               | In respect of community governance reviews under Chapter 3 Part 4 Local Government and Public Involvement in Health Act 2007;  
  To comply with the notification and publicity requirements in sections 80, 96 and 98; and  
  To make agreements about incidental matters under section 99                                           |                                                                                                     |
| 5.7               | In relation to non-executive functions, to commence, defend, settle or appear in legal proceedings to protect the Council’s assets or interests or if appropriate for the benefit of the inhabitants of the Borough and to prosecute any person or persons in accordance with the Council’s non-executive powers |                                                                                                     |
| 5.8               | Power to advertise and seek applications for the position of independent member of the audit panel pursuant to the Local Audit & Accountability Act 2014                                                     |                                                                                                     |
| **Licensing Functions** |                                                                                                                                                                                                                           |                                                                                                     |
| 5.8.1             | To exercise the powers conferred by the following                                                                                                                                                                    |                                                                                                     |
legislation (including, without limitation, the determination of fees) and to appoint and authorise officers under any of the Statutes for any of the appropriate provisions which fall within the remit of the Licensing Section and any re-enactment of similar provisions or regulations made under any of the Acts.

Applicable to:-
Scrap Metal Dealers Act 2013
Public Health Act 1936
Health & Safety at Work etc. Act 1974
Cinemas Act 1985
Theatres Act 1968
Sunday Entertainments Act 1932
Sunday Theatre Act 1972
Hypnotism Act 1952
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Transport Act 1985
Town Police Clauses Act 1847
Lotteries and Amusements Act 1976
Criminal Justice and Public Order Act 1994
(including taking legal proceedings)
County of Lancashire Act 1984
Game Act 1831
Game Licences Act 1860
Gambling Act 2005
Gaming Act 1968
Vehicle (Crime) Act 2001
Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same

<table>
<thead>
<tr>
<th>5.8.2</th>
<th>To exercise functions under the Licensing Act 2003 designated as the responsibility of the Head of Environmental Health Services in the Council's Statement of Licensing Policy</th>
<th>In accordance with the Statement of Licensing Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.8.3</td>
<td>To authorise officers pursuant to section 304 Gambling Act 2005</td>
<td>In accordance with the Statement of Gambling Licensing Policy and Principles</td>
</tr>
<tr>
<td>5.8.4</td>
<td>To determine applications for premises licenses under the Gambling Act 2005 where no representations received or representations have been withdrawn</td>
<td></td>
</tr>
<tr>
<td>5.8.5</td>
<td>To determine applications for variation of premises licenses under the Gambling Act 2005 where no representations received or representations withdrawn</td>
<td></td>
</tr>
</tbody>
</table>
5.8.6  To determine applications for transfer of premises licenses under the Gambling Act 2005 where no representations received from the Gambling Commission

5.8.7  To determine applications for a provisional statement under the Gambling Act 2005 where no representations have been received or representations have been withdrawn

5.8.9  To determine applications for club gaming or club machine permits under the Gambling Act 2005 where no objections have been received or representations have been withdrawn

5.8.10 To set fees under the Gambling Act 2005 In consultation with the relevant portfolio holder in respect of fees for 2007/08

5.8.11 In respect of the Gambling Act 2005 and subordinate legislation:
- Power to exchange information;
- Power to provide information to the Gambling Commission
- Power to exercise functions relating to the registration and regulation of small lotteries

5.8.12 To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and (where applicable) in accordance with the Council’s Sexual Entertainment Venue Policy:
  - determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;
  - cancellation of licence
  - determining license fees
  - enforcement of the provisions of Part II and Schedule 3 of the said 1982 Act

### DELEGATIONS TO HEAD OF PARKS AND CEMETERIES

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>To exercise the powers conferred by the following legislation and to appoint and authorise officers under any of the Statutes for any of the appropriate provisions which fall within the remit of the Environmental Services Division and any re-</td>
<td></td>
</tr>
<tr>
<td>Delegation No.</td>
<td>Summary of Delegation</td>
<td>Comments</td>
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<tr>
<td>6.1</td>
<td>enactment of similar provisions or regulations made under any of the Acts. Applicable to:- Health &amp; Safety at Work etc. Act 1974 Environmental Protection Act 1990 (in so far at it is a non-executive function) Local Government (Miscellaneous Provisions) Act 1976 Clean Neighbourhoods &amp; Environment Act 2005 Local Authorities Cemeteries Order 1977 Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</td>
<td></td>
</tr>
<tr>
<td>6.2</td>
<td>To liaise with Lancashire County Council on residual highway arrangements and in particular standards and funding for the maintenance of highway verges, trees and weed control.</td>
<td></td>
</tr>
<tr>
<td>6.3</td>
<td>To authorise appropriate staff within the Parks and Cemeteries Section to appear in court</td>
<td></td>
</tr>
<tr>
<td>6.4</td>
<td>Take action on dangerous trees</td>
<td></td>
</tr>
</tbody>
</table>

**DELEGATIONS TO HEAD OF COMMUNITY SERVICES**

<table>
<thead>
<tr>
<th>Delegation No.</th>
<th>Summary of Delegation</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>To exercise the powers conferred by the following legislation and to appoint and authorise officers under any of the Statutes for any of the appropriate provisions which fall within the remit of the Environmental Services Division and any re-enactment of similar provisions or regulations made under any of the Acts. Applicable to:- Refuse Disposal (Amenity) Act 1978 Health &amp; Safety at Work etc. Act 1974 Environmental Protection Act 1990 (in so far at it is a non-executive function) Clean Neighbourhoods &amp; Environment Act 2005 Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</td>
<td></td>
</tr>
<tr>
<td>7.2</td>
<td>To liaise with Lancashire County Council on residual highway arrangements and in particular standards and funding for the maintenance of</td>
<td></td>
</tr>
</tbody>
</table>
### Delegation No. | Summary of Delegation | Comments
---|---|---
| | highway verges, trees and weed control. |  
7.3 | To set charges for the collection of non-household waste. |  
7.4 | To authorise appropriate staff within the Community Services Division to appear in court |  
7.5 | To represent the Council at the Lancashire Waste Partnership |  
7.6 | To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within the Community Services Division to exercise such powers |  

## Delegations to Head of Regeneration and Housing

| Delegation No. | Summary of Delegation | Comments |
---|---|---|
8.1 | To take action under section 215 of the Town and Country Planning Act 1990 (including the service of notices) and to take action to enforce any notice served under section 215 |  


Part 4 - Appointment of Statutory and Proper Officers

1. The posts set out below shall be the designated statutory or proper officers of the Council and shall be responsible for the statutory responsibilities attached to the role of the relevant statutory or proper officer.

2. In the event of any officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive, or in his absence, the Executive Director (Legal & Democratic Services), and in the absence of both, the Executive Director (Resources), shall nominate an officer to act in their stead.

3. Until the Council decides otherwise the Chief Executive is appointed the proper officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express proper officer appointment has, for the time being, been made.

Statutory Officers

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Section</th>
<th>Statutory Officer</th>
<th>Allocated To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Act 1972</td>
<td>S151</td>
<td>Chief Finance Officer</td>
<td>Deputy Chief Executive</td>
</tr>
<tr>
<td>Local Government and Housing Act 1989</td>
<td>S4</td>
<td>Head of Paid Service</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Local Government and Housing Act 1989</td>
<td>S5</td>
<td>Monitoring Officer</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
</tr>
</tbody>
</table>

Proper Officers

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Section</th>
<th>Provision</th>
<th>Proper Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.</td>
<td></td>
<td></td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to</td>
<td></td>
<td></td>
<td>Chief Executive</td>
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<tr>
<td>No.</td>
<td>Description</td>
<td>Author</td>
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</tr>
<tr>
<td>S83</td>
<td>Accepting declarations of acceptance of office</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S84</td>
<td>Receiving resignations from office</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S88</td>
<td>Convening Council meeting for election of chairman</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S89</td>
<td>Receiving notice of casual vacancy in office of councillor</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S96</td>
<td>Receiving and recording member interests</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Local Government Act 1972</strong></td>
<td></td>
<td></td>
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<tr>
<td>S100(B)(2)</td>
<td>Circulation of reports and agendas</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S100(B)(7)</td>
<td>Supply of papers to press</td>
<td>Chief Executive</td>
<td></td>
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<tr>
<td>S100(C)(2)</td>
<td>Summary of minutes</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S100(D)(1)(a)</td>
<td>Compilation of background papers</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S100(D)(5)(a)</td>
<td>Identification of background papers</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S100(F)</td>
<td>Identification of confidential documents not open to Members</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S115(2)</td>
<td>Receipt of money due from Officers</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S146(1)(a)&amp;(b)</td>
<td>Declarations and certificates with regard to securities</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S191</td>
<td>Ordnance Survey requests for assistance</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S204(3)</td>
<td>Receipt of application for licence under Licensing Act 1964</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S210(6) &amp; (7)</td>
<td>Charity functions of holders of offices with existing authorities transferred to holders of equivalent office</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Responsible Officer</td>
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</tr>
<tr>
<td>S225(1)</td>
<td>Deposit of documents</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S228(3)</td>
<td>Accounts – to be open for inspection</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S229(5)</td>
<td>Deposit of documents - certification</td>
<td>Deputy Chief Executive</td>
<td></td>
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<tr>
<td>S234</td>
<td>Authentication of documents</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S234(2)</td>
<td>Statutory Notices under various Public Health and Associated Legislation</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>S236(9)&amp;10</td>
<td>Service of Byelaws on other Authorities</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S238</td>
<td>Certification of Byelaws</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>Schedule 14 Para 25(7)</td>
<td>Certification of resolutions – Para 25</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S248 (2)</td>
<td>Keeping roll of Freeman</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Schedule 12 Para 4(2)(b)</td>
<td>Signature of summons to Council</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Schedule 12 Para 4 (3)</td>
<td>Receipt of notices regarding addresses which Summons to meeting are to be sent</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Schedule 16 Para 28</td>
<td>Receipt of deposit lists of protected buildings</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Act/Standing Order</td>
<td>Section/Provision</td>
<td>Description</td>
<td>Person Responsible</td>
</tr>
<tr>
<td>--------------------</td>
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</tr>
<tr>
<td>N/A</td>
<td>Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council</td>
<td>Deputy Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Local Government Act 1974</td>
<td>S30(5)</td>
<td>Notice of Local Government Ombudsman report</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1976</td>
<td>S41</td>
<td>Certification of copies of resolutions, Minutes, other documents</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Rent (Agriculture) Act 1976</td>
<td>All</td>
<td>Provision of alternative accommodation Regeneration and Architecture</td>
<td>Deputy Chief Executive</td>
</tr>
<tr>
<td>Local Authorities Cemeteries Order 1977</td>
<td>All</td>
<td>Officer of the burial authority</td>
<td>Chief Executive</td>
</tr>
<tr>
<td></td>
<td>All</td>
<td>Registrar for various</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Acts</td>
<td>Sections</td>
<td>Details</td>
<td>Responsible Official</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>--------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Cremation Regulations</td>
<td>All</td>
<td>Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Rent Act 1977</td>
<td>S15</td>
<td>Certificates of provision of suitable alternative Regeneration and Architecture Part 1V accommodation</td>
<td>Chief Executive</td>
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<tr>
<td>Rates Act 1984</td>
<td>S7</td>
<td>Certification of rate</td>
<td>Deputy Chief Executive</td>
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<tr>
<td>Building Act 1984</td>
<td>S61(2)</td>
<td>Repair etc., of drain</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>Building Act 1984</td>
<td>S78</td>
<td>To act as “the Surveyor” empowered to take and authorise emergency action in respect of damage to dangerous buildings, walls etc. To order the demolition of buildings rendered dangerous by damage, without prior authorisation of the Council</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
</tr>
<tr>
<td>Weights and Measures Act 1985</td>
<td>S72</td>
<td>Chief Inspector (Weights and Measures)</td>
<td>Chief Executive</td>
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<tr>
<td></td>
<td>Rule 44</td>
<td>Receipt from Returning Officer of</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
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Municipal Year 2014/15
<table>
<thead>
<tr>
<th>Local Elections (Principal Areas) Rule 1986</th>
<th>names of persons elected to Council</th>
<th>Executive Director (Legal &amp; Democratic Services)</th>
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</thead>
<tbody>
<tr>
<td>Rule 46,47</td>
<td>Receipt from Returning Officer of election documents</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
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<tr>
<td>Rule 48, 49, 51</td>
<td>Retention of election documents and making them available for public inspection</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
</tr>
</tbody>
</table>

**Elections**

| | Registration Officer for any constituency or part of a constituency coterminous with or contained in the Council | Executive Director (Legal & Democratic Services) |
| | Returning Officer for the election of Councillors for the Borough | Executive Director (Legal & Democratic Services) |
| | Officer who may do acts in respect of Registration in the event of the Executive Director (Legal & Democratic Services) incapacity | Chief Executive |
| | Custody of declarations of acceptance of office | Executive Director (Legal & Democratic Services) |

**Representation of the People Act 1983**

| S82 | Witnessing signatures on declarations as to local election expenses | Executive Director (Legal & Democratic Services) |
| S52 | Deputy to the registration officer | Chief Executive |

**Local Government Finance Act 1988**

<p>| S114 | Preparing reports in the case of unlawful expenditure | Deputy Chief Executive |
| S116 | Notifying auditor of meetings to consider reports under s114 | Deputy Chief Executive |
| S2 | Receipt of list of | Executive Director (Legal &amp; Democratic Services) |</p>
<table>
<thead>
<tr>
<th>Local Government and Housing Act 1989</th>
<th>Politically Restricted Posts &amp; Democratic Services</th>
<th></th>
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<tr>
<td>S15-17 Notice of formation of political group, changes in membership or name or leader or deputy leader of a political group and group nominations to committee’s</td>
<td></td>
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<tr>
<td>S19 Members interests – notification</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
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<tr>
<td>S15, 16,17 Receipt of notices relating to Political Groups</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>S3 Certifying that a post is or is not politically restricted</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
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<td>Environmental Protection Act 1990 S149 Stray dogs</td>
<td>Chief Executive</td>
<td></td>
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<tr>
<td>Local Authority (Members Allowances) Regulations 1991 R14 Receipt of notice from members electing to forego entitlement to allowances</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>Council Tax (Administration and Enforcement) Regulations 1992 Reg 7 Service of Attachment of Earnings Orders</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
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</tr>
<tr>
<td>The Local Authorities (Executive Arrangements) (Access to Information (England) Regulations 2000 Regs 3 and 4 Recording of collective Executive Decisions Verification etc. of Mayoral Petitions</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>The Local Authorities (Standing Orders) (England) Regulations 2000 Regs 3 and 4 and Schedule 1 Provision relating to the appointment and dismissal of staff</td>
<td>Chief Executive</td>
<td></td>
</tr>
<tr>
<td>Regulation of Investigatory Part II of the Act Appointment to act as the Senior</td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
<tr>
<td>Powers Act 2000</td>
<td>Responsible Officer</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>Local Government Act 2000</td>
<td>S81</td>
<td>Maintaining a register of members financial and other interests</td>
</tr>
<tr>
<td></td>
<td>Executive Director (Legal &amp; Democratic Services)</td>
<td></td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

1.1 To seek approval for a number of changes to the Council’s written constitution

2. **Recommendations**

2.1 That Council agree the following:

(i) the revised Budget and Policy Framework Procedure Rules attached as Appendix 1 to this report

(ii) the terms of reference of the Auditor Panel attached as appendix 2 to this report

(iii) the recommendations in paragraph 3.3 of this report

(iv) the revised petition scheme attached as Appendix 3 to this report

(v) the revised civic protocol (to be circulated prior to the meeting)

(vi) that the Council Procedure Rules be amended to add a new rule 23.4 as set out in paragraph of this report

3. **Reasons for Recommendations and Background**

3.1 **Budget and Policy Framework Procedure Rules**
Minor changes have been made to these Rules, principally to ensure they are consistent with the Council’s Financial Procedure Rules in respect of arrangements for virements within the budget.

3.2 Audit Panel

Following the abolition of the Audit Commission, the Council is now responsible for the appointment of its own external auditor. The Local Audit & Accountability Act 2014 requires all local authorities, including Hyndburn, to appoint an auditor panel to assist it in choosing and maintaining an appropriate relationship with, its local auditors. For example, the Council must consult the panel, and have regard to its advice, before the Council’s external auditor is appointed.

The following rules apply to the new audit panels:

- A majority of the panel’s members must be independent persons (i.e. non-councillors or officers) and an independent person must be appointed as chair of the panel. The Council must advertise its intention to seek independent members of its audit panel and anyone interested in the role must submit an application. An advertisement on the Council’s website will suffice in this regard;
- The minimum membership of the panel is 3 and the quorum for its meetings is 3;
- The members of the panel must be appointed by full Council;
- The Council can set the term of office of the panel members and can decide whether allowances and / or expenses are payable to panel members
- Many of the rules that normally apply to committees will apply to the panel, such as the requirement to give public notice of its meetings, publish its agenda and publish minutes of its decisions.
- Any advice given by the panel must be published on the Council’s website and, if the Council does not follow the advice of the panel when choosing its external auditor, the Council must publish a notice on its website to explain why.

3.3 In view of the above, it is recommended that:

a) Membership of the panel does not attract an allowance, but its members are able to claim travel and subsistence expenses in accordance with the Council’s members allowances scheme;

b) The councillor member of the panel is appointed annually, but the independent members of the panel are appointed for a term of office of up to 5 years, to avoid the need for repeated advertisement of the role and repeated submission of applications by panel members (and this approach would not prevent the
Council removing an independent member at any time is it considered this appropriate)

c) The Executive Director (Legal & Democratic Services) is given delegated power to advertise and seek applications for the position of independent member of the audit panel

3.4 Petition Scheme

Minor changes have been made to the petition scheme to simplify it and bring it up to date, such as:

- Changes to the way E-Petitions are created and submitted to take account of changes to technology, together with updated directions on how the E-Petitions function can be found on the Council’s website.
- Updating the job titles of officers who may be called to give evidence in response to a petition.
- Deletion of the option for the petition organiser to refer the petition to Overview and Scrutiny if they are not happy with the Council’s response.

3.5 Civic Protocol

This has not been reviewed for some time and minor changes are proposed to reflect current practice and to clarify the role of the mayor in line with the approach taken in other Boroughs.

3.6 Council Procedure Rules

It is proposed that the Council Procedure Rules be amended to add a new rule 23.4 as set out in Appendix 4 to this report. The proposed new rule will complement the changes proposed to the civic protocol and reflects the Council’s long-established and well respected practice in respect of the neutrality and non-political role of Mayor.

4. Alternative Options considered and Reasons for Rejection

4.1 The Council is required by law to make arrangements for an Audit Panel. The other changes proposed are at the discretion of the Council, but are recommended for the reasons given in paragraph 3.

5. Consultations

5.1 The Council’s petition scheme was considered at the Leaders Policy Board.
### Implications

<table>
<thead>
<tr>
<th>Implications</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial implications (including mainstreaming)</td>
<td>None.</td>
</tr>
<tr>
<td>Legal and human rights implications</td>
<td>None</td>
</tr>
<tr>
<td>Assessment of risk</td>
<td>None</td>
</tr>
<tr>
<td>Equality and diversity implications</td>
<td>None identified.</td>
</tr>
</tbody>
</table>

**A [Customer First Analysis](#) should be completed in relation to policy decisions and should be attached as an appendix to the report.**

### Local Government (Access to Information) Act 1985:
#### List of Background Papers

None

### Freedom of Information

**8.1** The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
## CONTENTS

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<td>E7</td>
<td>Call-in of decisions outside the budget and policy framework</td>
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E1. The framework for executive 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 policy framework is in place, it will be the responsibility of the executive to implement it.

E2. Process for developing the budget and policy framework

The process by which the budget and policy framework shall be developed is:

(a) The executive will set 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. The executive will also set out its arrangements for consultation on its initial proposals.

(b) The executive will publish its initial proposals, which will be notified to the chair of the relevant overview and scrutiny committee.

(c) At the end of any consultation period, the executive will draw up firm proposals having regard to the responses to the consultation. If a relevant overview and scrutiny committee wishes to respond to the executive 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 consult, investigate, research or report in detail with policy recommendations before the end of the consultation period. The executive 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 executive’s response to those comments.

(d) Once the executive has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.

(e) In reaching a decision, the Council may adopt the executive’s proposals, amend them, refer them back to the executive for further consideration, or in principle, substitute its own proposals in their place. In considering the matter the Council will have before it, the executive’s proposals and any report from the overview and scrutiny committee.

(f) Before it makes any decision in respect of a plan or strategy forming part of the policy framework the Council must inform the leader of any objections which it has to the draft document and must instruct the executive to reconsider the plan or strategy in the light of those objections. The Council must also specify a period of at least 5 working days beginning on the day after the day on which the leader receives Council’s instructions within which the executive may:

   (i) submit a revised plan or strategy to the Council for consideration together with the executive’s reasons for any amendments; or

   (ii) inform the Council of the executive’s disagreement with any of the Council’s objections, together with the reasons for that disagreement

(g) When the period specified in paragraph E2(f) has expired the Council the Council must when approving the plan or strategy, or any revised plan or strategy submitted by the executive (with or without amendment) take into account any amendments made by the
executive and their reasons for them and any disagreement by the executive with the Council’s objections and the reasons for that disagreement.

(h) If it accepts the recommendation of the executive without objection, the Council may make a decision which has immediate effect.

(i) The decision will be publicised in accordance with Article 4 and a copy shall be given to the leader.

(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 executive, 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) Where, in any financial year, the executive submits to the Council for its consideration in relation to the following financial year –

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;

(ii) estimates of other amounts to be used for the purposes of such a calculation;

(iii) estimates of such a calculation; or

(iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in (l) below.

(l) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (k) (i) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the leader of any objections which it has to the executive’s estimates or amounts and must give to him/her instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council’s requirements.

(m) Where the Council gives instructions in accordance with paragraph (l), it must specify a period of at least five working days beginning on the day after the date on which the leader receives the instructions on behalf of the executive within which the leader may –

(a) submit to the Council for consideration a revision of the estimates or amounts as amended by the executive (which have been reconsidered in accordance with the Council’s requirements), with the executive’s reasons for any amendments made to the estimates or amounts; or

(b) inform the Council of any disagreement that the executive has with any of the Council’s objections and the executive’s reasons for any such disagreement.

(n) When the period specified by the Council, referred to in paragraph (m), has expired, the Council must, when making calculations (whether originally or by way of substitute) in
accordance with the sections referred to in paragraph (k)(i), or issuing a precept under
Chapter IV of Part I of the Local Government Finance Act 1992, take into account –

(a) any amendments to the estimates or amounts that are included in any revised
estimates or amounts received from the executive;

(b) the executive’s reasons for those amendments;

(c) any disagreement that the executive has with any of the Council’s objections;
and,

(d) the executive’s reasons for that disagreement,

which the leader submitted to the Council, or informed the Council of, within the period
specified.

(o) Paragraphs (k) to (n) shall not apply in relation to –

(a) calculations or substitute calculations which the Council is required to make in
accordance with section 52I, 52J, 52T or 52U of the Local Government Finance
Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute
calculations made in accordance with section 52J or 52U of that Act.

E3. Decisions outside the budget and policy framework

(a) Subject to the provisions of paragraph 6 (virement) the executive (and committees of the
executive, individual members of the executive and any officers, area committees 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 executive (and committees of the executive, individual members of the executive and
any officers, area committees or joint arrangements discharging executive functions) want to
make such a decision, they shall take advice from the monitoring officer and/or the deputy chief
executive 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.

E4. Urgent decisions outside the budget and policy framework

(a) The executive (and a committee of the executive, an individual member of the executive or
officers, area committees 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 full Council; and
(ii) if the chair 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 full Council and the chair of the relevant overview and scrutiny committees' 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 chair of a relevant overview and scrutiny committee the consent of the mayor, and in the absence of both, the deputy mayor will be sufficient. “Absence” in this context means that it is not possible to contact the person required within one working day.

(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.

E5. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive (and a committee of the executive, an individual member of the executive or officers, area committees 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, in the opinion of the executive, are in the best interests of the Borough provided the proper officer is notified of the proposed change in advance and given an opportunity to comment; or

(b) necessary to ensure compliance with the law, ministerial direction or government guidance; or

(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.

All such changes shall be reported to the next meeting of full Council.

E6 Virement

(a) Steps taken by the executive (and a committee of the executive, an individual member of the executive or officers, area councils or joint arrangements discharging executive functions) to implement Council policy shall not exceed the allocated budget.

(b) Virement (the transfer of resources from one activity within the budget to another) is permitted in accordance with paragraph 22 of the Financial Procedure Rules. Any virement or budget variation which is not permitted by paragraph 22 of the Financial Procedure Rules must be approved by the Council.

E7. Call-in of decisions outside the budget and policy framework

(a) Where an overview and scrutiny committee is of the opinion that an executive 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 deputy chief executive.
(b) In respect of functions which are the responsibility of the executive, the monitoring officer’s report and/or deputy chief executive’s report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive 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 deputy chief executive 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 10 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 deputy chief executive. 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;

(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;

(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 executive to reconsider the matter in accordance with the advice of either the monitoring officer/deputy chief executive.
Appendix 2

AUDITOR PANEL

MEMBERSHIP: 1 Councillor and 2 Independent Members (with one of the Independent Members to be appointed as chair)

REPORTS TO: Full Council

QUORUM: 3

MAIN TERMS OF REFERENCE
To consult with and advise the Council on the selection and appointment of a local auditor.

DETAILED TERMS OF REFERENCE
- To advise the Council on the selection and appointment of a local auditor to audit the Council’s accounts
- To advise the Council on the maintenance of an independent relationship with the local auditor who has been appointed to audit the accounts
- To advise the Council on any proposal by the Council to enter into a limited liability agreement with the local auditor pursuant to section 14 Local Audit and Accountability Act 2014
- To advise the Council whether to adopt a policy on obtaining non-audit services from the local auditor, including the contents of such a policy
- If the Council proposes to adopt a policy on obtaining non-audit services from the local auditor, to advise as to the contents of such a policy, including:
  - the circumstances in which the Council should ask the Audit Panel for advice about obtaining non-audit services from the local auditor; and
  - the circumstances in which the Council should, or should not, purchase non-audit services from the Council’s local auditor
- To advise the Council on the outcome of any investigation of an auditor’s resignation from office, if this occurs, or on any proposal to remove a local auditor from office
- To receive from the Council and the local auditor a copy of any public interest report relating to the Council as soon as practicable after issue of the same
- To exercise any other functions of a local authority audit panel as prescribed from time to time by regulations made pursuant to the Local Audit and Accountability Act 2014 and to have regard to any guidance issued by the Secretary of State, in exercising, or deciding whether to exercise, its functions
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HYNBURN BOROUGH COUNCIL
PETITION SCHEME

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. This petition scheme explains the ways in which we will respond to petitions and lets you know how to go about sending a valid petition to us.

What is a petition?
We will treat something as a valid petition if it:

- is signed by a number of people (we require at least 10 signatories); and
- calls for the Council to take action in some way; and
- is not an excluded petition (see below to find out which petitions are excluded)

What should a petition contain?
Your petition should:

- explain what it is about. It should include a clear and concise statement of your concerns and the action that you wish the Council to take. This will help us to decide the best way to respond
- give the name and contact details of the petition organiser
- include the names, addresses and signatures of at least 10 people (which can include the petition organiser)

Who can organise a petition?
We will accept petitions if they have been organised by someone who lives, works or studies in Hyndburn.
The petition should be accompanied by contact details for the petition organiser, including a valid postal address. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on our website.

Who can sign a petition?
Anyone can sign a petition, as long as they live, work or study in Hyndburn. As well as a signature, we also need the persons name and their postal address, which can be the place where they live, work or study.

How do I send in a petition?
Paper petitions can be sent (or delivered in person) to:

Member Services
Hyndburn Borough Council
Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF.

Petitions can also be created, signed and submitted online by following this link http://democracy.hyndburnbc.gov.uk/mgEPetitionListDisplay.aspx?bcr=1. This our preferred method of receiving your Petition.

What happens then?
All petitions sent to the Council will receive a written acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition and will be sent to the petition organiser. We will also let you know when you can expect to hear from us again.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition needs more investigation, we will tell you the steps we plan to take.

We will also publish the petition on our website to ensure that people know what we are doing in response to the petition, except in cases where this would be inappropriate. When you sign an e-petition you can elect to receive this information by e-mail. We will not send you anything which is not relevant to the e-petition you have signed.

What are excluded petitions?
We will not accept a petition if:
• we consider it to be vexatious, abusive or otherwise inappropriate;
• it relates to a planning decision
• it relates to a licensing decision
• it concerns a matter relating to an individual or organisation and in respect of which that individual or organisation already has a statutory right of appeal or a review (such as council tax banding and non-domestic rates, where other procedures apply).
• it asks for a senior officer to give evidence in respect of their private life instead of something for which they are responsible as part of their job.
• it is a repeat petition (i.e. if the Council has considered another petition on the same subject within 12 months of receipt of your petition)

If your petition cannot be accepted we will still acknowledge receipt of it within 10 working days and we will explain why we consider it to be an excluded petition.

In the period immediately before an election or referendum we may need to deal with your petition differently or we may need to delay its consideration until the election or referendum has taken place – if this is the case we will explain the reasons and let you know the timescale which will apply.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

• taking the action requested in the petition
• considering the petition at a council meeting
• holding an inquiry into the matter
• undertaking research into the matter
• holding a public meeting
• referring the petition for consideration by the Council's overview and scrutiny committee (which is a committee of councillors who are responsible for scrutinising the work of the Council.
• writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.
If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council. In any event we will always notify you of the action we have taken.

**Council Debate**

If a petition contains more than 1,000 signatures (or 500 signatures if it relates to a local issue that affects no more than 2 electoral wards within Hyndburn) it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 30 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee or chief officer. Where the issue is one on which the Council’s Cabinet are required to make the final decision, the Council will decide whether to make recommendations to the Cabinet to inform that decision. The petition organiser will receive written confirmation of this decision and the decision will also be published on our website.

**Officer evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to councillors to enable them to make a particular decision.

If your petition contains at least 500 signatures (or 250 signatures if it is a local issue that affects no more than 2 electoral wards within Hyndburn), the relevant senior officer will give evidence at the next convenient public meeting of the Council’s overview and scrutiny committee.

The following senior staff can be called to give evidence:

- the Chief Executive
- the Deputy Chief Executive
- the Executive Director (Legal & Democratic Services)
- the Chief Planning & Transportation Officer
- the Head of Regeneration & Housing
- Head of Community Services
- Head of Environmental Partnerships

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs or if the named officer is not the officer responsible for the service in question.
The Overview and Scrutiny Committee may make a report or recommendations to the Council. A copy of any report or recommendations will be sent to the petition organiser.

The Council’s Petitions Website

On our website we have a petitions page that gives information about the valid petitions we receive.

Within 5 working days of receipt of a valid petition we will update the petitions page on our website to include the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser’s name and contact details will only be included on the website if s/he so requests.

Once we have decided how the petition will be dealt with we will include this information on the petitions page of our website at the same time as the information is sent to the petition organiser.

Petition details will kept on the website for 6 months.

E-Petitions

We welcome e-petitions which you can create and submit through http://democracy.hyndburnbc.gov.uk/mgEPetitionListDisplay.aspx?bcr=1

E-petitions are subject to the same requirements as paper petitions set out above.

If you are organising an e-petition you must;

- register when you first use the site.
- provide us with your name, postal address and e-mail address
- decide how long you would like your petition to be open for signatures. Most petitions run for three months, but you can choose a shorter or longer timeframe.

When you create an e-petition, it may take five working days before it is published online. 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 within this time to explain why. You will be able to change and resubmit your petition if you wish.

When an e-petition has closed for signature, you may submit it, in which case it will be submitted to the Executive Director (Legal and Democratic Services); or you may extend the duration of the petition; or you may cancel it. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.
Notification that there is a response on the website will be e-mailed to everyone who has signed the e-petition and elected to receive this information. The response will be published on the website.

**How do I “sign” an e-petition?**


When you sign an e-petition you will be asked to provide your name, your postal address, your postcode and a valid e-mail address. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm that the e-mail address is valid. Once this step is complete your “signature” will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

**The role of Ward Councillors**

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), we will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.
Appendix 4

Council Procedure Rules

Proposed new Procedure Rule 23.4

A23. MAYOR AND DEPUTY MAYOR

23.1 Mayor

(i) The Mayor shall have precedence in the Borough, but not so as to prejudicially affect Her Majesty’s royal prerogative. The Mayor shall, unless the Council shall have decided otherwise represent or arrange the representation of the Council on all state, civic or formal occasions.

(ii) The Mayor shall, unless he or she resigns or becomes disqualified, continue in office until his or her successor becomes entitled to act as Mayor.

(ii) All members of the Council shall be eligible to stand for election as Mayor irrespective of membership or non-membership of any political group.

(iii) In the event of the Mayor resigning or becoming disqualified during his or her term of office a successor shall be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose and shall continue in office for the remainder of his or her predecessor’s term of office. This period in office shall not preclude the successor from standing for election at the next following Annual Meeting.

23.2 Deputy Mayor

(i) The Deputy Mayor shall, unless he or she resigns or becomes disqualified, continued in office until his or her successor becomes entitled to act as Deputy Mayor.

(ii) All members of the Council shall be eligible to stand for election as Deputy Mayor irrespective of membership or non-membership of any political group but no member may stand for a second consecutive term as Deputy Mayor.

(iii) In the event of the Deputy Mayor resigning or becoming disqualified during his or her term of office a successor shall be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose and shall continue in office for the remainder of his or her predecessor’s term of office. This period of office shall not preclude the successor from standing for election at the next following Annual Meeting.

(i) The Deputy Mayor shall assist the Mayor as requested and shall if necessary assist the Mayor in representing the Council on state, civic or formal occasions.
23.3 Mayoress and Consort

No-one may serve as mayoress and / or mayor’s consort whilst they are a member of the Council’s executive or the leader or deputy leader of a political group represented on the Council.

23.4 Nature of the role

The role of the Mayor (and Deputy Mayor) is strictly a non-political one and all councillors will respect the Mayor (and Deputy Mayor's) neutral position. For example, the Mayor (or Deputy Mayor) will maintain an apolitical stance when chairing Council meetings and will allow different opinions to be fully and fairly represented and debated subject to the requirements of these Procedure Rules.
CIVIC PROTOCOL FOR THE ROLES OF THE MAYOR, LEADER OF THE COUNCIL AND CHIEF EXECUTIVE
CIVIC PROTOCOL FOR THE ROLES OF THE MAYOR, CHIEF EXECUTIVE AND LEADER OF THE COUNCIL

1. THE ROLE OF MAYOR

1.1 The role of the Mayor is strictly a non-political one. The Mayor represents every section of the Hyndburn community and he or she should aim to promote a positive image of the Borough. The Mayor's role is civic and ceremonial, and the Mayor does not have any executive role in the running of the Borough.

In summary, the function of the Mayor (or the Deputy Mayor in the Mayor's absence) is:

♦ To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
♦ 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
♦ 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 executive, or do not hold committee chairs, are able to hold the executive and committee chairs to account
♦ To represent the Council at Civic and Ceremonial functions and events
♦ To promote the Borough
♦ To raise money for the mayoral charities

1.2 The Mayor shall have precedence in the Borough, but not so as to prejudicially affect Her Majesty’s royal prerogative. The Mayor will determine attendance at events for which a specific invitation has been received by the Mayor’s office. Representation of the Council on major civic or formal occasions shall be determined through the offices of the Mayor and Leader.

1.3 Expenditure from the Mayoral budget must be authorised by the Civic support staff following consultation with the Mayor.

1.4 Two weeks' notice should normally be given for all invitations to the Mayor. Events attended by the Mayor should be of a non-political nature. All invitations to the Mayor to attend civic / ceremonial events, or any proposal for a civic event or engagement however arising, should be passed to and processed by the civic support staff, who will liaise closely with the Mayor, conduct any necessary research and advise the Mayor on the suitability of the engagement. All arrangements for the Mayor’s attendance at engagements will be co-ordinated by the civic support staff.

1.5 The Mayor is expected to show consideration and respect for Mayoral support staff and recognise the right of such staff to adequate free time in the programming of civic functions. The mayor’s attendant and civic support staff’s role is to support the Mayor in his or her civic and ceremonial capacity only.

1.6 At the closure time of any event, it should be recognised that the Mayor’s attendant will withdraw from the event with the chains of office.
1.7 When undertaking their civic and ceremonial role, the Mayor (or Deputy Mayor in the Mayor’s absence) shall:
   i. Not bring the Council into disrepute;
   ii. Take advice from the civic support staff
   iii. Not solicit gifts, engagements or visits or otherwise procure favours by virtue of their office
   iv. Respect the requirement to operate the mayoralty within the civic services budget
   v. Behave in a manner appropriate and fitting to their position as first citizen of the Borough (and a breach of this Protocol may constitute a breach of the member code of conduct)

2.1 THE ROLE OF LEADER OF THE COUNCIL

2.1 The role and function of the Leader (as contained within Article 2 of the Constitution) is:
   ♦ To provide the Council’s overall corporate and strategic direction, budget strategy and policy development
   ♦ To chair the Cabinet and be the principal spokesperson for the Council
   ♦ To promote Council initiatives and objectives
   ♦ To represent the Council at civic and ceremonial functions

2.2 The Leader will determine attendance at events for which a specific invitation has been received by the Leader's office or for major civic or formal occasions, in consultation with the Mayor’s office.  

2.3 To facilitate attendance at events, two weeks’ prior notice should be given.

2.4 The Leader is expected to show consideration for support staff involved in any event.

2.5 In the event of the Leader being unavailable, the Leader’s office will appoint a representative.

3. THE ROLE OF CHIEF EXECUTIVE

3.1 The principal functions and areas of responsibility of the Chief Executive (as contained in Article 12 of the Constitution) are:
   ♦ To provide overall corporate management and operational responsibility (including overall management responsibility for all officers)
   ♦ To provide professional advice to all parties in the decision making process
   ♦ Together with the Monitoring Officer, to be responsible for a system of record keeping for all the Council’s decisions
   ♦ To represent the Council on partnership and external bodies (as required by statute or the Council)

4. COUNCIL MEETINGS

4.1 Conduct at Council Meetings
4.1.1 The rules governing conduct at meetings of the Council are contained in the Council’s constitution. Members of the Council should have respect for the Chair at all times and the following rules shall apply:

- Whenever the Mayor speaks during the meeting a member then speaking shall be silent
- Members must stand to address the Mayor and Council but only when called on by the Mayor to do so (the exception is to draw attention to a point of order or a personal explanation)
- The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion
- The ruling of the Mayor will be final

4.2 The Mayor’s Views

It is not normally part of the mayoral role to comment on matters before the Council in a way which supports or opposes the issue before the Council

4.3 Mayor’s Casting Vote

4.3.1 In cases where the number of votes is equal, the second or casting vote of the Mayor shall be with the controlling group. The exception to this requirement shall be in respect of those issues where the parties have declared that the vote will not be subject to the whip and in such cases the Mayor will be free to cast his/her second or casting vote in whichever way he/she may choose (Council Procedure Rule A16.2).

4.3.2 This also applies if the Deputy Mayor is called upon to chair the Council meeting.

4.4 Dates of Council Meetings

4.4.1 Ordinary meetings shall be held at the dates and times agreed at the annual meeting. The date and time of an ordinary meeting may be changed with the consent of the Chief Executive.

4.4.2 On occasions when it is necessary to change the date of the Council meeting or to arrange an extra ordinary meeting, it is custom and practice to consult with the Mayor, Leader of the Council and Leader of the Opposition to agree an alternative/new date.

4.5 Annual Meeting of the Council and Mayor-making

4.5.1 In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in April or May. The date and time of the annual meeting may be changed with the consent of the Chief Executive (Council Procedure Rule A1.1).

4.5.2 The Mayor may invite a maximum of 40 personal guests to attend the celebration meal following Mayor-making at the Council’s expense. The Leader is entitled to a maximum of 8 personal guests to attend the celebration meal, to be funded from the Mayoral budget. Councillors are expected to pay for their own meal.

4.5.3 Past Mayors and past Mayoresses may bring one guest of their choice to the Mayor-making ceremony and meal. The invitation to the past Mayor will cease on his/her death.
4.6 Dress Code

4.6.1 At meetings of the Council, Members of the Council should dress appropriately for a formal Council meeting.

5. USE OF MAYOR’S PARLOUR

5.1 The Mayor’s Parlour is to be used for entertaining and meeting civic dignitaries in conjunction with the role of Mayor. The Mayor’s Parlour is also used by the Mayor and Chief Executive for the purposes of preparation for Council meetings and civic events. Following a meeting of the Council, the Mayor, Chief Executive, Leader, Deputy Leader, Opposition Leader will retire to the Mayor’s Parlour along with any other guests the Mayor may wish to invite. The Mayor is not to use the Mayor’s Parlour other than for civic and ceremonial purposes without the consent of the Chief Executive.

5.2 The Mayor’s Parlour should remain solely for use by the Mayor and requests for use of the Parlour by other parties will only be granted in exceptional circumstances. Requests for use of the Mayor’s Parlour shall be agreed by the Mayor in consultation with the Chief Executive.

6. USE OF MAYORAL CHAINS

6.1 During the term of office of the Mayor, the Chains of Office shall be worn when carrying out official duties in the office of Mayor which shall be defined as:

- Chairing meetings of the Council
- Attendance at civic events organised by Hyndburn Borough Council
- Attendance at civic events organised by other local authorities
- Attendance at events where an official invitation has been issued to the Mayor in advance and the purpose and details of the event have been supplied to the Civic support staff
- Funerals of current Councillors or past Mayors, Leaders or Chairs of former urban districts

6.3 The Mayor will wear only the Hyndburn Chains of Office when attending civic functions. Any requests by the Mayor in office for use of the Chains of Office other than on those occasions as described above will be determined by the Chief Executive in consultation with the Leader of the Council.

6.4 There may be exceptional circumstances when it is appropriate for the Mayor and/or Mayoress and the Deputy Mayor to wear their chains of office at the same event. These exceptions shall apply only in respect of civic events organised by Hyndburn Borough Council.

6.5 On occasions, when the Mayor attends an official event and is not accompanied by an attendant, the Mayor’s badge can be worn to signify the Mayor’s position.

6.6 Any requests for use of the chains or fobs of the former urban districts by the Mayor will be determined by the Chief Executive in consultation with the Leader of the Council. Use of these items will be strictly restricted due to budgetary and insurance implications.

7. USE OF CIVIC CAR
7.1 The Mayoral Car shall only be used by the Mayor the following occasions:-

- Chairing meetings of the Council
- Attendance at Civic events organised by Hyndburn Borough Council
- Attendance at Civic events organised by other local authorities
- Attendance at events where an official invitation has been issued in advance and the purpose and details of the event have been supplied to the civic support staff

7.2 Requests for use of the Mayoral car for other events/occasions will be determined by the Chief Executive, in consultation with the Mayor and Leader of the Council, providing that there is no conflict between the requirements of the Mayor for use of the vehicle for civic events. In the event of a clash, the Mayor shall have precedence.

7.3 Where it is necessary to transport people who are accompanying the Mayor on civic duties, arrangements shall be made with the Civic support staff. Up to 4 passengers may be carried on such occasions.

8. ROLE OF DEPUTY MAYOR IN MAYOR’S ABSENCE

8.1 If the Mayor is unavailable to attend a Mayoral function, the Deputy Mayor will represent the Council on his/her behalf. Once a commitment is given to the organiser of the function that the Mayor/Deputy Mayor will attend the function, organisers, having received such commitment, may give whatever publicity is required for the event and may quote the attendance on the Mayor/Deputy Mayor on posters and tickets.

8.3 Where a commitment has been given for the Deputy Mayor to represent the Council at an event, the commitment should be honoured. The only exceptions to this will be in the event of the illness of the Deputy Mayor (or in the event of a family bereavement) where the Mayor finds he/she available to attend the function.

8.4 If neither the Mayor nor Deputy Mayor is available to attend a function, the Mayor Designate shall be invited to attend

9. USE OF HYNDBURN COAT OF ARMS

9.1 Any requests for use of the Hyndburn coat of arms (as distinct from the corporate logo which incorporates the Hyndburn coat of arms) and the town crests will be determined by the Leader.

10. RULES OF PRECEDENCE AT CIVIC EVENTS

10.1 The Mayor takes precedence over all persons in the Borough whether or not he/she is wearing the chains of office. When the Mayor is not occupying the chair at any function he/she should be seated on the immediate right of the Chairman and the Mayoress (or Consort) seated on the left of the Chairman (unless the Lord Lieutenant of the County is present, in which case the Mayor should be seated on the left of the Chairman with the Mayoress (or Consort on his/her immediate left)
10.2 At Civic Events organised by Hyndburn Borough Council the Order of Precedence will be as follows:-

1 Mayor (and Mayoress/Consort if present)
2 Leader (and Deputy Leader if present)
3 Deputy Mayor (and Deputy Mayoress if present)
4 Chief Executive
5 Member of Parliament
6 Divisional Police Commander or representative
7 Mayor’s Chaplain (where appropriate)
8 Leader of the Opposition Group
9 Deputy Leader of the Opposition Group
10 Members of the Council
11 Officers of the Council

Note 1: The Mayoress and Deputy Mayoress will be recognised as part of the official party in determining any line-up/seating arrangements for civic processions/events.
Note 2: Where the occasion allows for the attendance of spouses/partners/guests, they will be included in the official party and positioned accordingly. In the event of any dispute the order of precedence will be determined by the Chief Executive.

11 The Mayor’s Charity

11.1 It is expected that the Mayor’s Charity will undertake all fund raising and its own administration. However, the civic support staff are happy to advise the charity as to the suitability of events, appropriate procedures and matters of protocol if required. Civic support staff will also assist with the organisation of the annual charity ball on a date to be agreed with the Mayor. The Mayor and the charity will assist in the procurement of raffle (or similar) prizes for this event and will be responsible for the sale of tickets.

11.2 The Mayor’s charity has been registered with the Charity Commission. A bank account is held with the National Westminster Bank and civic support staff will undertake the day to day administration of this account. All monies raised during the Mayor’s year of office will be distributed to the Mayor’s chosen charities as soon as possible after the end of the Mayor’s term of office.

12 Support to Charities

12.1 The Mayor may select one or more charities which he or she will support. These charities will already be established and registered with the Charity Commission. If, in the opinion of the Chief Executive, any charity is unacceptable for legal or financial reasons, the Mayor shall select an alternative.

13 Media and Publicity

13.1 It is inappropriate for the Mayor to appear in any electoral material, whether associated with their own election or that of another candidate, in any official regalia or robes. The Mayor should use all reasonable endeavours to stop this occurring.

13.2 Given the status of the Mayor as first citizen of the Borough, any dealings with the media should be conducted through the Council’s press officer on behalf of the Council. All official communication relating to the Council (but not on private matters) should be dealt with by the Council’s press officer. Any private or party political communications issued to the media by the Mayor may bring their office into disrepute and the Mayor should seek advice from the press officer or civic support officers before doing so.
14. REMEMBRANCE SUNDAY

14.1 The Royal British Legion is responsible for the Parades and Services to commemorate Remembrance Sunday held throughout the Borough. The Council (through the Civic support staff) provides administrative support for the organisation of these parades and services.

14.2 The Remembrance Sunday Parades and Services are Civic Events which require the attendance of the Mayor and Leader. Other Members of the Council are required to attend other Parades and Services throughout the borough.

14.3 The Mayor and Leader will be expected to attend the Remembrance Sunday Parade and Service in Accrington and, by invitation and mutual agreement, can attend another service in their home towns.

15. CHRISTMAS LIGHTS OFFICIAL ‘SWITCH ONS’

15.1 The Mayor shall switch on Accrington Christmas lights.

16. MAYOR’S BALL

16.1 This is an annual event where the primary purpose is to raise funds for the Mayoral Charity.

16.2 The persons listed in Annex A will be invited to attend the Mayor’s Ball at the Council’s expense (budgets permitting) and all other guests will be required to purchase tickets, the proceeds from which will be donated to charity.

17. CRITERIA FOR SELECTION OF HONORARY FREEMEN AND ALDERMEN

17.1 Selection Criteria: Freeman of the Borough

a) The title of Honorary Freeman of the Borough is the highest honour that the Council can award, the right contained in S. 249 of the Local Government Act 1972.

b) In keeping with the special nature of the award, conferment should be for those who have made a very significant contribution to the Borough.

c) No more than one nomination will be made each year, unless there are exceptional circumstances.

d) This honour will be restricted to a person who has made a significant contribution to the Borough over a period of more than 15 years.

e) Self-nomination or lobbying may result in the nomination being rejected.

f) Honorary Freemen will be invited to attend the following ceremonies:

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1 Revised criteria approved by Council, 20th March 2014
- Annual Mayor Making Ceremony
- Freedom of the Borough Ceremony
- Civic processions
- Special Memorial services

g) A nomination will be submitted to and considered in the first instance by Leader’ Policy Development Board, with a recommendation to Council if the nomination is supported.

17.2 Selection Criteria: Honorary Alderman

a) The title of Honorary Alderman will be awarded to an individual who has, in the opinion of the Council, rendered eminent service as a past member of the Council (Section 249 of the Local Government Act 1972).

b) The criteria for selection shall be:
   - 12 years’ service
   - Consideration will be given to members not having 12 years’ service but who have, during their years of office, held the title of Mayor, Mayoress, Leader of the Council or Leader of the Opposition (providing the latter office was held for three years or more).

c) If an Honorary Alderman is re-elected to the Council, the title will be held in abeyance until the end of the term of office

d) Honorary Aldermen will be invited to attend the following ceremonies:
   - Annual Mayor Making Ceremony
   - Freedom of the Borough Ceremony
   - Civic processions
   - Special Memorial services

e) A nomination will be submitted to and considered in the first instance by Leader’ Policy Development Board, with a recommendation to Council if the nomination is supported.

18. SELECTION OF NEW MAYORS / DEPUTY MAYORS

18.1 As a general principle the Mayor should be selected on a fair and equitable basis, having regard to the various political groups represented on the Council and nominees for the office of Mayor will usually be expected to have served on the Council for a minimum of four years and gain the support of the majority of Councillors.

18.2 The Deputy Mayor shall be appointed annually at the Council’s Annual General Meeting and will take up office in the year before being elected Mayor.
The Mayor’s Ball
VIP Guest List

The Mayor and Mayoress/Consort shall invite the following:

The Lord Lieutenant of Lancashire and Spouse/Guest
The High Sheriff of Lancashire and Spouse/Guest
The Leader of the Council and Spouse/Guest
The Chief Executive and Spouse/Guest
The Deputy Mayor and Mayoress/Consort of Hyndburn
The Member of Parliament and Spouse/Guest
The Chairman and Lady/Consort of Lancashire County Council
The Mayor and Mayoress/Consort of Blackburn with Darwen
The Mayor and Mayoress/Consort of Burnley
The Mayor and Mayoress/Consort of Blackpool
The Mayor and Mayoress/Consort of Chorley
The Mayor and Mayoress/Consort of Fylde
The Mayor and Mayoress/Consort of Lancaster
The Mayor and Mayoress/Consort of Pendle
The Mayor and Mayoress/Consort of Preston
The Mayor and Mayoress/Consort of Ribble Valley
The Mayor and Mayoress/Consort of Rossendale
The Mayor and Mayoress/Consort of South Ribble
The Mayor and Mayoress/Consort of West Lancashire Borough Council
The Mayor and Mayoress/Consort of Wyre
The Mayor and Mayoress/Consort of Bury
The Town Mayor and Mayoress/Consort of Clitheroe
The Mayor’s Chaplain and Spouse/Guest
The Chief Superintendent of Police and Spouse/Guest
ANNEX B

Flying the Flag on Hyndburn Borough Council Buildings and Sites

1. **Union Flag**

The union flag to be flown on Hyndburn Borough Council buildings (Accrington Town Hall and Oswaldtwistle Civic Arts Centre) and on Town Square, Great Harwood on the following occasions:

**Full Mast:**
- Coronation
- Queen’s Birthday
- Commonwealth Day
- St. George’s Day
- Remembrance Day until Remembrance Sunday (or vice-versa if Remembrance Sunday is earlier)
- Visits of Distinguished Persons
- Mayor’s Sunday
- Annual Meeting of Council and installation of Mayor
- Conferring the Freedom of the Borough
- Official opening of new public buildings

**Half Mast:**

On the deaths of:

- Members of the Royal Family
- Serving or former Prime Ministers or Leaders of the Opposition
- Local Members of Parliament
- Former Mayors of Hyndburn Borough Council
- Serving Councillors and Chief Officials
- Former Councillors
- Ex-Mayors and Chairmen respectively of the former Accrington Borough Council and the Urban District Councils
- Honorary Freemen and Honorary Aldermen

2. **St. George Flag**

The St. George Flag to be flown at full mast on Hyndburn Borough Council buildings (Accrington Town Hall and Oswaldtwistle Civic Arts Centre) and on Town Square, Great Harwood on St. George’s Day until the nearest Sunday to the Scouts’ annual St. George’s Day Service (or vice-versa if the Service is earlier).

Exceptions to the policy, including requests to fly a flag other than the union flag, are determined by the Chief Executive, in consultation with the Mayor and Group Leaders.

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2 confirmed at Leader’s Policy Development Board on 24th June 2014
3 confirmed at Leader’s Policy Development Board on 24th June 2014
4 Scheme of Delegation – Delegation to Chief Executive, para.2.10
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1. Purpose of Report

1.1 To make changes to the planning and licensing codes of practice following an annual review of the same, taking account of current good practice and guidance in respect of the standards regime.

2. Recommendations

2.1 That Council approves the revised and updated planning code of practice and licensing code of practice appended to this report;

2.2 That Council notes that training will be arranged for all members of the planning and licensing committees in respect of their respective code of practice as soon as possible in the new municipal year.

3. Reasons for Recommendations and Background

3.1 Local authorities are recommended, as a matter of good practice, to supplement their member code of conduct with specific codes of practice to assist members involved in the planning and licensing processes. These are complex areas, involving quasi-judicial decision-making and the codes are designed to give members guidance about dealing with the difficult issues that can arise – such as conflicts of interest, dealing with applicants, possible bias and predetermination etc.

3.2 There is one main change to the codes this year to take account of the recommendations of the Member Learning & Development Panel – members sitting on Planning and Licensing / Judicial Committees will now be required to have undergone training before they serve on the Committee and take part in decision making.

3.3 It is intended that all members serving on the Planning, Licensing and Judicial Committees will receive training in respect of their respective code of practice as soon as possible after the adoption of the revised codes of conduct. These sessions will be
as short and informal as possible and will be delivered by Legal Services staff and their Planning and Licensing colleagues at no additional cost to the Council.

4. **Alternative Options considered and Reasons for Rejection**

4.1 The Council could decide not to have specific codes for these service areas.

4.2 Most local authorities have codes of practice for planning and licensing, as these are complicated areas requiring quasi-judicial decision-making and involving potentially difficult issues in respect of conflict of interest and bias. The codes of practice therefore strengthen the Council’s corporate governance arrangements and it is suggested that they should be retained as a matter of good practice.

5. **Consultations**

5.1 None, but in updating the codes regard has been had to the latest LGA model codes and the codes in place in neighbouring local authorities.

6. **Implications**

<table>
<thead>
<tr>
<th>Financial implications (including mainstreaming)</th>
<th>None – the briefing sessions will be presented by Legal Services staff alongside Planning and Licensing colleagues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal and human rights implications</td>
<td>There is no legal requirement to have codes of practice for members involved in the Council’s planning and licensing functions, but it is recommended as good practice.</td>
</tr>
<tr>
<td>Assessment of risk</td>
<td>None</td>
</tr>
<tr>
<td>Equality and diversity implications</td>
<td>None identified.</td>
</tr>
<tr>
<td><strong>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</strong></td>
<td></td>
</tr>
</tbody>
</table>

7. **Local Government (Access to Information) Act 1985: List of Background Papers**

None

8. **Freedom of Information**
8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
HYNDBURN BOROUGH COUNCIL

MEMBER’S LICENSING CODE OF GOOD PRACTICE

BACKGROUND

This Code of Good Practice applies to the conduct of Members appointed to the Licensing and Judicial Committees. All references to the Licensing and / or Judicial Committee in this Code include any sub committee of those Committees. This code is in addition to Hyndburn’s Member Code of Conduct and the Constitution of the Council.

INTRODUCTION

The aim of this code of good practice: to ensure that in the carrying out of the Council’s licensing functions there are no grounds for suggesting that a decision has been biased, partial, or not well founded in any way.

The key purpose of Licensing: to implement and manage the various regulatory regimes that fall within the terms of reference of the Licensing and Judicial Committees in accordance with the relevant statutory provisions.

Your role as a member of the Licensing and/ or Judicial Committee: to make licensing decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Practice applies: this code applies to members at all times when they involve themselves in the licensing process. It therefore applies to meetings with officers or the public and consultative meetings.

If you have any doubts about the application of this code to your own circumstances you should seek advice from the Monitoring Officer or her staff, and preferably before any meeting takes place.

1. RELATIONSHIP TO THE MEMBER’S CODE OF CONDUCT

1.1 The rules in the Member’s Code of Conduct must always be complied with. This is both the rules on interests, Disclosable Pecuniary Interests and any
other interests identified by the Council, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.2 The Guidance in this Licensing Code of Good Conduct explains and supplements the Member’s Code of Conduct with specific reference to the Council’s licensing functions.

1.3 If you do not abide by this Code of Good Practice, your conduct may put the Council at risk of proceedings on the legality of the related decision or maladministration, You may also put yourself at risk of being reported to the Standards Committee which could result in you 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 the Localism Act 2011, a complaint being made to the police to consider criminal proceedings

2. DECLARATION AND REGISTRATION OF INTERESTS

2.1 The Members Code of Conduct requires you to notify the Council’s Monitoring Officer of any Disclosable Pecuniary Interests and any Personal Interests. You are also required to declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest. This could be done by registering or declaring those interests in accordance with the Member’s Code of Conduct.

2.2 Disclosable Pecuniary Interests

The definition of a Disclosable Pecuniary Interest is set out in the Members Code of Conduct.

You should in addition take into account when approaching a decision the principle of integrity which is defined in terms that

“Holders of public office must avoid placing themselves under an 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
If you have a Disclosable Pecuniary Interest in any matter that is being considered by the Licensing / Judicial Committee;

You must not participate in any discussion of the matter at the meeting.
You must declare the interest at the meeting
You must not participate in any vote taken on the matter at the meeting.
If the interest is not registered and is not the subject of a pending notification you must register the interest in your register of member’s interests within 28 days.
You must leave the room whilst any matter in which you have a Disclosable Pecuniary Interest is being discussed or voted on.

The Member’s Code of Conduct explains how failure to comply with the requirements relating to Disclosable Pecuniary Interests can amount to a criminal offence.

Paragraph 2 (f) of the Members Code of Conduct provides that members must “declare any private interests, both pecuniary and non pecuniary, that relates to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures in the code.

In such situations it may be advisable to decline an invitation to sit on a Licensing subcommittee or Judicial Committee if one of your friends, for example, is making an application or objection

If you have substantial interests, or other interests that would prevent you from voting on a regular basis, you should avoid serving on the Licensing and/or Judicial Committees.
2.3 **Personal Interests**
The definition of a Personal Interest can be found in the Members Code of Conduct. If you have a Personal Interest in any matter before the Licensing/Judicial Committee you must declare it. You do not however have to leave the meeting as you may take part in the discussion and voting.

2.4 As a Member of the Licensing and/or Judicial Committee you should try to minimise your social contacts with known and regular applicants and refrain altogether from such contacts when licensing policy or their applications are under consideration.

2.5 You should not seek or accept any preferential treatment, or place your self in a position that could lead the public to think that you are receiving preferential treatment because of your position as a Councillor. This would include, where you have an interest in an application, using your position to discuss that application with officers or Members when other members of the public would not have the same opportunity to do so. If you have a Declarable Pecuniary Interest in an application don’t participate or give the appearance of trying to participate in the making of any decision on the matter whether it is being dealt with by an officer pursuant to delegated powers or by the Licensing/Judicial Committee.

2.6 If you are not a member of the Licensing Committee and speak at a meeting of the Committee on the subject of a particular application you should make it clear whether you are speaking in your capacity as an interested party (as defined by section 13 of the Licensing Act 2003 (as amended)) or as a representative of interested parties.

2.7 Do notify the Monitoring Officer of your own applications. It is advisable that you employ an agent to act on your behalf in dealing with officers and any public speaking at Committee.

3. **EXERCISING DISCRETION IN THE LICENSING PROCESS**
3.1 Don’t restrict your discretion and therefore your ability to participate in a licensing decision by making up your mind or clearly appearing to have made up your mind on how you will vote on any licensing matter prior to formal
consideration of that matter by the Committee and of your hearing the officers presentation and the representations made by applicant’s and objectors.

3.2 Limiting your discretion in this way and then taking part in the decision will put the Council at risk of legal proceedings seeking to revoke the decision made on the grounds of there being a danger of bias or pre determination or of a failure to take into account all of the factors enabling the application to be considered on its merits. There is also a risk of the decision being referred to the Ombudsman for an investigation into any maladministration.

3.3 This rule should not however be interpreted in such an unnecessarily restrictive way so as to limit the quality of debate or stifle valid discussion.

3.4 Section 25 of the Localism Act 2011 clarifies the rule on pre-determination by providing that

“A decision maker is not to be taken to have had, or appear to have had, a closed mind when making the decision just because-

a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took or would or might take, in relation to a matter, and

b) the matter was relevant to the decision

The advice issued by the Department for Communities and Local Government is that members should not have to avoid campaigning, talking to constituents or publicly expressing views on local issues for fear of being accused of bias or facing legal challenge. Instead they should play an active role in local discussions. This will help members to better represent their constituents and enrich local debate.

3.5 Don't speak and vote on a matter where you have openly and uncompromisingly limited your discretion. You do not have to withdraw but you may prefer to do so for the sake of appearances.
3.6 Do explain that you do not intend to speak and vote because you have or could reasonably be perceived as having pre judged the matter so that this may be recorded in the minutes.

3.7 If you are appointed as a member of a Licensing Sub-Committee or a Judicial Committee and you believe that you have fettered your discretion then contact Member Services to arrange for the appointment of a replacement member.

4 LOBBYING OF COUNCILLORS

4.1 Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, expressing an intention to vote one way or another or such a firm point of view that it amounts to the same thing, prejudices your impartiality and therefore your ability to participate in the Committee’s decision making process.

4.2 If as a member of the Licensing and/or Judicial Committee you are lobbied in relation to a particular licensing application or other similar matter you should restrict yourself as far as is practical, to giving advice about rules and procedures, including suggesting to those who are lobbying that they should speak or write to the relevant officer or another Ward Member.

4.3 If as a member of the Licensing and/or Judicial Committee you decide to go public in support of a particular outcome - or even campaign actively for it – you must consider whether you have limited your discretion and whether you can take part in the Committee discussion or vote. Any significant contact with an applicant or objector should be declared at the Licensing/Judicial Committees.

4.4 Don’t accept gifts or hospitality from any person involved in or affected by a Licensing application. If a degree of hospitality is entirely unavoidable, ensure that it is of a minimum; its acceptance is declared as soon as possible and remembers to register the gift or hospitality where its value is over £100 (in accordance with the Council’s rules on gifts and hospitality)

4.5 Do copy or pass any lobbying correspondence you receive to the Licensing Manager at the earliest opportunity.
4.6 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 this matter up.

4.7 You will not have restricted your discretion or breached this Licensing Code of Good Practice just because you have listened to comments from residents or other interested parties or by making comments to residents, interested parties other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind.

5. LOBBYING BY COUNCILLORS

5.1 Don’t become a member of, or lead or represent an organisation whose primary purpose is to lobby in respect of licensing matters. If you do you will have restricted your discretion.

5.2 Don’t excessively lobby fellow Councillors regarding your concerns or views not attempt to persuade them that they should decide how to vote in advance of the meeting at which any licensing application is to be discussed.

5.3 Don’t decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group meetings should never dictate how Members should vote on a particular application.

5.4 You should not put undue or improper pressure on officers for a particular decision when a licensing application is being dealt with under delegated powers. This does not prevent you from asking questions of the officer or responding to consultation.

6 COMMITTEE PROCEDURES AND DECISIONS

6.1 When you are considering a licensing application as a member of the Licensing and /or Judicial Committee you must do so with an open mind and
make sure that you have regard to any statutory criteria, policy or guidance relating to the determination of the application in question.

6.2 When hearing an application for a licence or permit, or other form of approval, as a member of the Licensing and/or Judicial Committees you should conduct yourself in a manner that does not create the reasonable perception that you have predetermined the application. Questions should be asked only to ascertain facts to assist in the decision-making process not to seek to enhance or reduce a point of view.

6.3 Don’t allow members of the public to communicate with you during the Committee’s proceedings (orally or in writing) other than as applicants, witnesses or objectors.

6.4 Do come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel that there is insufficient time to digest new information or that there is simply insufficient information before you request that further information. If necessary defer or refuse but ensure that the Committees reasons for deferring are recorded.

6.5 Don’t vote or take part in the meetings discussion of an application unless you have been present to hear the entire debate, including the officer’s introduction to the matter.

7 TRAINING

7.1 Members are required to attend any training organised by the Council before they participate in decision making at meetings dealing with Licensing matters.

GENERAL

8.1 This Code of Good Practice will be kept under annual review by the Executive Director Legal and Democratic Services. It will also be reviewed following any relevant change in the Council’s Constitution and Rules of Procedure.
INTRODUCTION

The aim of this code of good practice is to ensure that in the Town and Country Planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose 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 legally justifiable reasons. You are also a democratically accountable decision taker who has been elected to provide and implement policies. You are entitled to be pre disposed 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 of Good Practice applies. This code applies to Members at all times when they are involved in the planning process. (This includes taking part in the decision making meetings of the Council when it is acting in its role as a Local Planning Authority which will usually be through the Planning Committee, or when you are involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies not only to the determination of planning applications but also to planning enforcement matters or site specific policy issues.

If you have any doubts about the application of this Code to your own circumstances you should seek advice from the Monitoring Officer or her staff, preferably well before any meeting takes place.
1. **RELATIONSHIP TO THE MEMBER’S CODE OF CONDUCT**

1.1 You must apply the rules in the Members’ Code of Conduct first, as they must always be complied with. This is both the rules on interests, Disclosable Pecuniary Interests and any other interests identified by the Council, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1.2 You should then apply the rules in this Planning Code of Good Practice, which explains and supplements the Members’ Code of Conduct with specific reference to the Council’s role as a Local Planning Authority.

1.3 If you do not abide by this Code of Good Practice, your conduct may put the Council at risk of proceedings on the legality of the related decision or maladministration. You may also put yourself at risk of being reported to the Standards Committee which could result in you 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 the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. **DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBER’S CODE OF CONDUCT**

2.1 The Members Code of Conduct requires you to notify the Council’s Monitoring Officer of any Disclosable Pecuniary Interests and any Personal Interests. You are also required to declare any private interests, both pecuniary and non pecuniary, that relates to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest. This could be done by registering or declaring those interests in accordance with the Members Code of Conduct.
2.2 Disclosable Pecuniary Interests

The definition of a Disclosable Pecuniary Interest is set out in the Member’s Code of Conduct. In addition you should take into account when approaching a decision the principle of integrity which is defined in terms that:

“Holders of public office must avoid placing themselves under an 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”

If you have a Disclosable Pecuniary Interest in any matter that is being considered by the Council /Planning Committee;

You must not participate in any discussion of the matter at the meeting.

(You do not now have a right to speak on the matter in the same way as a member of the public unless you have obtained a dispensation from the Standards Committee)

You must not participate in any vote taken on the matter at the meeting.

You must disclose the interest to the meeting.

If the interest is not registered and is not the subject of a pending notification, you must register the interest in your register of member’s interests within 28 days.

You must also leave the meeting room whilst any matter in which you have a Disclosable Pecuniary Interest is being discussed or voted on.

The Member’s Code of Conduct explains how failure to comply with the requirements relating to Disclosable Pecuniary Interests can amount to a criminal offence.
2.3 **Personal Interests**

The definition of a Personal Interest can be found in the Member’s Code of Conduct.

If you have a personal interest in any planning matter before the Council / Planning Committee you must disclose that interest at the meeting. You do not however have to leave the meeting as you may take part in the discussion and voting.

2.4 You should notify the Monitoring Officer in writing of your own applications / proposals. This notification should be given to the Monitoring Officer no later than submission of the application. The proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers. It would also be advisable to employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at the Planning Committee. You are not prevented from seeking to explain and justify a proposal in which you have a conflict of interest to an appropriate officer, in person or in writing, but your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest. For example, you will need a dispensation from the Standards Committee if you wish to speak as a member of the public in respect of your planning application.

3. **PREDISPOSITION, PREDETERMINATION OR BIAS**

3.1 Don’t limit your discretion and therefore your ability to participate in a planning decision by making up your mind, or clearly appearing to have made up your mind on how you will vote on any planning matter prior to formal consideration of that matter at the meeting of the Committee and of your hearing the officer’s presentation and evidence and arguments on both sides. This applies in particular to applications or objections made by the Council or external interest or lobby groups,
3.2 Restricting your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and/or legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

3.3 This rule should not however be interpreted in such an unnecessarily restrictive way so as to limit the quality of debate or stifle valid discussion.

3.4 Section 25 of the Localism Act 2011 clarifies the rules on predetermination by providing that

“A decision maker is not to be taken to have had, or to appear to have had, a closed mind when making the decision just because-

   a) the decision- maker had previously done anything that directly or indirectly indicated what view the decision maker took or would or might take, in relation to a matter, and
   b) the matter was relevant to the decision.

The advice issued by the Department of Communities and Local Government is that members should not have to avoid campaigning, talking to constituents or publicly expressing views on local issues for fear of being accused of bias or facing legal challenge. Instead they should play an active role in local discussions. This will help members to better represent their constituents and enrich local debate.

3.5 Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of a parish council, for example, or both the Borough and County Council), provided:

   The proposal does not substantially affect the well being or financial standing of the consultee body;
   You make it clear to the consultee body that:
   Your views are expressed on the limited information before you only;
You must reserve judgement and the independence to make up your own mind on each separate 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 Committee and you hear all of the relevant information; and,

You will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and you disclose the personal interest regarding your membership or role when the Planning Committee comes to consider the proposal.

3.6 Don’t speak and vote on a proposal where you have openly and uncompromisingly limited your discretion. You do not have to withdraw from the meeting room, but you may prefer to do so for the sake of appearances.

3.7 You should explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

3.8 There are specific ward member rights to speak at the Planning Committee on applications in their wards. However even though you are not on the Planning Committee you are prohibited from speaking if you have a Disclosable Pecuniary Interest and have not been granted a dispensation by the Standards Committee. Such dispensations are also available to members of the Planning Committee.

3.9 If you have a private interest under paragraph 2 (f) of the Members Code of Conduct you may consider that the only way to resolve any conflict of interest is not to vote or even participate in any discussion.

3.10 Any Ward member who does not have a Disclosable Interest or other conflict of interest of any description may address the Planning Committee in the same way as member of the public. I.e. by registering to speak. In such cases members of the planning committee should remove themselves from the seating area reserved for members of the committee.
In determining whether there is an appearance of pre determination or bias members who are responsible for making the decision should apply the following test:

**Would a fair minded and informed observer having considered all the facts, decide that there is a real possibility that the member had determined the issue or was biased.**

However when applying this test it is important to remember that it is legitimate for a councillor to be pre disposed towards a specific outcome as long as they are prepared to consider all the arguments and points made about the specific issues under consideration.

4. **CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS**

4.1 Do refer those who approach you for planning, procedural or technical advice to officers.

4.2 Don’t agree to any request (other than from the Chief Planning and Transportation Officer to attend a meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Chief Planning and Transportation Officer to organise it. The officer 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.

4.3 Do otherwise:

- follow the guidance on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Chief Planning and Transportation Officer 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.

4.4 In addition in respect of presentations by applicants/developers:

Don’t attend a planning presentation or any pre application discussions unless an officer is present and/or it has been organised by officers.

You may ask relevant questions for the purposes of clarifying your understanding of the proposals but remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Planning Committee.

You should however aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other members might vote.

5. LOBBYING OF COUNCILLORS

5.1 Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, expressing an unequivocal intention to vote one way or another or such a firm point of view that it amounts to the same thing, prejudices your impartiality and therefore your ability to participate in the Committee’s decision making process. In such cases it may be advisable to refer those lobbying you to another Ward Member.

5.2 Do remember that your overriding duty is to the whole community not just to the people in your ward/local area 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.

5.3 Don’t accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £100 in accordance with the Members Code of Conduct.

5.4 Do copy or pass on any lobbying correspondence you receive to the Chief Planning and Transportation Officer at the earliest opportunity.
5.5 You should promptly refer to the Chief Planning and Transportation Officer any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

5.6 If you believe that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) you should inform the Monitoring Officer who will in turn advise the appropriate officers to follow the matter up.

5.7 You must comply with the guidance on lobbying, and presentations

5.8 Do note that, unless you have a Declarable Pecuniary interest, you will not have compromised 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, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that having expressed the opinion or ward /local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. LOBBYING BY COUNCILLORS

6.1 If you are a member of the Planning committee it is inadvisable to become a member of, or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do you will have restricted your discretion and are also likely to have a personal interest
6.2 You may 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 disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

6.3 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.

6.4 Don’t decide or discuss how to vote on any application at any sort of 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**

7.1 Try to attend site visits organised by the Council where possible.

7.2 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 that need to be carefully addressed.

7.3 Any information which you gained from the site visit should be reported back to the Committee, so that all Members have the same information.

7.4 Ensure that you treat the site visit only as an opportunity to obtain information and to observe the site.

7.5 During the site visit you may ask questions or seek clarification from the officers on matters which are relevant to the site inspection.

7.6 During the site visit you should not hear representations from the applicant or any other party. 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. They should also be advised of the right to
address the Planning Committee when the application comes forward for decision.

7.7 During the site visit try to avoid express opinions or views to anyone.
7.8 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. In such cases it is advisable to inform the Chief Planning and Transportation Officer about your intention to do so and why (which will be recorded on the file). You must ensure you will comply with these good practice rules on site visits.

8. PUBLIC SPEAKING AT MEETINGS

8.1 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, as this may give the appearance of bias.

8.2 Do ensure that you comply with the Council’s procedures in respect of public speaking.

9. OFFICERS

9.1 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 Chief Planning and Transportation Officer which may be incorporated into any committee report.

9.2 Do recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.

9.3 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**

10.1 Do ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.

10.2 Do come to meetings with an open mind and demonstrate that you are open minded

10.3 Do make decisions in accordance with section 70 of the Town and Country Planning Act 1990 (as amended) all relevant planning policies and material considerations, such as the National Planning Policy Framework

10.4 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 or refuse.

10.5 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.

10.6 Do have recorded the reasons for Committee’s decision to defer the determination of any application

10.7 Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations that you clearly identify and understand the **planning reasons** leading to this conclusion/decision. 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.
11. **TRAINING**

11.1 Members are required to attend any training prescribed by the Council before they participate in decision making at meetings dealing with planning matters.

11.2 Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures etc beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

11.3 Do participate in any review of a sample of planning decisions to ensure that Members’ judgements have been based on proper planning considerations.

12. **GENERAL**

12.1 This Code of Good Practice will be kept under annual review by the Executive Director, Legal and Democratic Services. It will also be reviewed following any relevant change in the Council’s Constitution and Rules of Procedure.

**FAQ’s**

**I am a member of the Planning Committee and have made an application for planning permission. Can I sit on the committee whilst the application is dealt with?**

No. If you have a Disclosable Pecuniary Interest in the application you may not take part in any discussion or voting. You must also leave the meeting room whilst the application is being considered. You must also declare the interest at the meeting.

**If I am not a member of the planning committee can I address the committee on the application in my capacity as an applicant?**

You may not address the Planning Committee if you have a Disclosable Pecuniary Interest which precludes you from taking part in any discussion of the application unless you first obtain a dispensation from the Standards Committee and register to speak.
Can I sit on the planning committee if an application is made by a friend or a family member other than my partner?

Even if your relationship with an applicant does not constitute a Disclosable Pecuniary Interest as defined by the relevant regulations, you still need to comply with the Members Code of Conduct which requires you to take steps to resolve any possible conflicts of interest. In such cases it may be prudent to withdraw from the meeting.

Can I represent the views of any of my constituents who have a strong opinion on a planning application?

If you are a member of the planning committee it is permissible to speak on behalf of constituents providing you retain an open mind on the application. In such cases it may be appropriate to refer the constituents to another member who is not on the committee and who is willing to speak on behalf of the residents.

My political party has taken a position on an application which it expects me to follow. Is this permissible?

No. it is important that each member of the planning committee forms their own view on applications after considering officer advice and any representations.

I have such a strong opinion on a matter that I do not feel able to participate in discussion / voting as a member of the Planning Committee. Can I still speak on behalf of concerned residents?

Subject to the rules on Interests you may stand down from the Planning Committee and speak a member of the public on behalf of residents.

April 2016
1. **Purpose of Report**

1.1 To make appointments to Outside Bodies and Organisations for the Municipal Year 2016/17. The proposed appointments will be circulated separately as Appendix A to this report.

2. **Recommendations**

2.1 That Council approves the appointments to Outside Bodies and Organisations for the Municipal Year 2016/17.

3. **Reasons for Recommendations and Background**

3.1 To comply with the Council’s Procedure Rule A1.2(x).

3.2 In accordance with the Council’s Procedure Rule A1.2(x), the Council is required to receive nominations and appoint to outside bodies and organisations, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

4. **Alternative Options considered and Reasons for Rejection**

4.1 Not applicable.
5. **Consultations**

5.1 Consultations have taken place with the political groups.

6. **Implications**

<table>
<thead>
<tr>
<th>Financial implications (including any future financial commitments for the Council)</th>
<th>None.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal and human rights implications</td>
<td>The recommendation complies with the requirements of the Council’s constitution.</td>
</tr>
<tr>
<td>Assessment of risk</td>
<td>None.</td>
</tr>
<tr>
<td>Equality and diversity implications</td>
<td>The report or decision does not propose to introduce or change policy, procedures, working practice or service provision, therefore a Customer First Analysis is not necessary.</td>
</tr>
</tbody>
</table>

7. **Local Government (Access to Information) Act 1985:**
   **List of Background Papers**

7.1 Hyndburn Borough Council Constitution
Political Groups’ Lists of Appointments to Outside Bodies and Organisations
Files: Appointments to Outside Bodies and Organisations

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
APPOINTMENTS OF COUNCIL REPRESENTATIVES TO OUTSIDE BODIES

2016/2017 REPRESENTATIVES

1. **Accrington & District Helping Hands Fund**
   Councillors Mohammed Ayub, Loraine Cox and June Harrison

2. **Accrington & Rossendale College Corporation**
   Councillor Bernard Dawson

3. **Armed Forces Community Champion**
   Councillor Paddy Short

4. **Barnfield & Hyndburn Limited Board**
   Councillors Paul Cox, Tony Dobson and Miles Parkinson

5. **Clayton-le-Moors Youth Club**
   Councillor Tim O’Kane
   Substitute Representative: Councillor Melissa Fisher

6. **Copperhouse Children’s Centre Advisory Board**
   Councillor Clare Cleary

7. **Eagle Street Senior Citizens’ Centre**
   Councillors Judith Addison, Loraine Cox, Joyce Plummer and Kath Pratt
   Substitute Representative: Councillor Bernard Dawson (Labour)

8. **East Lancashire Into Employment Board**
   Councillors Bernard Dawson and Terry Hurn

9. **East Lancashire Moneyline (IPS) Ltd**
   Councillor Clare Cleary

10. **Foxhill Bank Management Committee**
    Councillor Stewart Eaves
    Substitute Representative: Chair of Planning Committee (Councillor Bernard Dawson)

11. **Globe Enterprises Limited Board**
    Councillors Paul Cox, Tony Dobson and Miles Parkinson
12. **Great Harwood (Bank Mill House) Management Committee**
   Councillors Noordad Aziz, Stephanie Haworth, Gareth Molineux, Jenny Nedwell and Bernardette Parkinson
   Substitute Representative: Councillor Miles Parkinson

13. **Homeless in Hyndburn Group**
   Councillors Judith Addison, Clare Cleary, Loraine Cox, Jenny Nedwell and Kath Pratt

14. **Hyndburn Age Concern Advisory Groups**
   Councillors Loraine Cox, Paul Cox and Kath Pratt

15. **Hyndburn Area Citizens’ Advice Bureau**
   Councillors Mohammad Ayub, Abdul Khan and Jenny Nedwell (Observers Only)

16. **Hyndburn Community Safety Partnership Steering Group**
   Councillor Joyce Plummer (Voting Representative)
   Councillors Mohammad Ayub, Tony Dobson and Eamonn Higgins (Non-Voting Representatives)

17. **Hyndburn Cycle Forum**
   Councillor Paul Cox

18. **Hyndburn Disabled Persons’ Forum and Disabled Persons’ Champion**
   Councillor Jean Battle

19. **Hyndburn Enterprise Trust Board**
   Councillors Noordad Aziz and Gareth Molineux

20. **Hyndburn GP Commissioning Consortium**
   Councillor Munsif Dad

21. **Hyndburn Homes Industrial & Provident Society Ltd. Board**
   Councillor Paul Cox and Julie Livesey

22. **Hyndburn Homewise Management Committee**
   Councillors Paul Cox, Terry Hurn and Gareth Molineux
   Substitute Representative: Councillor Munsif Dad
23. **Hyndburn Over 50’s Champion**
   Councillor Clare Cleary

24. **Hyndburn & Ribble Valley Carers Link Executive Committee**
   Councillor Melissa Fisher

25. **Hyndburn & Ribble Valley Council for Voluntary Service Board of Trustees**
   Councillor Clare Cleary
   Substitute Representative: Councillor Stephen Button

26. **Hyndburn & Ribble Valley Domestic Abuse Forum**
   Councillors Lisa Allen, Stephanie Haworth and Jenny Nedwell

27. **Hyndburn, Ribble Valley and Rossendale Children’s Partnership Board**
   Councillor Jean Battle

28. **Hyndburn Voluntary & Community Resource Ltd. Board**
   Councillor Munsif Dad

29. **Hyndburn Voluntary Sector Forum and Voluntary Sector Community Champion**
   Councillor Munsif Dad

30. **Hyndburn Youth Council**
   Councillor Ken Moss

31. **Lancashire County Council Health Scrutiny Committee**
   Councillor Eamonn Higgins

32. **Lancashire Leaders & Chief Executive’s Group**
   Leader of the Council
   Chief Executive
   Substitute Representative: Councillor Paul Cox

33. **Lancashire Playing Fields Association**
   Councillor Ken Moss

34. **Lancashire Police and Crime Panel**
   Councillor Joyce Plummer
35. **Lancashire Tourism Forum**  
Councillor Stephen Button

36. **Lancashire Waste Partnership**  
Councillor Paul Cox  
**Substitute Representative:** Councillor Joyce Plummer

37. **Leisure in Hyndburn Board**  
Councillors Peter Britcliffe and Ken Moss (Voting Representatives)

38. **Local Authority Health & Safety Forum**  
Councillor Clare Cleary

39. **Local Government Association General Assembly**  
Leader of the Council  
**Substitute Representative:** Deputy Leader of the Council

40. **New Era Trust Board of Directors**  
Councillor Ken Moss  
Councillor Jenny Nedwell

41. **North West Employers, Manchester**  
Councillor Gareth Molineux  
**Substitute Representative:** Councillor Clare Cleary

42. **North West Sports Board**  
Councillor Ken Moss

43. **PATROL (Parking & Traffic Regulations Outside London) Adjudication Joint Committee**  
Councillor Abdul Khan

44. **PROSPECTS Foundation Management Committee**  
Councillor Paddy Short

45. **Regenerate Pennine Lancashire Ltd Board**  
Leader of the Council (Director)  
**Substitute Representative:** Deputy Leader of the Council (Alternate Director)
46. **Rishton Charities**
   Councillors Clare Cleary and Ken Moss

47. **SureStart, Hyndburn Board**
   Councillor Munsif Dad

48. **West Pennine Moors Area Management Committee**
   Chair and Vice-Chair of Planning Committee (Councillors Bernard Dawson and Loraine Cox)
This page is intentionally left blank
<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
<th>Time</th>
<th>Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday, 19 May 2016</td>
<td>Council (2016 AGM)</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Saturday, 21 May 2016</td>
<td>Council (2016 Mayor-making)</td>
<td>10.30 a.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Wednesday, 8 June 2016</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Tuesday, 21 June 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Monday, 27 June 2016</td>
<td>Audit Committee</td>
<td>5.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Thursday, 7 July 2016</td>
<td>Council</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Tuesday, 19 July 2016</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 20 July 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 20 July 2016</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Friday, 22 July 2016</td>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>2.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 17 August 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 31 August 2016</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Tuesday, 6 September 2016</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Friday, 9 September 2016</td>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>2.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Thursday, 15 September 2016</td>
<td>Council</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Monday, 19 September 2016</td>
<td>Audit Committee</td>
<td>5.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 21 September 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 12 October 2016</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 19 October 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Tuesday, 25 October 2016</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Friday, 28 October 2016</td>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>2.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 16 November 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Thursday, 17 November 2016</td>
<td>Council</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
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<tr>
<td>Wednesday, 7 December 2016</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Monday, 12 December 2016</td>
<td>Audit Committee</td>
<td>5.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Tuesday, 13 December 2016</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 14 December 2016</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Friday, 16 December 2016</td>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>2.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 4 January 2017</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Thursday, 5 January 2017</td>
<td>Council</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Tuesday, 24 January 2017</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 25 January 2017</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Friday, 27 January 2017</td>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>2.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Wednesday, 8 February 2017</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Tuesday, 14 February 2017</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Thursday, 23 February 2017</td>
<td>Council (Budget-setting meeting)</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
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<tr>
<td>Wednesday, 1 March 2017</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Monday, 20 March 2017</td>
<td>Audit Committee</td>
<td>5.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Tuesday, 21 March 2017</td>
<td>Resources Overview and Scrutiny Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Wednesday, 22nd March 2017</td>
<td>Cabinet</td>
<td>10.00 a.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
<tr>
<td>Thursday, 23 March 2017</td>
<td>Council</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Friday, 24 March 2017</td>
<td>Communities and Wellbeing Overview and Scrutiny Committee</td>
<td>2.30 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Wednesday, 29 March 2017</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
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<tr>
<td>Wednesday, 26 April 2017</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Thursday, 4 May 2017</td>
<td>Lancashire County Council Elections</td>
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</tr>
<tr>
<td>Thursday, 18 May 2017</td>
<td>Council (2017 AGM)</td>
<td>7.00 p.m.</td>
<td>Accrington Town Hall</td>
</tr>
<tr>
<td>Saturday, 20 May 2017</td>
<td>Council (2017 Mayor-making)</td>
<td>10.30 a.m.</td>
<td>Accrington Town Hall</td>
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<tr>
<td>Wednesday, 24 May 2017</td>
<td>Planning Committee</td>
<td>2.00 p.m.</td>
<td>QE Room, Scaitcliffe House</td>
</tr>
</tbody>
</table>
1. **Purpose of Report**

1.1 To provide an annual report of Members’ attendance at Council meetings, in accordance with a decision of Council on 26th July 2005 (see paragraph 3 below).

2. **Recommendations**

2.1 Council is requested to note the report.

3. **BACKGROUND**

3.1 At the Council meeting on 26th July 2005, the Council approved revisions to the Members’ Allowances Scheme.

3.2 Council accepted a recommendation of the Independent Remuneration Panel that the “75% rule” be removed – this provision had meant that the basic allowance paid to Members was withheld if a Member attended less than 75% of Council meetings. In removing this requirement, Council agreed to receive an annual report of the attendance of Councillors at eligible meetings of the Council.

3.3 This report complies with this request and overleaf is a record of Councillors’ attendance at Council meetings in 2015/16.

4. **Local Government (Access to Information) Act 1985: List of Background Papers**

4.1 Minutes of Council meetings 2015/16.
5. **Freedom of Information**

5.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.
ATTENDANCE AT COUNCIL MEETINGS 2015/16

There were eight Council meetings in the Municipal Year 2015/16 and the attendance record of each Councillor is as follows.

KEY: Y= Attended, N= Non Attendance, X= Not elected, R= Resigned as a Councillor

<table>
<thead>
<tr>
<th>Councillor</th>
<th>21 May AGM</th>
<th>30 May Mayor Making</th>
<th>2 Jul</th>
<th>17 Sep</th>
<th>19 Nov</th>
<th>21 Jan</th>
<th>25 Feb</th>
<th>24 Mar</th>
<th>Total Max 8 Meetings %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>7</td>
</tr>
<tr>
<td>Allen</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>7</td>
</tr>
<tr>
<td>Ayub</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>6</td>
</tr>
<tr>
<td>Aziz</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>6</td>
</tr>
<tr>
<td>Britcliffe</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>7</td>
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<tr>
<td>Cleary</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>L. Cox</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>P. Cox</td>
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