

# Agenda



**HYNDBURN**

The place to be  
an excellent council

## Council

**Thursday, 15 May 2025 at 7.00 pm,**  
Council Chamber, Town Hall, Accrington

### Membership

Councillor Mike Booth (Mayor) in the Chair,  
Councillors Judith Addison, Vanessa Alexander, Josh Allen, Heather Anderson, Noordad Aziz, Scott Brerton, Stephen Button, Danny Cassidy, Andrew Clegg, Jodi Clements, Loraine Cox, Paul Cox, Munsif Dad BEM JP, Bernard Dawson MBE, Stewart Eaves, Peter Edwards, Shabir Fazal OBE, Melissa Fisher, Andy Gilbert, Marlene Haworth, David Heap, Zak Khan, Clare McKenna, Dave Parkins, Joyce Plummer, Kath Pratt, Clare Pritchard, Ethan Rawcliffe, Steven Smithson, Tina Walker, Kate Walsh, Kimberley Whitehead, Clare Yates and Mohammed Younis

## AGENDA

### 1. Election of Mayor 2025/26

To elect the Mayor of the Borough for the Municipal Year 2025/26.

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 meeting on Saturday, 31<sup>st</sup> May 2025 at 10.30am in the Council Chamber

### 2. Election of Deputy Mayor 2025/26

To elect a Deputy Mayor of the Borough for 2025/26.

### 3. Apologies for absence



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**4. Declarations of Interest and Dispensations**

**5. Announcements**

- a) Mayor
- b) Leader of the Council
- c) Chief Executive

**6. Confirmation of Minutes** *(Pages 5 - 20)*

To confirm as a correct record the minutes of the Council meeting held on 27<sup>th</sup> March 2025.

**7. Appointment of the Council Leader 2025/26** *(Pages 21 - 24)*

Report attached.

**8. Appointment of Committees, Sub-Committees, Panels and Working Groups**  
*(Pages 25 - 70)*

Report attached.

**9. Appointments to Outside Bodies** *(Pages 71 - 78)*

Report attached.

**10. Scheme of Delegation to Officers 2025/26** *(Pages 79 - 132)*

Report attached.

**11. Review of the Constitution** *(Pages 133 - 156)*

Report attached.

**12. Annual Review of the Planning and Licensing Codes of Practice** *(Pages 157 - 188)*

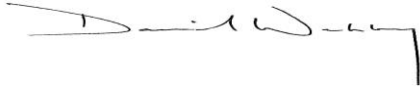
Report attached.

**13. Timetable of Meetings 2025/26** *(Pages 189 - 190)*

To approve the Timetable of Meetings for the Municipal Year 2025/26 (attached).

**14. Record of Attendance at Council Meetings 2024/25** *(Pages 191 - 194)*

Report attached.



Chief Executive  
Scaitcliffe House,  
Ormerod Street,  
ACCRINGTON BB5 0PF

Wednesday, 7 May 2025

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## COUNCIL

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**Thursday, 27th March, 2025**

**Present:** Councillor Mike Booth (Mayor), Councillors Judith Addison, Vanessa Alexander, Josh Allen, Heather Anderson, Noordad Aziz, Scott Brerton, Danny Cassidy, Jodi Clements, Loraine Cox, Paul Cox, Munsif Dad BEM JP, Bernard Dawson MBE, Stewart Eaves, Peter Edwards, Melissa Fisher, Andy Gilbert, David Heap, Zak Khan, Dave Parkins, Joyce Plummer, Kath Pratt, Clare Pritchard, Ethan Rawcliffe, Steven Smithson, Tina Walker, Kate Walsh, Kimberley Whitehead, Clare Yates and Mohammed Younis

**Apologies:** Councillors Stephen Button, Andrew Clegg, Shabir Fazal OBE, Marlene Haworth and Clare McKenna

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The Mayor welcomed everyone to the meeting. He commented that this would be his last full meeting in the role of Chair and that the time had flown by. He was pleased to report that he had thoroughly enjoyed his year as Mayor. The office had allowed him to see the very best of Hyndburn, including the voluntary work undertaken and the efforts of community champions. Numerous organisations and individuals were striving to make Hyndburn a better place to live and work.

### **414 Apologies for absence**

Apologies for absence were submitted on behalf of Councillors Stephen Button, Andrew Clegg, Shabir Fazal OBE, Marlene Haworth and Clare McKenna.

### **415 Declarations of Interest and Dispensations**

Councillors Danny Cassidy and Melissa Fisher both declared a personal interest in Agenda Item 6 – Appointments to Outside Bodies, in the light of their appointment as a trustees of Carers Link Lancashire.

Councillor Andy Gilbert declared a personal interest in Agenda Item 6 – Appointments to Outside Bodies, due to his involvement with Carers Link Lancashire.

Councillors Loraine Cox, Paul Cox, Zak Khan and Mohammed Younis declared a dislcosabe pecuniary interest in Agenda Item 8 – Council Tax Empty Property Liability Policy, in the light of their possible exposure to this policy, as the landlords of rented properties in the Borough,

Councillor Noordad Aziz declared a personal interest in Agenda Item 11 – Matters Exempted from the Call-In Procedure, due to his membership of the Board of Hyndburn Leisure, that organisation being the subject of the decision exempted from call-in.

There were no declarations of dispensations submitted.

### **416 Announcements**

The Mayor made the following announcements:

1) Lancashire Constabulary

The Mayor announced that he had recently visited Greenbank, East Divisional Police HQ, at Whitebirk, Blackburn, to meet the new Inspector for Hyndburn, Mohammed Lorgat. There had been a frank and productive exchange of views. The Mayor had noted how important the role of councillor was in supporting the maintenance of law and order. He had personally been in touch with the Police on several occasions to report local issues and concerns. Councillors were in a unique position to act as the eyes and ears of the community in their wards and, accordingly, could help gather intelligence for the Police.

The Council had built a good relationship with the previous Inspector and Members were pleased to welcome the new Inspector to this role.

The Leader of the Council then made the following announcement:

2) Devolution and Local Government Reorganisation

The Council's initial response to the Government's proposals had been submitted in January following the report presented at the January Council meeting. A further submission had been made in March by Lancashire County Council, the two unitary authorities in the Lancashire area and the 12 district councils. All of the authorities had agreed to the content of the submission, which highlighted that they would work together to identify the best way forward. A response had been received from the Jim McMahon OBE MP, Minister for Local Government and Devolution, expressing thanks to those councils for their submission and looking forward to the detail of the proposals. The letter indicated that the Ministry of Housing, Communities and Local Government (MHCLG) would provide some formal feedback on 28<sup>th</sup> April 2025 and would begin to hold meetings with local leaders in May to discuss the initial proposals.

David Welsby, Chief Executive, then made the following announcement:

3) Town Centre Partnership Board

The Town Centre Partnership Board had met earlier today. This was the body established to lead the planning and delivery of improvements in Accrington Town Centre. The independent chair of the Board, David Sanderson, had announced that he would step down from this role. He had provided exemplary leadership during this tenure and throughout his earlier service on the Accrington Town Centre Stakeholder Group. Mr Sanderson also intended to resign from his employment as Chief Executive of the Rank Foundation to allow him to focus on charity work in Africa.

Members agreed to request the Mayor to write to Mr Sanderson to express the Council's thanks for his hard work on behalf of Hyndburn.

**417 Confirmation of Minutes**

The Minutes of the Council meeting held on 27<sup>th</sup> February 2025 were provided.

In respect of Minute 367 – General Revenue Fund, Budget, Council Tax Levels and Capital Programme, at Section d) - Council Tax Resolution, under the Sub-Heading – The Substantive Motion, Councillor Smithson reminded Members that had asked for details about a number of projects, one of which (not minuted directly) had been about the proposed restoration works at war memorials. He now requested a reply about this matter. Councillor Walsh undertook to provide a written response.

Councillor Smithson reminded Members that he had also mentioned skip days under the same Minute. He now commented that there was no data available to confirm the effectiveness of skip days and noted that a number of planned dates had recently been cancelled. Councillor Eaves responded that the skip contractor, SUEZ, had indicated that its drivers had only undertaken weekend work on a voluntary basis, which was proving difficult to sustain. The options available were to switch to a service during the drivers' normal working hours from 6am to 3pm on weekdays, or to procure a new provider for the weekend service.

In connection with Minute 362 – Confirmation of Minutes, Councillor David Heap reminded Members that he had asked for information about when the work at King George V Playing Fields would commence. No details had yet been received. He also mentioned that he had asked a similar question at a recent meeting of the Resources Overview and Scrutiny Committee. The officers present had responded that no specific work was yet programmed and the Council had not yet let any tender. Councillor Whitehead undertook to reply directly to Councillor Heap.

**Resolved** - **That the Minutes of the Council meeting held on 27<sup>th</sup> February 2025 be approved as a correct record.**

#### **418 Question Time**

Two eligible questions had been received, which were set out in the report.

1) Oswaldtwistle Civic Theatre

*To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Sarah Calderbank on behalf of Friends of the Civic Committee*

“The Friends of the Civic were pleased to hear at the last full Council meeting that there is a definite commitment to reopening the Civic. We think that it is really positive that a further £250,000 has been added to the £257,000 which was carried over from the previous financial year. This £500,000+ will help to make a good start on the necessary renovations. The committee, and the wider public group, would like to ask the relevant Councillor(s) what the plans are, in terms of what that budget will be spent on and what the timeline will be for spending it, with particular reference to when the building will be made water tight, as this is a matter of urgency to prevent further damage, decay and expense.”

#### *Response*

The Leader thanked Ms Calderbank for her question. The Council had now appointed a company to arrange for a specialist survey of the roof. The work was due to commence on 1<sup>st</sup> April 2025. The same company would then develop the detailed specification and procure an appropriate contractor to undertake any remedial works. It was envisaged that the repairs would start in late June with a proposed completion date of October 2025, subject to weather considerations and to no unforeseen problems being identified. Some grant money would be available for this work as detailed in a report to the Cabinet yesterday. In addition to the above, some dry rot investigations had taken place and dehumidifiers would be installed to tackle this issue. Overall, the project to reopen the Theatre was progressing well.

2) Rhyddings Park in Oswaldtwistle

*To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor Steven Smithson*

“What is the current status of the refurbishment play area project at Rhyddings Park in Oswaldtwistle.”

*Response*

The Leader invited the Portfolio Holder to reply, following which Councillor Whitehead thanked Councillor Smithson for his question. A tender exercise had been completed, with a contractor now appointed and the new play equipment ordered. Phase 1 of the work was due to commence in April 2025, with Phase 2 planned to start around July 2025.

**419 Appointments to Outside Bodies**

A request had been received from the Controlling Group to change the Council's Trustee on Carers Link Lancashire, an outside body to which the Council made an annual appointment.

The Council was invited to agree to the stepping down of Councillor Clare Yates and to the appointment, in her place, of Councillor Andy Gilbert. The Charity had indicated its support for the proposed change.

The Mayor reminded Members that the Council had a duty under s16 Local Government and Housing Act 1989 to give effect to the wishes of the relevant political group when considering nominations to seats allocated to that party.

**Resolved** - **To approve the nomination of Councillor Andy Gilbert, in place of Councillor Clare Yates, as a Trustee on Carers Link Lancashire**

**420 Appointment of Honorary Aldermen and Freeman**

This item was withdrawn from the Agenda.

**421 Council Tax Empty Property Liability Policy**

*Councillors Loraine Cox, Paul Cox, Zak Khan and Mohammed Younis, having previously declared a disclosable pecuniary interest in this matter, left the meeting for the duration of the item and did not speak or vote upon the matter.*

Members considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, seeking to further the Council's strategy to improve its housing stock and the regeneration of Hyndburn by adopting new Government provisions for exceptions to premium rates of Council Tax for properties that were left vacant for over one year and by adopting new provisions on premium rates of Council Tax for properties classed as second homes.

Councillor Alexander provided a summary of the main points within the report, including a brief description of the categories of exemptions from premium rates of Council Tax.

Since 2013, councils in England had been granted the power to charge additional Council Tax on long-term empty homes. For the purpose of Council Tax, long-term empty homes were dwellings which had been unoccupied and substantially unfurnished for a period of at



least 1 year. In April 2024, the empty homes Council Tax premium had been strengthened so that councils could charge the premium on homes that had been empty for 1 or more years.

The Council had welcomed and acted upon the Government's initial introduction of a premium on Council Tax in 2013 for long term empty properties as a means of encouraging their occupation together with the incremental changes in Council Tax premiums effective from April 2019, and, also from April 2024. While the initial Government legislation that took effect in 2013, and subsequent legislation in 2019 had helped reduce the number of empty properties, there were still over 700 empty properties that remained in Hyndburn that caused damage to the housing market and neighbourhoods.

Since 2013, the number of properties in the Borough classified as empty and unfurnished for Council Tax purposes on 1<sup>st</sup> April each year had reduced as outlined in Table 1 below. It should be noted that these figures represented those dwellings subject to former Class C empty and unfurnished discounts, not all empty dwellings in the Borough. Other empty properties included those undergoing major repairs and those subject to other exemptions.

**Table 1 – Council Tax Empty Properties from 2012/2013 to 2024/2025**

Financial Year	0-6 months	6-24 months	24+ months	Total
<b>2012/2013</b>	<b>746</b>	<b>1275</b>	<b>Data not recorded</b>	<b>2021</b>
<b>2013/2014</b>	<b>593</b>	<b>751</b>	<b>593</b>	<b>1937</b>
<b>2014/2015</b>	<b>596</b>	<b>609</b>	<b>368</b>	<b>1573</b>
<b>2015/2016</b>	<b>576</b>	<b>523</b>	<b>357</b>	<b>1456</b>
<b>2016/2017</b>	<b>585</b>	<b>399</b>	<b>278</b>	<b>1262</b>
<b>2017/2018</b>	<b>437</b>	<b>553</b>	<b>252</b>	<b>1242</b>
<b>2018/2019</b>	<b>432</b>	<b>486</b>	<b>276</b>	<b>1194</b>
<b>2019/2020</b>	<b>489</b>	<b>442</b>	<b>243</b>	<b>1174</b>
<b>2020/2021</b>	<b>459</b>	<b>458</b>	<b>207</b>	<b>1124</b>
<b>2021/2022</b>	<b>193</b>	<b>364</b>	<b>193</b>	<b>750</b>
<b>2022/2023</b>	<b>258</b>	<b>372</b>	<b>166</b>	<b>796</b>
<b>2023/2024</b>	<b>225</b>	<b>411</b>	<b>166</b>	<b>802</b>
<b>2024/2025</b>	<b>207</b>	<b>242</b>	<b>256*</b>	<b>705</b>
<b>*Properties subject to council tax premium from 01 April 2024</b>				

The measures introduced to incentivise re-occupation or sale of empty property had been combined with other regeneration efforts, the work of the Council's empty properties officer and work to survey and monitor empty properties each year since 2013.

Overall, the implementation of the Council Tax premium on empty properties could be said to have had a positive impact on the number of empty dwellings in the Borough, had supported the authority's regeneration efforts and had helped to increase the Council's New Homes Bonus allocations.

#### New Legislation

The Government recognised that there could be instances where it might be inappropriate for the Council Tax premiums to apply. Section 11B and 11D of the 1992 Act enabled the

Government to make regulations to prescribe classes of dwellings in relation to which councils might not make a determination to apply a premium.

From April 2025, the Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024 amended section 11B and 11D of the Local Government Finance Act 1992 and prescribed the classes of dwelling which might not be made subject to a Council Tax premium.

The new legislation provided the exceptions to Council Tax premiums as shown in Table 2, with further detail provided in the Council Tax Empty Property Liability Policy. These exceptions only excluded the relevant dwellings from premiums and did not affect the standard rate of Council Tax they might be liable for:

**Table 2 - Exceptions to Council Tax Premium from April 2025**

Class of dwelling	Application	Definition
<b>Class E</b>	<b>Long-term empty homes and second homes</b>	<b>Dwelling which is or would be someone's sole or main residence if they were not residing in job-related armed forces accommodation</b>
<b>Class F</b>	<b>Long-term empty homes and second homes</b>	<b>Annexes forming part of, or being treated as part of, the main dwelling</b>
<b>Class G</b>	<b>Long-term empty homes and second homes</b>	<b>Dwellings being actively marketed for sale (12 month limit)</b>
<b>Class H</b>	<b>Long-term empty homes and second homes</b>	<b>Dwellings being actively marketed for let (12 month limit)</b>
<b>Class I</b>	<b>Long-term empty homes and second homes</b>	<b>Unoccupied dwellings which fall within exempt Class F and where probate has been recently granted (12 months from grant of probate/letters of administration)</b>
<b>Class J</b>	<b>Second Homes only</b>	<b>Job-related dwellings</b>
<b>Class K</b>	<b>Second Homes only</b>	<b>Occupied caravan pitches and boat moorings</b>
<b>Class L</b>	<b>Second Homes only</b>	<b>Seasonal homes where a year-round permanent occupation is prohibited, specified for use as holiday accommodation or planning condition preventing occupancy for more than 28 days continuously.</b>
<b>Class M</b>	<b>Long-term empty homes only</b>	<b>Empty dwellings requiring or undergoing major repairs or structural alterations (12 month limit)</b>

**Table 3 – Second Home Charges from April 2025**

Duration	Amount
<b>Second Home</b>	<b>100% of normal liability</b>

The Levelling Up and Regeneration Act 2023 inserted section 11C of the Local Government Finance Act 1992 and granted authorities the discretion to apply higher amounts for properties that were occupied periodically (Second Homes).

**Table 4 – Second Home Charges from April 2026**

Duration	Amount
<b>Second Home</b>	<b>200% of normal liability</b>

Currently there were 20 properties which were classed as second homes, and if they were classed as such at April 2026 they would be subject to a 200% Council Tax liability in 2026 if those measures were introduced.

In relation to the changes for second homes, a billing authority would have to allow at least one year before the beginning of the financial year to which it related. As such the first financial year for which the premium could be applied to property classed as a second home was from 1<sup>st</sup> April 2026.

#### Implementation

Should these measures be implemented, the Council should publish its intentions in at least one local newspaper at least 21 days prior to implementation.

In addition, it was the service's intention to write to all owners of empty properties and second homes to inform them of the increased premiums and the timescale for implementation, allowing them the opportunity to sell or occupy any empty properties they might have prior to any further premiums being applied.

The Council would review the administration of this policy in accordance with any guidance, as issued, by the Secretary of State.

Councillor Joyce Plummer asked whether new legislation about premiums had been introduced in 2024. She commented that the introduction of premiums in the past had not been without its problems. Councillor Alexander responded that a premium had been agreed in 2024 for implementation during 2025. The current changes, if agreed before 1<sup>st</sup> April 2025, could then be introduced in April 2026.

#### **Resolved**

- **That the revised Council Tax Empty Property Liability Policy attached to the report is approved and the exceptions to Council Tax premiums, and, premium for property classed as a second home, are revised as set out in Paragraphs 3.6 to 3.10 of the report in accordance with the provisions in:**
  - **The Local Government Finance Act 1992,**

- **The Local Government Finance Act 2012,**
- **The Rating (Property in Common Occupation) and Council Tax (Empty Dwelling) Act 2018,**
- **The Levelling Up and Regeneration Act 2023,**
- **The Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024**

**422 Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing - amendment**

This item was withdrawn from the Agenda.

**423 Draft Pay Policy 2025/26**

Members considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, presenting a draft Pay Policy for 2025/26.

Councillor Alexander commented that this was an annual update report, but that there were no significant changes from the previous year's position.

The Localism Act 2011 (Chapter 8 - Pay Accountability) required all local authorities to set out the Council's position on a range of issues relating to the remuneration of its employees. The Policy had to be approved by the Council in open forum, by the end of March each year and then be published on its website.

The Pay Policy set out the existing approach to the remuneration of all posts within the Council. In particular, it specified certain mandatory requirements that had to be detailed within the Policy, as follows:

- The pay structure of the Council and how it was 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; and
- Termination of employment payments.

The Council already published pay and remuneration details of its senior managers on its website, within the annual Statement of Accounts.

The purpose of the Pay Policy was to ensure there was transparency as to how pay and remuneration was set by the Council, for all of its employees and particularly for its most senior level posts.

**Resolved** - **That the Pay Policy is agreed and published on the Council's website.**

**424 Matters Exempted from the Call-In Procedure**

Members considered a report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills, in respect of recent executive decisions

taken as a matter of urgency where the decisions had been exempted from the Call-In Procedure

Councillor Aziz provided a short introduction to the report and commented that the Council was taking active steps to work with the management team of Hyndburn Leisure. The first meeting had already taken place and further meetings would be arranged. Update reports would be provided to Cabinet in due course.

Rule C14 of the Overview and Scrutiny Procedure Rules set out the provisions allowing for a period of Call-In by members of a relevant Overview and Scrutiny Committee, in respect of certain executive decisions. That Paragraph included the detailed procedures which supported this arrangement.

Paragraph C14(i) stated that the call-in procedure should not apply where the decision being taken by the executive was urgent. A decision would be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision and notice by which it was made public should state whether in the opinion of the decision making person or body, the decision was an urgent one, and therefore not subject to call-in and the reason for that opinion. The Mayor would have to agree both that the decision proposed was reasonable in all the circumstances and to it being treated as a matter of urgency prior to the decision being taken. Provision was also made for consent to be obtained in the absence of the Mayor.

In addition to the above, Paragraph C14(i) stated that decisions taken as a matter of urgency would have to be reported to the next available meeting of the Council, together with the reasons for urgency. Previously, compliance with this Rule had been actioned by reference to the Cabinet minutes reported to Council, which included a record of any urgent decisions taken. However, it was considered that this did not fully comply with the requirements of Rule C14(i), with regard to the need to report the reason for urgency to Council. Accordingly, it had been agreed to strengthen oversight of the use of the urgency procedure (and the disapplication of the Call-In procedure) by providing a more comprehensive update report to Council.

The following urgent executive decisions had been taken within the last reporting period:

- (a) Payment of Grant Funding to Hyndburn Leisure and Conclusion of the Leisure Review

The decision and reason for urgency were as summarised below:

*Decision (taken by the Cabinet on 29<sup>th</sup> January 2025)*

- (1) That Cabinet agrees to pay Hyndburn Leisure the sum of £1,000,000.00 by way of grant to support the provision of community leisure services in the Borough in respect of the period 1st April 2024 to 31st March 2025, subject to completion of a grant funding agreement in accordance with Paragraph 3.6 of the report; and
- (2) That Cabinet note the "Leisure Management Options Report" prepared by Max Associates Ltd and attached as Appendix 2 to the report; and
- (3) That Cabinet notes that discussions will now take place between Hyndburn Leisure and the Cabinet to agree a strategy for leisure provision in the Borough going forward and that such discussions will include proposals for a review of Hyndburn Leisure's structure and operations, together with ways of improving reporting arrangements to the Council in respect of Hyndburn Leisure's

performance and budgetary position. A further report will be brought to Cabinet in due course once such discussions have concluded.

#### *Reason for Urgency*

A subsidy to Hyndburn Leisure in respect of the current financial year is required urgently to provide assurance around its on-going operation, which will enable pricing levels, opening hours and service provision to be maintained at the current level. This will support the Council's objective of supporting affordable and locally accessible health and wellbeing provision to help address the health inequalities in the Borough.

Councillor Khan enquired about the reason for the withdrawal of an item to deal with this matter from the meeting of Cabinet on 22<sup>nd</sup> January 2025. Councillor Dad responded that the Cabinet had required more time to consider whether the making of a grant was the right decision, in view the large financial sum involved. The pause had enabled the Council to consider what measures might be introduced to improve financial reporting by Hyndburn Leisure and to ensure that the Council was made aware of any funding requirements for the next financial year at an early date. An on-going dialogue was now in pace between the Council and Hyndburn Leisure.

Councillor Paul Cox indicated his support for the payment of the grant, in view of the need to support the health and wellbeing of local residents. However, he expressed disappointment that engagement with Hyndburn Leisure had been included within the Resources Overview and Scrutiny Work Programme for 2025/26, but that the matter had been postponed on three separate occasions. That Committee could have looked at and made recommendations upon the issues in a timely manner.

**Resolved** - **To note the report on recent executive decisions taken as a matter of urgency.**

#### **425 Minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 22<sup>nd</sup> and 29<sup>th</sup> January and 12<sup>th</sup> February 2025 were submitted.

The following matters were raised.

In connection with the meeting held on 22<sup>nd</sup> January 2025, regarding Minute 313 – Prudential Indicators Monitoring, etc., Councillor Khan indicated that he had not yet received a reply to his question about the expenditure plans of the Net Zero Working Group. Councillor Aziz apologised for the oversight and reaffirmed his intention to respond.

**Resolved** - **That the Minutes be received and noted.**

#### **426 Minutes of Committees**

The Minutes of the following meetings were submitted:

<b>Meeting (Municipal Year 2024/25)</b>	<b>Date</b>
Communities and Wellbeing Overview and Scrutiny Committee	3 <sup>rd</sup> December 2024
Resources Overview and Scrutiny Committee	10 <sup>th</sup> December 2024
Judicial Committee (Private Hire & Hackney Carriage Licensing)	17 <sup>th</sup> January 2025

Resources Overview and Scrutiny Committee	20 <sup>th</sup> January 2025
Planning Committee	19 <sup>th</sup> February 2025

**Resolved** - That the Minutes be received and noted.

**427 Motion(s) submitted on Notice**

1) Urgent Action on the Impact of Whinney Hill Landfill Site

The following motion was proposed by Councillor Noordad Aziz and seconded by Councillor Vanessa Alexander, with support from signatories Councillors Munsif Dad, Kate Walsh and Kimberley Whitehead, under Council Procedure Rule A9:

“This Council notes:

- The ongoing issues affecting residents due to the seagulls and odour emanating from the Whinney Hill Landfill site.
- The detrimental impact these issues have on the quality of life, health, and well-being of local residents.
- The responsibility of Lancashire County Council, the Environment Agency, and SUEZ in regulating, managing, and mitigating the environmental impact of the landfill site.

This Council resolves to:

- 1) Write to Lancashire County Council, the Environment Agency, and SUEZ to highlight the significant impact the landfill site is having on residents due to the persistent odour and seagull nuisance.
- 2) Urge all responsible authorities to take immediate and effective action to address these concerns, including enhanced mitigation measures and stricter enforcement of environmental regulations.
- 3) Request a formal response outlining the actions they intend to take and a timeline for implementation.
- 4) Work closely with residents and relevant agencies to monitor progress and ensure accountability in resolving these ongoing issues.

This Council demands urgent action to protect the well-being of our community and will continue to press for a resolution to these unacceptable conditions.”

Councillors Aziz, Alexander, Fisher, Eaves, Pritchard, Walsh and Whitehead spoke in favour of the Motion. A number of councillors suggested closure or a temporary closure of the site. Councillors Parkins and Younis both considered that it would not be possible to close the site without appropriate contingencies in place. Councillor Parkins and Smithson both suggested that the MP, Sarah Smith, be encouraged to write to the Secretary of State for Environment, Food and Rural Affairs on this issue.

Councillor Khan commented that the Opposition Group supported the sentiment of the Motion in preventing environmental hazards, but was disappointed that the matter appeared to have been raised because of the forthcoming Lancashire County Council elections.

Councillor Dad thanked Councillor Aziz for the Motion. He reported that both Hyndburn and Lancashire County councillors had highlighted that the issue needed to be dealt with. He

confirmed that the local MP was already involved and that she had written to the Environment Agency and the Secretary of State. The Council would continue to work with the MP and others to consider the options available, including for the longer term. He also refuted the suggestion that the Motion had been raised because of the County Council elections.

**Resolved**

**(1) This Council resolves:**

- (a) To write to Lancashire County Council, the Environment Agency, and SUEZ to highlight the significant impact the landfill site is having on residents due to the persistent odour and seagull nuisance.**
- (b) To urge all responsible authorities to take immediate and effective action to address these concerns, including enhanced mitigation measures and stricter enforcement of environmental regulations.**
- (c) To request a formal response outlining the actions they intend to take and a timeline for implementation.**
- (d) To work closely with residents and relevant agencies to monitor progress and ensure accountability in resolving these ongoing issues.**

**(2) This Council demands urgent action to protect the well-being of our community and will continue to press for a resolution to these unacceptable conditions**

*Councillor Andy Gilbert declared a personal interest in the following Motion on the basis of his employment in the provision of care for people with special educational needs and disabilities and in the light of the fact that a close family member had been assessed as having autism.*

**2) Special Educational Needs and Disabilities (SEND) Provision in Hyndburn**

The following motion was proposed by Councillor Kate Walsh and seconded by Councillor Noordad Aziz, with support from signatories Councillors Munsif Dad, Clare Pritchard and Kimberley Whitehead, under Council Procedure Rule A9:

“That this Council resolves to write to Lancashire, urging immediate action to address the serious concerns raised in the recent Ofsted report on SEND provision. This includes publishing a clear improvement plan, engaging with parents and stakeholders, and ensuring transparency and accountability in delivering necessary reforms. Hyndburn children and families deserve better support without further delay.”

Councillor Walsh then spoke in favour of the Motion.



The following **AMENDMENT** was moved by Councillor Zak Khan and seconded by Councillor Loraine Cox:

The substitution of the following wording for the whole of the original Motion:

“This Council:

- Notes NHS Lancashire and South Cumbria Integrated Care Board (ICB) and Lancashire County Council, as part of the Lancashire SEND Partnership, are jointly responsible for the planning and commissioning of services for children and young people with SEND in Lancashire.
- Notes the Ofsted report recognises there were 'widespread failings' leading to 'significant concerns about the experience of Children and Young People with SEND' - which the local area partnership must address urgently.
- Notes Lancashire County Council has taken action and published its Cabinet report this month providing a comprehensive update on the Priority Action Plan to address these concerns.
- Supports the Lancashire County Council Cabinet recommendation that its Children, Families and Skills Scrutiny Committee be asked to oversee the progress against milestones in the Priority Action Plan, quarterly performance updates to Cabinet and that the County Council continues to engage with representatives of the Children and Families affected. This ensures transparency and accountability.
- Supports the County Cabinet report recommendation to agree that the Council writes to Government to offer support from Lancashire County Council to inform national legislative change and ensure that local needs and perspectives are represented.
- Notes the comments made by Professor Sarah O'Brien, chair of Lancashire SEND Partnership Board and chief nursing officer for the ICB, who has committed to co-production with our local communities to improve outcomes for all children and young people with SEND across Lancashire.
- Notes that all Councillors in Hyndburn want to see SEND provision in Lancashire deliver for the children and young people of Lancashire.”

*With the agreement of the meeting, the Mayor approved a brief adjournment to allow time for Members to consider the amendment.*

*The meeting then reconvened.*

Having considered the above wording carefully, the Mayor determined that this was not a valid amendment, on the grounds that it had the effect of negating the original Motion.

A debate then ensued on the original motion. Councillors Pritchard, Anderson, Gilbert, Aziz, Yates and Dad spoke about their personal experiences of accessing SEND provision, with some negative and some positive comments made.

Councillor Loraine Cox provided some context regarding the increasing numbers of children requiring Education, Health and Care Plans (EHCPs) and the resultant pressure on local

authority and NHS resources. Councillor Khan expressed his disappointment that the proposed amendment had been ruled inadmissible, as he considered that the original motion was flawed and that the amendment would have served to add some clarity around the current situation.

In accordance with Council Procedure Rule 16.5, six members present requested a recorded vote, the outcome of which was as follows:

For

Councillors Alexander, Anderson, Aziz, Booth, Brerton, Clements, P Cox, Dad, Dawson, Eaves, Fisher, Gilbert, Parkins, Pritchard, Rawcliffe, Walsh, Whitehead and Yates.

Against

Nil

Abstain

Councillors Addison, Allen, Cassidy, L Cox, Edwards, Heap, Khan, Plummer, Pratt, Smithson, Walker and Younis

Accordingly, the Motion was **CARRIED**.

**Resolved**

- **That this Council resolves to write to Lancashire County Council, urging immediate action to address the serious concerns raised in the recent Ofsted report on SEND provision. This includes publishing a clear improvement plan, engaging with parents and stakeholders, and ensuring transparency and accountability in delivering necessary reforms. Hyndburn children and families deserve better support without further delay**

*Councillors Bernard Dawson MBE and Kimberley Whitehead both declared a personal interest in the following Motion on the grounds that they were season ticket holders at Accrington Stanley FC.*

3) Accrington Stanley FC

The following motion was proposed by Councillor Scott Brerton and seconded by Councillor Noordad Aziz, with support from signatories Councillors Vanessa Alexander, Munsif Dad and Clare Pritchard, under Council Procedure Rule A9:

“That this Council resolves to continue to work with Accrington Stanley FC and all other parties towards a solution to the issues surrounding the club.

The Council recognises that Accrington Stanley FC is a community asset for the Borough of Hyndburn.”

Councillor Brerton spoke in favour of the Motion highlighting the club's position at the heart of the community. He indicated that a positive meeting had taken place recently with representatives of the club about working together to resolve the issues which had resulted in a decision to modify the hours of operation of the premises licence and a number of conditions being attached to the licence.

Councillor Khan confirmed that the Opposition would support this Motion. However, he expressed disappointment that a proposed Opposition Motion, suggesting the provision of a financial package for the club, had not been included on the Agenda due to technical reasons. He asked if a financial support package could be included as alteration to the current Motion. He also asked if the proposed resolution to the situation could involve cross party working. Councillors Anderson, P Cox, Eaves, Pritchard and Gilbert were supportive of working closely with the club, but were mindful of the rights of residents too. They spoke against using public finances to provide direct support to the club.

Councillors Cassidy, Aziz, Younis and Heap spoke to indicate their support for the club and for working together.

Councillor Dad outlined the steps taken to engage with the club to date and acknowledged that cross party support would be helpful going forwards. However, there were no plans to establish a formal cross party working group on this matter. Councillor Whitehead provided a summary of the current progress being made by the club and reiterated the earlier comment about the positive discussions that had taken place at a recent meeting between the club's representatives and councillors. She was hopeful that the recent senior management changes at the club would help to bring about a constructive dialogue. She noted that the club were not seeking any funding from the Council and were currently looking into sound proofing options as a matter of urgency. All interested parties were looking towards finding an effective solution.

**Resolved**

- (1) That this Council resolves to continue to work with Accrington Stanley FC and all other parties towards a solution to the issues surrounding the club.**
- (2) The Council recognises that Accrington Stanley FC is a community asset for the Borough of Hyndburn.**

The Mayor thanked all for their attendance tonight and then closed the meeting.

David Welsby, Chief Executive, thanked the Mayor for his hard work, which was distinguished by bringing a sense of authority, impartiality and focus to the role of Chair and by raising the standards of debate and conduct during the meetings. A round of applause was provided in appreciation for the Mayor.

Signed:.....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

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# Agenda Item 7.

REPORT TO:		Council	
DATE:		15 May 2025	
REPORT AUTHOR:		Executive Director (Legal and Democratic Services)	
TITLE OF REPORT:		<b>APPOINTMENT OF COUNCIL LEADER FOR 2025/26</b>	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	n/a

## 1. Purpose of Report and Decision required

- 1.1 Council is asked to appoint the Leader of the Council for a one year term, from this meeting until the Council's Annual Meeting in 2026, and nominations are invited accordingly.

## 2. Reasons for Recommendations and Background

- 2.1 In December 2010, the Council adopted the Leader and Cabinet Executive (England) Model, in accordance with the Local Government and Public Involvement in Health Act 2007. This took effect from 9<sup>th</sup> May 2011.
- 2.2 Under this arrangement, Council elected the Leader for a four-year term. The Localism Act 2011 subsequently took out the specification for the Leader to be elected for a four-year term, leaving the duration of tenure to local choice. In 2024, the Council reverted to electing the Leader annually. It is proposed that the Council retains the system of appointing the Leader annually for 2025/26.
- 2.3 The Leader is responsible for –
- determining the size of the Cabinet (3 or more up to a maximum of 10, including the Leader);
  - appointing the members of the Cabinet;
  - allocating portfolios or areas of responsibility to the various Cabinet Members;
  - allocating decision-making powers to the Cabinet and to individual Cabinet Members; and
  - removing and replacing Cabinet Members.
- 2.4 In addition, the Leader is responsible for deciding how the Council's executive functions will be exercised and for making the delegation of executive powers to

officers. Council will still approve a scheme of delegation of non-executive functions to officers and this will be considered later in the agenda.

- 2.5 The Leader must also nominate a Deputy Leader, who will exercise the Leader's powers if the Leader is unable to act, or the post becomes vacant.
- 2.6 Council is, therefore, requested to elect a Leader in accordance with these arrangements.
- 2.7 If more than one nomination is received at the meeting, it is proposed that these will be put to the vote alphabetically by surname, as has happened in previous years.

### **3. Alternative Options considered and Reasons for Rejection**

- 3.1 The Council must comply with legislation and therefore must appoint a Leader.

### **4. Consultations**

- 4.1 Prior consultation was not necessary; this is a decision for the Council to take.

### **5. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None identified
<b>Legal and human rights implications</b>	This process complies with the Localism Act 2011.
<b>Assessment of risk</b>	None identified
<b>Equality and diversity implications</b> <i>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.</i>	None identified

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

- 6.1 HBC Constitution  
Localism Act 2011  
Report to AGM, 24<sup>th</sup> May 2011 – Appointment of Leader

## **7. Freedom of Information**

- 7.1 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.

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# Agenda Item 8.

<b>REPORT TO:</b>		Annual Council Meeting	
<b>DATE:</b>		15 May 2025	
<b>REPORT AUTHOR:</b>		Julian Joinson, Member Services Manager	
<b>TITLE OF REPORT:</b>		Appointment of Committees, Sub-Committees, Panels and Working Groups 2025/26	
<b>EXEMPT REPORT:</b>	<b>No</b>		
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	n/a

## 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 2025/26; 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, to be circulated separately, be approved.
- 2.2 That the political composition of Committees and Sub-Committees of the Council, set out at Table 2, be approved.
- 2.3 That the membership of those Committees and Sub-Committees and the proposed Chairs and Vice-Chairs set out at Appendix 3(a), to be circulated separately, be approved, or in the event that the details are not available in time for the meeting, that the Chief Executive be authorised to approve the membership in consultation with the leaders of the relevant political groups and in the case of Green or Independent Members in consultation with those Members directly.
- 2.4 That the membership of Panels and Working Groups, together with the proposed Chairs set out at Appendix 3(b), to be circulated separately, be approved, or in the event that the details are not available in time for the meeting, that the Chief Executive be authorised to approve the membership in consultation with the leaders of the relevant political groups and in the case of Green or Independent Members in consultation with those Members directly.
- 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 2025/26**

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 appendices indicated below will follow:-

Appendix 1: Terms of Reference of Council, Cabinet and Committees.

Appendix 2: Terms of Reference of Panels and Working Groups.

3.3 Where appropriate, minor and consequential amendments will have been made to the existing Terms of Reference, to incorporate revised legislation and changes to national policies.

#### **4. Allocation of Seats**

4.1 The Local Government and Housing Act 1989 and 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 political group and others for the 2025/26 Municipal Year is:-

Labour and Co-operative Group	21
Conservative Group	12
Green	1
Independent	1

The Council comprises 35 elected members.

4.3 The total seats available across the Council should now, in so far as is practicable, be divided between the political parties in the following ratio: 63.6% (Labour and Co-operative) 36.4% (Conservative). The same ratio should be applied, in so far as is practicable, to the allocation of seats on each individual committee/sub-committee. There is no legislative requirement to include councillors who are not members of a formal political group (such as Independent members) in the political balance calculation. However, the Council may choose to offer seats to Independent and other councillors who are not able to form a political group on the Council, as it has done on previous occasions.

4.4 The basic calculation to allocate seats to committees of various sizes remains as was indicated at the Council meeting on 27<sup>th</sup> February 2025, following the by-election in the Baxenden ward, and is as shown in Table 1 below (columns 1 to 5). At that time, the Council noted that some adjustment to the ratios shown might be required in the final allocation of seats across the Council to take into account the following principles as required by the legislation and in the light of the practice referred to at paragraph 4.3 above:

- (a) Not all seats to go to the same group;
- (b) If a Group has a majority on the Council, it should receive a majority of seats on each committee;
- (c) Total number of seats across all bodies must be proportionate (subject to (a) and (b));
- (d) Seats on each body must be proportionate (subject to (a) to (c)).

4.5 Table 1 below also sets out the allocation of seats proposed for 2025/26 (see column 6). A change to the proportionality as determined in February 2025, now proposes the allocation of

the Independent councillor seat to a committee of 12 members (rather than a committee of 13 members). This is to take into account a proposed reduction in the size of the Planning Committee to 12 members in 2025/26 (Paragraph 4.6 refers).

Table 1

<b>No of seats on Committee</b>	<b>Lab</b>	<b>Cons</b>	<b>Green</b>	<b>Indpt</b>	<b>Proposed Ratio</b>
(1)	(2)	(3)	(4)	(5)	(6)
2 members	1	1	0	0	1:1:0:0
3 members	2	1	0	0	2:1:0:0
4 members	3	1	0	0	3:1:0:0
5 members	3	2	0	0	3:2:0:0
6 members	4	2	0	0	4:2:0:0
7 members	5	2	0	0	5:2:0:0
8 members	5	3	0	0	5:3:0:0
9 members	6	3	0	0	6:3:0:0
10 members	7	3	0	0	7:3:0:0
11 members	7	4	0	0	7:4:0:0
12 members	8	4	0	0	8:3:0:1*
13 members	9	4	0	0	8:4:0:0
14 members	9	5	0	0	8:5:1:0*
15 members	10	5	0	0	10:5:0:0

\* NB. Adjusted to provide for 1 Green and 1 Independent seat.

4.6 There are no amendments proposed to the names of committees/sub-committees since the meeting held on 27<sup>th</sup> February 2025. The size of all committees/sub-committees will remain the same, save for the following proposed adjustments:

- Resources Overview and Scrutiny Committee – reduce from 8 to 7 members
- Special Scrutiny Committee – increase from 7 to 8 members
- Planning Committee – reduce from 13 to 12 members

4.7 The total number of available seats across all committees and sub-committees will reduce from 88 to 87.

4.8 Details of the Council's proposed committees and sub-committees, the number of seats available and allocation of seats for 2025/26 are set out in Table 2 below.

Table 2

<b>Committee</b>	<b>Lab</b>	<b>Cons</b>	<b>Green</b>	<b>Indpt</b>	<b>Size</b>
Audit	4	2	0	0	6
Communities & Wellbeing OSC	5	3	0	0	8
Judicial Committee (PH & HC Licensing)	4	2	0	0	6
Licensing Committee	8	5	1	0	14
Licensing Sub-Committee	2	1	0	0	3

Management Review Committee	3	2	0	0	5
Planning Committee	8	3	0	1	12
Planning (Trees) Sub-Committee	3	2	0	0	5
Resources OSC	5	2	0	0	7
Special Scrutiny Committee	5	3	0	0	8
Standards Committee	5	3	0	0	8
Standards - Hearing Sub-Committee*	3	2	0	0	5
<b>Total</b>	55 63.2%	30 34.5%	1 1.1%	1 1.1%	87 100%

- 4.9 The proposed membership of Committees will be circulated before the meeting, if possible, as Appendix 3(a). Where this is not possible a delegated authority to the Chief Executive to make the appointments in consultation with the relevant political group leaders may be required.

## **5. Establishment and Membership of Panels and Working Groups**

- 5.1 The membership of Panels and Working Groups does not need to be politically balanced. A schedule of these bodies, including the number of seats available will be provided prior to the meeting, as Appendix 3(b).
- 5.2 The terms of reference of the Panels and Working Groups will follow as Appendix 2.
- 5.3 The proposed membership of Panels and Working Groups will be circulated before the meeting, if possible, contained within Appendix 3(b). Where this is not possible a delegated authority to the Chief Executive to make the appointments in consultation with the relevant political group leaders may be required.

## **6. Cabinet**

- 6.1 The size of the Cabinet, its membership and allocation of portfolio responsibilities is within the power of the Leader. The Cabinet membership and positions for 2025/26 will be determined as soon as practicable and circulated for information. If available, these details will be provided at the Annual Council meeting, or otherwise circulated shortly thereafter.

## **7. Appointment of Co-opted Members to Overview and Scrutiny Committees**

- 7.1 All appointments were reviewed in 2025 and successful nominees were appointed for a two year period until the Annual Council Meeting in 2026.

## **8. Appointment of Substitute Members**

- 8.1 A member of the Council who cannot attend a meeting can appoint a reserve 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.
- 8.2 It should be noted that no substitute members may be appointed in respect of the Standards Committee.

8.3 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.

8.4 As in previous years, it is proposed to widen the scope of the substitution arrangements to allow for any member, rather than just a reserve member, to be appointed, subject to the limitations described in paragraphs 8.2 – 8.3 above.

## 9. **Alternative Options considered and Reasons for Rejection**

9.1 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.

## 10. **Consultations**

10.1 The appointments will be made in consultation with the political groups.

## 11. **Implications**

<b>Financial implications (including mainstreaming)</b>	None
<b>Legal and human rights implications</b>	The report meets the statutory requirements in relation to appointment of members to Committees and the political balance rules.
<b>Assessment of risk</b>	None
<b>Equality and diversity implications</b> <i>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.</i>	This is not deemed to be necessary.

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

12.1 Hyndburn Borough Council Constitution - Part 3 – Responsibility for Functions

## 13. **Freedom of Information**

13.1 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.

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**Terms of reference for:**

1. Full Council
2. Leader and Cabinet
3. Cabinet Committee (Scrap Metal Dealers Act 2013)
4. Cabinet Committee (Street naming)
5. Communities and Wellbeing Overview and Scrutiny Committee
6. Resources Overview and Scrutiny Committee
7. Special Overview & Scrutiny Committee
8. Standards Committee
9. Standards Committee - Hearing Sub-Committee
10. Planning Committee
11. Planning (Trees) Sub-Committee
12. Judicial Committee (Private Hire and Hackney Carriage Licensing)
13. Licensing Committee
14. Audit Committee
15. 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
  - the 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:** 8

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 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:
  - 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.

## **CABINET COMMITTEE (STREET NAMING)**

**MEMBERSHIP:** 3 Members of Cabinet (with a quorum of 3) and a councillor nominated by the Leader of the main opposition group may attend

**REPORTS TO:** Cabinet

### **TERMS OF REFERENCE**

- To discharge the Council's functions in respect of the naming and renaming of streets pursuant to sections 17 and 18 Public Health Act 1925

## **COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE**

**MEMBERSHIP:** 8 councillors, plus up to 4 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

## **RESOURCES OVERVIEW AND SCRUTINY COMMITTEE**

**MEMBERSHIP:** 7 councillors, plus up to 4 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 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

## **SPECIAL OVERVIEW AND SCRUTINY COMMITTEE**

**MEMBERSHIP:** 8 councillors, plus up to 2 non-voting co-optees

**REPORTS TO:** Full Council

### **TERMS OF REFERENCE**

In connection with the following:

- bids to the Levelling Up Fund;
  - the County Deal
  - devolution issues
  - Accrington Town Centre
  - Other town centres
  - Leisure Transformation
  - Local Plan
- 
- to review and scrutinise decisions made by the Cabinet falling within the Committee's terms of reference; and
  - to make recommendations to the Cabinet and/or committees and/or the Council arising from the outcome of the scrutiny process; and
  - to consider mechanisms to encourage and enhance community participation in the development of policy options; and
  - to question and gather evidence from any person with their consent; and
  - 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 consider opportunities to bid for ( or otherwise obtain) external funding generally and, in particular, to support the regeneration of the Borough's townships.

## **STANDARDS COMMITTEE**

**MEMBERSHIP:** 8 councillors

**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 and 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 5 members, plus 1 non-voting independent person

For matters relating to Altham Parish Council 5 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:** 12 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 trees and hedgerows (including the matters referred to in the terms of reference of the Planning (Trees) Sub-Committee) 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.
- To exercise the Council's powers and duties under sections 150 and 151 of the Town and Country Planning Act 2016, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning Act 2016, the Town and Country Planning (Permission in Principle) Order 2017

### **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 2010

## **PLANNING (TREES) SUB-COMMITTEE**

**MEMBERSHIP:** 5 councillors (who must be members of the Planning Committee)

**REPORTS TO:** Planning Committee

### **TERMS OF REFERENCE**

1. To exercise all the powers and duties conferred on the Council by Part VIII Chapter 1 (sections 197 – 214D of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and any replacement or amending legislation or regulations.
2. Without prejudice to the generality of the forgoing, to make and confirm tree preservation orders, to determine objections to the making of tree preservation orders, to revoke or vary tree preservation orders and to grant consent for the felling or the carrying out of work to any trees or woodlands protected by a tree preservation order or which are located in a conservation area.
3. To exercise all powers and duties conferred on the Council by the Hedgerows Regulations 1997 and Part 8 (sections 65 – 84) Anti-Social Behaviour Act 2003 (High Hedges).
4. To authorise an officer or other suitably qualified and / or experienced person to exercise any functions of the Planning (Trees) Sub-Committee



## **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 Executive Director (Legal & Democratic 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

## **LICENSING COMMITTEE**

**MEMBERSHIP:** 14 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 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 Policyin 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 Gambling Act 2005 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 officers:
  - 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:** 5 (Leader and Deputy Leader of the Council, plus an additional member of the Cabinet, the Leader and Deputy Leader of the Opposition Group).

**REPORTS TO:** Council

### **MAIN TERMS OF REFERENCE:**

- To review the terms and conditions of employment of the Council's Chief Executive and Deputy Chief Executive 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
- To agree changes to staffing structures where these fall outside the scope of the scheme of delegation to officers
- To agree the regrading of posts where this falls outside the scope of the scheme of delegation to officers
- To consider and determine disciplinary appeals in respect of Chief Officers<sup>1</sup>

**Terms of reference for:**

1. Local Joint Negotiating & Consultative Committee
2. Learning & Development Panel
3. Standards Committee (Recruitment Of Independent Persons Panel)
4. Standards Committee (Assessment Panel)
5. Leaders Policy Development Board

## 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 will be allocated the following seats:

Leader of the Council or his/her delegated representative, who will chair the LJNCC.

Leader of the Opposition or his/her delegated representative.

One Member from the Council's controlling group

The Council side will be supported by the Executive Director (Legal & Democratic Services) and / or the Head of Policy & Organisational Development. Departmental nominees may attend to respond to agenda items.

The Unions will be allocated the following seats:

UNISON	4 Seats
T & GWU	1 Seat
GMB	1 Seat

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 Policy & Organisational Development 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.

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Municipal Year 2024/25

Approved at the Annual General Meeting May 2024

## **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 Chief Executive (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 Policy & Organisational Development.

## **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

**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
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For matters relating to Altham Parish Council	2 members, plus 1 independent person and and 1 parish representative
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#### **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:** 6 (Leader and Deputy Leader of the Council, plus one other Cabinet member, together with the Leader and Deputy Leader of the Main Opposition Group and the Leader of any other political groups represented on the Council).

### **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

**Reports To:** Council

**Membership:** 6 councillors

### **Terms of Reference**

- To support the development of the new Local Plan for the Borough;
- To act as a forum for discussion with planning officers about the process for development and adoption of the new Local Plan;

## APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS 2025/26

Committee	Total No. of Seats	No. of Seats by Political Group (Labour & Co-operative : Conservative : Green : Independent)	Membership, including Chairs and Vice-Chairs
Audit Committee	6  <b>No Change</b>	4:2:0:0	<b><u>Labour &amp; Co-operative</u></b>  Councillor Bernard Dawson (Chair) Councillor Noordad Aziz (Vice Chair) Councillors Mike Booth, Heather Anderson  <b><u>Conservative</u></b>  Councillors Peter Edwards and Danny Cassidy
Communities & Wellbeing Overview & Scrutiny Committee	8  <b>No Change</b>	5:3:0:0	<b><u>Labour &amp; Co-operative</u></b>  Councillor Stephen Button (Chair) Councillor Paul Cox (Vice Chair) Councillors Clare McKenna, Mike Booth and Clare Yates  <b><u>Conservative</u></b>  Councillors Loraine Cox, David Heap and Tina Walker
Judicial Committee (Private Hire & Hackney	6	4:2:0:0	<b><u>Labour &amp; Co-operative</u></b>

Carriage Licensing)	<b>No Change</b>		<p>Councillor Kimberley Whitehead (Chair) Councillor Melissa Fisher (Vice Chair) Councillors Vanessa Alexander and Bernard Dawson</p> <p><b><u>Conservative</u></b></p> <p>Councillor Danny Cassidy and Marlene Haworth</p>
Licensing Committee	<p>14</p> <p><b>No Change</b></p>	<p>8:5:1:0</p> <p>Also Trained:</p> <p>D Parkins K Pratt J Plummer C McKenna</p>	<p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillor Clare Yates (Chair) Councillor Ethan Rawcliffe (Vice Chair) Councillors Heather Anderson, Steve Button, Stewart Eaves, Andy Gilbert, Melissa Fisher and Clare Pritchard</p> <p><b><u>Conservative</u></b></p> <p>Councillors Josh Allen, Danny Cassidy, Loraine Cox, Marlene Haworth and Tina Walker</p> <p><b><u>Green</u></b></p> <p>Councillor Shabir Fazal</p>
Licensing Sub-Committee	<p>3</p> <p><b>No Change</b></p>	<p>3 from Licensing Committee, one of whom must be the Chair or Vice-Chair of the Licensing Committee (2:1:0:0 where practicable)</p>	<p>Selected from parent committee, as necessary, on a case by case basis</p>
Management Review Committee	5	3:2:0:0	Leader and Deputy Leader of the



	No Change		<p>Council, plus an additional member of the Cabinet, the Leader and Deputy Leader of the Opposition</p> <p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillor Munsif Dad (Chair) Councillor Kimberley Whitehead (Vice Chair) Councillor Melissa Fisher</p> <p><b><u>Conservative</u></b></p> <p>Councillor Zak Khan Councillor Danny Cassidy</p>
Planning Committee	<p>12</p> <p><b>Reduction from 13 to 12 seats</b></p>	8:3:0:1	<p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillor Dave Parkins (Chair) Councillors Mike Booth (Vice Chair) Councillors Stewart Eaves, Scott Brerton, Steve Button, Noordad Aziz, Clare Pritchard and Ethan Rawcliffe</p> <p><b><u>Conservative</u></b> <i>(reduced by 1 seat from 4 to 3)</i></p> <p>Councillor Judith Addison (Shadow Chair)</p> <p>Councillors Loraine Cox and Kath Pratt</p> <p><b><u>Independent</u></b></p> <p>Councillor Joyce Plummer</p>
Planning (Trees) Sub-Committee	5	3:2:0:0	<b><u>Labour &amp; Co-operative</u></b>

	<b>No Change</b>	(Must be Planning Committee Members)	<p>Councillor Mike Booth (Chair) Councillor Steven Button (Vice Chair) Councillor Scott Breton</p> <p><b><u>Conservative</u></b></p> <p>Councillor Judith Addison and Peter Edwards</p>
Resources Overview & Scrutiny Committee	<p>7</p> <p><b>Reduction from 8 to 7 seats</b></p>	5:2:0:0	<p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillor Noordad Aziz (Chair) Councillor Heather Anderson (Vice Chair) Councillors Andrew Clegg, Bernard Dawson and Mike Booth</p> <p><b><u>Conservative</u></b> <i>(reduced by 1 seat from 3 to 2)</i></p> <p>Councillors Judith Addison and David Heap</p>
Special Overview & Scrutiny Committee	<p>8</p> <p><b>Increase from 7 to 8 seats</b></p>	5:3:0:0	<p><b><u>Labour and Co-operative</u></b></p> <p>Councillor Kate Walsh (Chair) Councillor Bernard Dawson (Vice Chair) Councillors Heather Anderson, Clare McKenna and Clare Yates</p> <p><b><u>Conservative</u></b> <i>(increased by 1 seat from 2 to 3)</i></p> <p>Councillor Zak Khan, Josh Allen and Mohammed Younis</p>
Standards Committee	8	5:3:0:0	<b><u>Labour &amp; Co-operative</u></b>

	<b>No Change</b>		<p>Councillor Steve Button (Chair)  Councillor Clare Yates (Vice Chair)  Councillors Bernard Dawson, Melissa Fisher and Ethan Rawcliffe</p> <p><b><u>Conservative</u></b></p> <p>Councillors Danny Cassidy, Marlene Haworth and Zak Khan</p>
Standards Committee – Hearing Sub-Committee	<p>5</p> <p><b>No Change</b></p>	<p>For matters relating to Hyndburn Borough Council: 5 members plus 1 non-voting independent person</p> <p>For matters relating to Altham Parish Council: 5 members, plus 1 independent person and 1 parish representative (3:2:0:0 where practicable)</p>	<p>Selected from parent committee, as necessary, on a case by case basis</p>

Panels, Boards and Working Groups	Total no. of seats	Membership, including Chairs
Leaders Policy Development Board	5 (3:2:0:0)	<p>Leader and Deputy Leader of the Council plus one other Cabinet Member, together with the Leader and Deputy Leader of the Main Opposition Group <i>(and the Leader of any Minority Opposition Group, or their nominees)</i></p> <p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillor Munsif Dad (Chair) Councillor Melissa Fisher (Vice-Chair) Councillor Kimberley Whitehead</p> <p><b><u>Conservative</u></b></p> <p>Councillor Zak Khan Councillor Kath Pratt</p>
Learning & Development Panel	5 (3:2:0:0)	<p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillor Vanessa Alexander (Chair) Councillors Heather Anderson and Clare McKenna</p> <p><b><u>Conservative</u></b></p> <p>Councillor Judith Addison and Marlene Haworth</p>
Local Joint Negotiating/ Consultative Committee	3 (2:1:0:0)	<p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillors Vanessa Alexander and Clare Pritchard</p> <p><b><u>Conservative</u></b></p>

		Councillor Tina Walker
Local Pan Working Group	6 (4:2:0:0)	<p><b><u>Labour &amp; Co-operative</u></b></p> <p>Councillors Noordad Aziz, Scott Brerton, Dave Parkins and Kate Walsh</p> <p><b><u>Conservative</u></b></p> <p>Councillors Judith Addison and Josh Allen</p>
Standards (Recruitment of Independent Members Panel)	2 Councillors from Standards Committee	Selected from the Standards Committee, as necessary
Standards (Assessment Panel)	<p>For matters relating to Hyndburn Borough Council: 2 members plus 1 non-voting independent person</p> <p>For matters relating to Altham Parish Council: 2 members, plus 1 independent person and 1 parish representative</p>	Selected, as necessary, on a case by case basis

Updated 15/05/25

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REPORT TO:		Annual Council Meeting	
DATE:		15 May 2025	
PORTFOLIO:		Leader of the Council	
REPORT AUTHOR:		Julian Joinson, Member Services Manager	
TITLE OF REPORT:		Appointments to Outside Bodies and Organisations 2025/26	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

## 1. **Purpose of Report**

- 1.1 To make appointments to Outside Bodies and Organisations for the Municipal Year 2025/26. 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 2025/26.

## 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.
- 3.3 An exercise was carried out by Member Services Officers during 2020 to ascertain the status of all outside bodies to which Members may be appointed and to obtain copies of their key governance documents, so that Members could better understand their responsibilities and prepare for their role. The outside bodies list was comprehensively

updated in 2021/22 to take account of feedback obtained during that exercise and other reported changes. Minor updates have been included in subsequent years.

3.4 There are two changes recommended to be applied to the list for 2025/26, which are as follows:

- Lancashire County Council Health and Adult Services Scrutiny Committee – The appointment of a permanent substitute. This should allow for cover in the absence of the main representative, as temporary substitutes are not permitted on this Committee.
- Deletion of the Lancashire LEP Joint Scrutiny Committee – Local Enterprise Partnerships (LEPs) and their associated governance structures were disestablished with effect from 1<sup>st</sup> April 2024.

#### 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**

<b>Financial implications (including any future financial commitments for the Council)</b>	None.
<b>Legal and human rights implications</b>	The recommendation complies with the requirements of the Council's constitution.
<b>Assessment of risk</b>	None.
<b>Equality and diversity implications</b> <i>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.</i>	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.

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

7.1 Hyndburn Borough Council Constitution



**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.

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## APPOINTMENTS OF COUNCIL REPRESENTATIVES TO OUTSIDE BODIES - APPENDIX A

### 2025/26 REPRESENTATIVES

1. **Adventure Hyndburn Ltd Board (Formerly Sure Start Hyndburn) (1)**  
Councillor Stewart Eaves
2. **Armed Forces Community Covenant Champion (1 + Asst)**  
Councillor Stewart Eaves  
Assistant Armed Forces Champion: Mr Tim O’Kane
3. **Carers Link Lancashire Board of Trustees (1)**  
Councillor Andy Gilbert
4. **Copperhouse Children’s Centre Advisory Board (1)**  
Councillor Ethan Rawcliffe
5. **Foxhill Bank Management Committee (1 + 1 Sub)**  
Councillor Andy Gilbert  
Substitute Representative: Councillor Stewart Eaves
6. **Homeless in Hyndburn Group (5)**  
Councillors Heather Anderson, Mike Booth, Clare Pritchard, Andy Gilbert and Kimberley Whitehead
7. **Hyndburn Area Citizens’ Advice Bureau (3)**  
Councillors Heather Anderson, Clare McKenna + Marlene Haworth (Observers Only)
8. **Hyndburn Community Safety Partnership Steering Group (1 + 3)**  
Councillor Clare Pritchard (Voting Representative)  
Councillors Noordad Aziz, Jodi Clements and Dave Parkins (Non-Voting Representatives)
9. **Hyndburn Cycle Forum (1)**  
Councillor Steven Button
10. **Hyndburn Disabled Persons’ Forum and Disabled Persons’ Champion (1)**  
Councillor Clare Pritchard
11. **Hyndburn Green Agenda Champion (1)**  
Councillor Kate Walsh

12. **Hyndburn Over 50's Champion (1)**  
Councillor Heather Anderson
13. **Hyndburn & Ribble Valley Council for Voluntary Service Board of Trustees (1 + 1 Sub)**  
Councillor Heather Anderson  
Substitute Representative: Councillor Kate Walsh
14. **Hyndburn & Ribble Valley Domestic Abuse Forum (3)**  
Councillors Melissa Fisher, Clare Pritchard and Clare Yates
15. **Hyndburn Voluntary & Community Resource Ltd. Board (1)**  
Councillor Vanessa Alexander
16. **Hyndburn Voluntary Sector Forum and Voluntary Sector Community Champion (1)**  
Councillor Kate Walsh
17. **Hyndburn Youth Council (1)**  
Councillor Ethan Rawcliffe
18. **Lancashire County Council Health and Adult Services Scrutiny Committee (1 + 1 Sub)**  
Councillor Heather Anderson  
Substitute Jodi Clements
19. **Lancashire Leaders & Chief Executive's Group (1 + CE (+ 1 Sub))**  
Leader of the Council  
Chief Executive  
  
Substitute Representative: Councillor Melissa Fisher
20. **Lancashire Police and Crime Panel (1)**  
Councillor Clare McKenna
21. **Lancashire Waste Partnership (1 + 1 Sub)**  
Councillor Stewart Eaves (NB. Relevant Portfolio Holder)  
Substitute Representative: Councillor Noordad Aziz
22. **Leisure in Hyndburn Board (1 + 1 Non-Voting)**  
Councillor Melissa Fisher (Voting Representative)  
Councillor Loraine Cox (Non-voting Representative)
23. **Local Government Association General Assembly (1 + 1 Sub)**  
Leader of the Council

Substitute Representative: Councillor Kimberley Whitehead

**24. Mental Health Champion (1)**

Councillor Andy Gilbert

**28. North West Employers, Manchester (1)**

Councillor Scott Brerton

**29. PATROL – Adjudication Joint Committee (1)**

Councillor Vanessa Alexander

**30. PROSPECTS Foundation Management Committee (1)**

Councillor Steven Button

**31. Growth Lancashire Ltd (Previously Regenerate Pennine Lancashire Ltd) (1 + 1 Sub)**

Leader of the Council (Director)

Substitute Representative: Deputy Leader of the Council (Alternate Director) Councillor  
Melissa Fisher

**32. Rishton Charities (2)**

Councillors Ethan Rawcliffe and Kate Walsh

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[REPORT TO:		Annual General Meeting	
DATE:		15th May 2025	
PORTFOLIO:		Leader of the Council	
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Updated Scheme Of Delegation To Officers	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	

## 1. **Purpose of Report**

- 1.1 To seek approval for the scheme of delegation of non-executive functions to officers for the 2025/26 municipal year

## 2. **Recommendations**

- 2.1 That Council approves the scheme of delegation to officers attached at Schedule 1 to this report.

## 3. **Reasons for Recommendations and Background**

- 3.1 It is good practice to review the scheme of delegation regularly to keep it up to date. This helps to ensure that the Council's decision-making processes operate as effectively as possible and in accordance with legal requirements. The scheme is therefore updated annually at the Council's AGM.
- 3.2 The proposed scheme of delegation for 2025/26 is set out in Schedule 1 to this report. The changes this year are minor and comprise the following:
- Giving the Executive Director (Resources) delegated powers in respect of council tax recovery, to reflect that most recovery is now undertaken with Finance, rather than by Legal Services. The delegation to the Executive Director (Legal & Democratic Services) will remain to cover situations where Legal Services need to become involved in recovery activity;
  - At present councillors are able to "call-in" applications which are purely factual or technical in nature. This includes:

- **Certificates of Lawfulness** which are determined based on the facts of the case (they are used to establish whether existing or proposed

development needs planning permission and planning merits are not relevant).

- **Discharge of Conditions** applications which are technical in nature and relate to details of already approved development.
- **Prior Notifications and Prior Approvals** where the LPA has a limited time to determine these applications and failure to issue a timely decision results in an automatic approval.

Such application types are very rarely called-in as they are generally of a minor nature. An amendment is proposed that would delegate approval of all of these application types to the Chief Planning Officer.

- Currently all planning applications which are subject to a section 106 agreement must be reported to Planning Committee. However, in some circumstances this can be onerous. For example, if an applicant wants to make minor amendments to an already approved planning application, there often needs to be a 'linking agreement' which ties the new permission back to the original s106 agreement. In such circumstances, the current scheme of delegation requires the matter to be referred back to Committee on what is essentially a technicality, even though members will have already agreed the principle of development. It is therefore proposed to remove the automatic requirement to refer applications to Planning Committee where a s106 agreement is needed. However, the Chair, Vice-Chair and local councillors will still be able to call-in such applications if they deem fit. In addition, most applications requiring a section 106 agreement are major applications that would be taken to Planning Committee for determination in any case.

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

4.1 No alternative proposal is suggested.

#### **5. Consultations**

5.1 All chief officers have been consulted about changes which may be required to reflect recent changes to legislation or recent changes to the Council's staffing structure. The proposed changes to the delegations to the Chief Planning Officer have been discussed and agreed with the Leader of the Council, as well as the chair and vice chair of the Planning Committee.

#### **6. Implications**

<b>Financial implications (including mainstreaming)</b>	None.
<b>Legal and human rights</b>	None, other than those set out in paragraph 3



<b>implications</b>	<p>of this report.</p> <p>The scheme of delegation forms part of the Council's written constitution and the updated scheme for 2025/65 will be published on the Council's website.</p> <p>Keeping the scheme under regular review helps the Council to demonstrate good practice in respect of its governance arrangements.</p>
<b>Assessment of risk</b>	None
<b>Equality and diversity implications</b> <i>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.</i>	None

**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.

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## 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 default.
- (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 Portfolio Holder, that officer or Portfolio Holder may give his or her views in general

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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 Portfolio Holder 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 Executive Director (Resources) is obtained to any expenditure involved.

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 committees 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 Executive Director (Resources) is obtained to any expenditure involved.

(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.

(1) Function	(2) Circumstances
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.	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; <b>or</b> (ii) the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; <b>and</b> the decision is not authorised by the Council's constitution as being something that can be decided by the Leader and Cabinet.
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	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

## Part 2 - Delegation of Executive Functions to Officers

### DELEGATIONS TO ALL CHIEF OFFICERS

**Chief Officer for these purposes means the Chief Executive, the Executive Director (Resources), the Executive Director (Legal & Democratic), the Executive Director (Environment), the Head of Environmental Services, the Head of Regeneration and Housing, the Head of Environmental Health, the Head of Policy & Organisational Development and the Chief Planning & Transportation Officer**

Summary of Delegation	Comments
<p>To perform and / or carry out those functions of the Council within the Chief Officers service area</p> <p>. “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</p> <p>In exercising their delegated powers Chief Officers may:</p> <ul style="list-style-type: none"> <li>a. incur, vary and discontinue expenditure</li> <li>b. manage the staffing, property, financial and other resources within the Chief Officers’ control</li> <li>c) procure works, goods and services, including accepting tenders and signing contracts/agreements, subject to all necessary approvals being received</li> <li>d) terminate contracts</li> <li>e) exercise virement within the limits set out in the Finance Procedure Rules</li> <li>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</li> <li>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</li> <li>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</li> </ul>	<p>In exercising their delegated powers Chief Officers must:</p> <ul style="list-style-type: none"> <li>i) act within the law and in accordance with any statutory requirements and procedures</li> <li>ii) comply with the Council’s constitution, paying particular regard to the Financial Procedure Rules and the Contracts Procedure Rules</li> <li>iii) comply with the Council’s other policies and procedures</li> <li>iv) act within the budget for the relevant service area</li> <li>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</li> <li>vi) consult appropriate colleagues if the proposed decision may have significant financial, legal, property or staffing implications</li> <li>v) keep a written record of the decision taken and the reasons for it</li> </ul>

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<p>i) provide services to other local authorities and organisations</p> <p>j) respond to consultation from Government or other public bodies</p> <p>k) prepare bids for lottery and other funding</p> <p>l) accept offers of grant funding made to the Council by the Government, Government agencies or charitable bodies and enter into grant agreements in respect of the same</p> <p>m) be responsible as client under the Construction (Design &amp; Management) Regulations 1994 for all relevant projects undertaken by the Council within their service areas</p> <p>n) enter into data sharing agreements with third parties pursuant to the Data Protection Act 2018 or the General Data Protection Regulations</p>	
<p>In so far as they are executive functions, to authorise in accordance with any legal requirements or restrictions, any officer or other suitably qualified and/ or experienced person to exercise any of the functions delegated to that Chief Officer.</p>	<p>The Chief Officer must maintain a proper record of such authorisation</p> <p>Such officers / authorised persons to be suitably qualified and/or experienced.</p> <p>The exercise of delegated powers by these individuals is subject to the same restrictions as apply to the relevant Chief Officer</p>
<p>To deal with the following employment issues within the Chief Officers service area :</p> <p>i) make changes to staffing structures within the relevant service budget</p> <p>ii) approve honoraria payments not exceeding £2000</p> <p>iii) make arrangements for maternity leave and staffing cover</p> <p>iv) approve applications for leave of absence in cases not covered by Council policy</p>	<p>In exercising their delegated powers Chief Officers must:</p> <p>i) act within the law and in accordance with any statutory requirements and procedures</p> <p>iii) comply with the Council's policies and procedures</p> <p>iv) act within the budget for the relevant service area</p>

## DELEGATIONS TO THE CHIEF EXECUTIVE

Summary of Delegation	Comments
To act as the head of paid service under section 4 of the Local Government and Housing Act 1989	
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	
To carry out any function which is delegated to a particular chief officer subject to any limits or conditions attaching to that delegation	
To grant exemptions on the political restriction of officer posts under the Localism Act 2011	
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	In consultation with the monitoring officer
Designation of reserve delegated officers in absence of the relevant Chief Officer	
To keep under review the terms and conditions of the Executive Director Resources, the Executive Director (Legal & Democratic Services) and the Executive Director (Environmental Services) and make such revisions as considered appropriate within the resources available	
Attestation of the Common Seal and authorisation of other officers for this purpose in connection with the exercise of executive functions	
Appointment of officers(s) to act as deputy in respect of delegated functions in this constitution or in accordance with Cabinet minutes	
Exceptions to Flying the Flag policy	Consult with Mayor, Leader of the Council and Group Leaders
Applications for marches under Public Order Act 1936	Consult with Leader, Deputy Leader and relevant Portfolio Holder.
To take action within the Council's powers in cases of emergency or in the absence or incapacity of the designated decision taker or in the failure of the Council in any year to agree executive arrangements by the statutory deadline for the holding of the Council's annual meeting	After consulting as widely as is practicable in the circumstances
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	
To exercise powers under the Civil Contingencies Act 2004	
To receive and respond to expressions of interest under the	

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Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011	
To designate approved duties for the purpose of the Council's members allowances scheme	
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	These functions may be delegated by the Chief Executive to the Executive Director (Resources) and the Executive Director (Legal & Democratic Services)
To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	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  Subject to approval by the Executive Director (Legal & Democratic Services), or the Legal Services Manager or a solicitor within the Council's Legal Services Section
(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	
To ensure appropriate risk management arrangements are in place across the Council	

## DELEGATIONS TO HEAD OF REGENERATION AND HOUSING

Summary of Delegation	Comments
<p>To approve housing renewal assistance as defined in the Council's Housing Renewal Policy up to the following maximums</p> <ul style="list-style-type: none"> <li>• grant aid up to a maximum of £50,000</li> <li>• equity loan for refurbishment up to a maximum of £30,000</li> <li>• equity loan for relocation up to a maximum of £40,000</li> <li>• grant aid / equity loan for conversions of 2 or more dwellings to 1 to provide satisfactory accommodation up to a maximum of £50,000</li> <li>• energy efficiency grants / affordable warmth grants up to a maximum of £30,000</li> </ul>	

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<ul style="list-style-type: none"> <li>• emergency works grants up to a maximum of £7,000</li> <li>• home security assistance grants up to a maximum of £3,000</li> <li>• hospital discharge grants up to a maximum of £3,000</li> </ul>	
To make grants towards the cost of separate water connection	
Adaptations for the disabled – permit grant aid for extensions where internal amenities and structural change necessitate this to accommodate a stair lift or similar	
To determine whether or not to approve housing assistance where works commenced prior to approval where good reason shown	
To set fees for agency services for housing renewal activity as defined by the Council's Housing Renewal Policy	
To acquire houses for Regeneration / Housing Renewal purposes and where appropriate selecting such houses for improvement	
To carry out necessary works (following tendering procedures) to houses for improvement for sale	
To be responsible for administration and pre-contract works of block rehabilitation schemes	
To make statutory returns under the Home Energy Conservation Act	
To assess housing need and make nominations to RSL's under the terms of the Council's approved allocations scheme	
To assess, advise and where appropriate assist all households presenting themselves as homeless or threatened with homelessness in accordance with homelessness legislation and any relevant Code of Guidance	
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	
To negotiate a contract with a housing association without recourse to open tendering in circumstances where considered to be suitable and advantageous	In consultation with the Chief Executive and the Executive Director (Legal & Democratic Services)
<p>In so far as they are executive functions, to implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and/ or experienced person pursuant to the following legislation ( and any re – enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of housing , buildings and blight:</p> <p>Acquisition of Land Act 1981  Land Compensation Act 1972  Housing Grants Construction &amp; Regeneration Act 1989  Regulatory Reform Order 2002  Homelessness Act 2002</p>	

<p>Law of Property Act 1925          Law of Land Act 1925          Local Government Act 2000          The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes)(England) Order 2013          Licensing Act 2003          Homelessness Reduction Act 2017          Home Energy Conservation Act 1995          Also any Regulations, Order, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
Virement between HIP expenditure blocks and between yearly programmes	In consultation with the Executive Director (Resources)
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	In consultation with the Chief Executive and the relevant portfolio holder
To award assistance, including grants, up to a maximum of £20,000 to help bring empty properties back into use	Subject to the availability of resources
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	
To make grants to voluntary sector bodies in connection with the Council's obligations to prevent homelessness up to a maximum of £30,000 per grant	Subject to consultation with the Portfolio Holder
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	
<p>To authorise disposal of items from the Howarth Art Gallery collection up to a value of £25,000 per disposal provided:</p> <ul style="list-style-type: none"> <li>- the disposal is in accordance with the Museum Association's Code of Ethics; and</li> <li>- the Head of Regeneration &amp; Housing is satisfied that the Council has capacity to dispose of the item following a proper due diligence exercise being carried out</li> </ul>	Subject to consultation with the Leader of the Council and the Portfolio Holder
To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	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

	<p>Investigatory Powers Act 2000</p> <p>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</p>
<b>PROPERTY SERVICES</b>	
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 portfolio holder
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.	
<p>(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</p> <p>(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.</p>	
In connection with general vesting declarations, to agree further occupation periods of up to six months for occupiers of business premises.	
<p>(i) To manage, agree terms and instruct the Council's Legal Services department to effect all new and renewal leases, licences, tenancy agreements, lease surrenders and all ancillary or supplementary documentation notices and consents relating thereto in respect of all property owned by the Council and not 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 to the new or ancillary transaction:</p> <ul style="list-style-type: none"> <li>- the term exceeds twenty-five years</li> <li>- the annual rent or fee until the first rent or fee review (if applicable) exceeds £20,000 (twenty thousand pounds) per annum; or</li> <li>- the letting is at less than best consideration</li> </ul> <p>(ii) To negotiate, agree terms and document all rent and licence fee</p>	

<p>reviews for all leases and licences granted by the Council</p> <p>(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.</p> <p>(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 provided that the lease term does not exceed five years and / or the annual rental during the term up until the first rent or licence review (if applicable) does not exceed £10,000 (ten thousand pounds) per annum.</p> <p>(v) To negotiate, agree terms and document all rent reviews for all leases held by the Council as the tenant.</p> <p>(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).</p> <p>(vii) to accept the surrender of leases provided</p> <ul style="list-style-type: none"> <li>- the unexpired residue of the term does not exceed ten years; and</li> <li>- the annual rent payable at the time of surrender does not exceed £20,000 (twenty thousand pounds) per annum;</li> </ul>	<p>(iv) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p> <p>(v) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p> <p>(vi) In consultation with the Executive Director (Legal &amp; Democratic) Services</p> <p>(vii) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>
<p>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 which fall under the provisions of the Leasehold Reform Act 1967, and the Leasehold Reform, Housing &amp; Urban Development Act 1993 enabling the occupants to acquire (enfranchise) their landlord's freehold interest.</p>	
<p>(i) To agree terms and instruct the Council's Legal Services department in respect of all property and land asset disposals, lease surrenders, 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</p> <p>(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.</p>	<p>(i) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p> <p>(ii) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>

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 portfolio holder
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 co-operate with other local authorities (ix) to determine nominations for the list of assets of community value (x) to administer a compensation scheme	
To grant licences for the purpose of providing Covid 19 testing or vaccination centres	
<p>To agree to disposals of public open space provided:</p> <ul style="list-style-type: none"> <li>- notice of the proposed disposal has been given under section 123 Local Government Act 1972; and</li> <li>- all responses to the notice referred to above have been considered; and</li> <li>- the disposal at market value or better; and</li> <li>- the consideration for the disposal does not exceed £75,000 (excluding fees)</li> </ul>	

### **DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)**

<b>Summary of Delegation</b>	<b>Comments</b>
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.	
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	
To instruct external solicitors and/or counsel to represent the Council	
To authenticate documents in connection with the exercise of executive functions	
To settle legal documents relating to or affecting the functions of the	

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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	
To obtain particulars of land ownership in connection with any executive function	
To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements	
To take all steps prescribed by law to implement compulsory purchase powers	Subject to a decision by the Leader and Cabinet to exercise compulsory purchase powers
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	
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	
To act as the Senior Responsible Officer for the purpose of Part II Regulation of Investigatory Powers Act 2000	
To make changes to the workplace smoking policy to take account of legislative requirements	
<p>To take action to enforce a sale of property in the following circumstances:-</p> <ol style="list-style-type: none"> <li>1) To implement the Council's Enforced Sales Procedure in accordance with the Council's Empty Dwellings Strategy and/or in support of regeneration and housing renewal activity; or</li> <li>2) To recover an outstanding debt due to the Council with a minimum value of £1,500 (this includes both residential and commercial property) if satisfied that the power of sale is available to the Council in respect of a particular property.</li> </ol> <p>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.</p>	<p>1) In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder</p> <p>2) In consultation with the Head of Department which raised the debt and the relevant Portfolio Holder</p>
To make changes to the Council's policy on Councillors' use of ICT services and equipment.	In consultation with the Leader's Policy Development Board
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	

To act as electoral registration officer for the Council in accordance with section 8 Representation of the People Act 1983	
To administer the Council's payroll function	
To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	<p>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</p> <p>Subject to confirmation of the approval by the Legal Services Manager or a solicitor within the Council's Legal Services Section</p>
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	In consultation with the portfolio holder and relevant ward councillors
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	
Without prejudice to 4.19 and 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	
To agree amendments to the allotment guidelines and to publish the same	In consultation with the portfolio holder and the Chief Planning & Transportation Officer
To act as the Council's data protection officer and to exercise the powers of the data protection officer in accordance with the General Data Protection Regulations and the Data Protection Act 2018	
To act as a single point of contact in connection with applications to access communications data pursuant to the Regulation of Investigatory Powers Act 2000, subject to the provisions and requirements of that Act	

## DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

Summary of Delegation	Comments
Directions under the provisions of Article 4 of the Town and Country Planning General Development Procedure Order 1995	
Following consultation with the relevant portfolio holder, power to respond on behalf of the Council to consultation by other local	

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authorities on proposed or amended development plans, policies, strategies and supplementary planning guidance	
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	
To obtain additional information in connection with planning purposes whether under S330 of Town and Country Planning Act 1990 or by Planning Contravention Notice (S171C(2) and (3) of the Town and Country Planning Act 1990 and S.16 Local Government (Miscellaneous Provisions) Act 1976	
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	
To exercise the Council's residual highway functions	In consultation with the relevant portfolio holder
To authorise any officer or suitably qualified and/ or experienced persons to enter land in accordance with section 324 Town & Country Planning Act 1990 and section 88 Planning (Listed Buildings and Conservation Areas) Act 1990	
To carry out the functions of the Council in respect of: (a) the numbering of properties and (b) the renumbering / renaming of existing properties under Section 17 and 18 of the Public Health Act 1925	
To provide seats on highway land, where appropriate	
To operate the Hedgerow Regulations 1997 on land in the Borough including issuing a Hedgerow Retention Notice	
The making of Temporary Highway Closure Orders under Section 21 of the Town Police Clauses Act 1847	
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	
To negotiate and agree terms for garage plot leases and to review and increase the rent payable under such leases	
To manage the Council's allotments, including granting allotment tenancies and taking any steps prescribed by law to determine or enforce allotment tenancy agreements	
<b>ENGINEERING</b>	
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	
To take steps to protect unoccupied buildings from unauthorised entry or causing danger to public health	
To make additions to or deletions from list of contractors approved for	

demolition	
To exercise the Council's functions as risk management authority under section 6 Flood and Water Management Act 2010	
To exercise the Council's functions as designating and responsible authority under Schedule 1 of the Flood and Water Management Act 2010	

## DELEGATIONS TO THE EXECUTIVE DIRECTOR (RESOURCES)

Summary of Delegation	Comments
To undertake the proper administration of the Council's financial affairs and the operation of the Council's accounting systems	
To arrange all borrowing, financing and investment in line with the Council's Treasury Management Policy	
To exercise the budgetary control functions referred to the Executive Director (Resources) in the Council's Financial Procedure Rules	
To administer the calculation and payment of housing benefit and council tax support	
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.	
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.	
To determine the size of the Council Tax Support Exceptional Hardship Fund each year;	
To make appropriate banking arrangements on behalf of the Council	
To insure against risks where he considers this appropriate	
To sign attachment of earnings orders	
To determine National Non Domestic Rates hardship cases and assess relief	
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	
To make payments for properties to be purchased by agreement in an area proposed for redevelopment or for properties to be purchased	

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under any confirmed compulsory purchase order	
To award, cancel and recover discretionary housing payments under the Discretionary Financial Assistance Regulations 2001	
Power to write off debts up to a value of £5,000 each	
Power to write off debts of any value if: <ul style="list-style-type: none"> <li>• The debtor is bankrupt or in liquidation and there is no likelihood of the debt being paid; or</li> <li>• The debtor has absconded and all reasonable enquiries have failed to locate them; or</li> <li>• The debtor is in prison and has no means to pay; or</li> <li>• The debtor has died and there is no estate</li> </ul>	
Power to write off debts of council tax and non-domestic rates of any value if: <ul style="list-style-type: none"> <li>• The debt has been remitted by the magistrates court; or</li> <li>• The debtor has been imprisoned in respect of the debt</li> </ul>	
Responsibility for maintaining an adequate and effective system of internal audit	
Responsible for the Council's compliance with taxation regulations for the purposes of the CIPFA Code of Tax Management	
To operate the Council's car loan and car leasing schemes	
To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	
<b>LEISURE</b>	
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	
To allocate athletics track at Wilson Playing Fields free of charge up to 4 times each year to Hyndburn Athletics Club	
Relaxation of by-laws for cycle races	In consultation with the relevant portfolio holder
To determine Christmas closure arrangements in respect of leisure facilities	In consultation with the relevant portfolio holder
To determine the terms and conditions with artists/organisers for the arts and entertainments programme	
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	

Power to surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	<p>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</p> <p>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</p>
(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	

### DELEGATIONS TO THE HEAD OF AUDIT & INVESTIGATIONS

Summary of Delegation	Comments
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	
Power to authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	<p>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</p> <p>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</p>
To act as the Council's data protection officer in the absence or incapacity of the Executive Director (Legal & Democratic Services) and in such circumstances to exercise the powers of the data	

protection officer in accordance with the General Data Protection Regulations and the Data Protection Act 2018	
To act as a single point of contact in connection with applications to access communications data pursuant to the Regulation of Investigatory Powers Act 2000, subject to the provisions and requirements of that Act	

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

<b>Summary of Delegation</b>	<b>Comments</b>
Power to write off debts relating to housing benefit overpayments, non-domestic rates and council tax up to a value of £2,000 each.	

## **DELEGATIONS TO HEAD OF POLICY & ORGANISATIONAL DEVELOPMENT**

<b>Summary of Delegation</b>	<b>Comments</b>
To authorise internal candidate only recruitment exercises in accordance with the Council's Recruitment and Selection policy	
To implement the Council's job evaluation scheme	
To develop and implement the Council's training and development programme for members and employees	

## **DELEGATIONS TO THE EXECUTIVE DIRECTOR (ENVIRONMENT)**

<b>Summary of Delegation</b>	<b>Comments</b>
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	
To deal with applications for rubbish amnesty, Clean Streets initiatives or similar	In consultation with the relevant Portfolio Holder
To act as delegated officer in respect of the Council's vehicle operator licence and MOT testing facility	
To amend and update the Council's strategy and service standards for Environmental Services and to exercise the powers and duties of the Council pursuant to the Waste (England and Wales) Regulations 2011	In consultation with the relevant portfolio holder

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Power to authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	<p>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</p> <p>Subject also to confirmation of the approval of the Executive Director (Legal &amp; Democratic Services) the Legal Services Manager or a solicitor within the Council's Legal Services Section</p>
To exercise the provisions of and issue notices under Sections 43 and 48 of the Anti-Social Behaviour Act 2003	
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	
Take appropriate action in behalf of the Council's market franchise rights	In consultation with the Executive Director (Legal & Democratic Services)
To manage the Council's markets	
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>To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re-enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of the Council's environmental and waste management / handling / treatment and recycling functions :Applicable to the following in so far as they are executive functions:-</p> <p>The Hazardous Waste Regulations 2005</p> <p>The Waste Management Regulations 2006</p> <p>The Environmental Permitting Regulations 2016</p> <p>Environmental Protection Act 1990</p> <p>Environmental Act 2021</p> <p>The Packaging Waste (Data Reporting) Regulations 2024</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Clean Neighbourhoods and Environment Act 2005</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation</p>	

made under the above and any enactments amending or replacing the same	
To act as the authorised officer in respect of the Council's waste transfer licence for the Willows Lane waste transfer facility	
To represent the Council at the Lancashire Waste Partnership	

## DELEGATIONS TO THE HEAD OF ENVIRONMENTAL SERVICES

Summary of Delegation	Comments
The provision and management of the Cemeteries and Crematoria	
The appointment of the Medical Referee and Deputy Medical Referee by virtue of The Cremation Regulations 1930	
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	In consultation with the Leader, Deputy Leader and appropriate Portfolio Holder
To exercise the powers of the Council in respect of dogs pursuant to: <ul style="list-style-type: none"> <li>- sections 149 – 151 Environmental Protection Act 1990</li> <li>- The Microchipping Of Cats And Dogs (England) Regulations 2023</li> </ul>	

## DELEGATIONS TO HEAD OF ENVIRONMENTAL HEALTH

Summary of Delegation	Comments
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	
To authorise appropriate staff within Environmental Services to appear in court	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within Environmental Services to exercise such powers	
To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re-enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of the	

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Summary of Delegation	Comments
<p>Council's environmental health and environmental protection functions</p> <p>:Applicable to:-</p> <p>Agriculture (Miscellaneous Provisions) Act 1968</p> <p>Agriculture Act 1970</p> <p>Animal Boarding Establishments Act 1963</p> <p>Animal By-Products (England) Regulations 2005</p> <p>Animal Feed (Composition, Marketing and Use) (England) Regulations 2015</p> <p>Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015</p> <p>Animal Health Act 1981</p> <p>Animal Welfare Act 2006</p> <p>Anti Social Behaviour Act 2003</p> <p>Anti Social Behaviour, Crime and Policing Act 2014</p> <p>Any Orders or Regulations having effect by virtue of the European Communities Act 1972</p> <p>Breeding of Dogs Act 1973 and 1991</p> <p>Breeding and Sale of Dogs (welfare) Act 1999</p> <p>Building Act 1984</p> <p>Caravan Sites Act 1968</p> <p>Caravan sites (Control of Development) Act 1960</p> <p>Clean Air Act 1993</p> <p>Clean Neighbourhoods and Environment Act 2005</p> <p>Control of Pollution Act 1974</p> <p>Criminal Justice and Public Order Act 1994</p> <p>Dangerous Wild Animals Act 1976</p> <p>Energy Act 2013 / The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</p> <p>Environment Act 1995</p> <p>Environment Act 2021</p> <p>Environmental Damage (Prevention &amp; Mediation) Regulations 2009</p> <p>Environmental Permitting (England &amp; Wales) Regulations 2010</p> <p>Environmental Protection Act 1990</p> <p>Food Act 1984</p> <p>Food Safety Act 1990 ( in so far as it is an executive function)</p> <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Food Information Regulations 2014</p> <p>Guard Dogs Act 1975</p> <p>Health Act 2006</p> <p>Housing Act 1985</p>	

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Summary of Delegation	Comments
<p> Housing Act 1996  Housing Act 2004  Housing and Planning Act 2016  Land Drainage Act 1991  Local Government (Miscellaneous Provisions) Acts 1976 and 1982  Microbiological Criteria for Foodstuffs Regulations 2005  Mobile Homes Act 2013  Noise Act 1996  Noise and Statutory Nuisance Act 1993  Official Feed and Food Controls (England) Regulations 2009  Performing Animals Regulations Act 1925  Pet Animals Act 1951  Pollution Prevention and Control Act 1999  Prevention of Damage by Pests Act 1949  Private Water Supply Regulations 2009  Processed Animal Protein (England) Regulations 2001  Products of Animal Origin (Third Country Imports) Regulations 2006 and 2007 (Amendment Regulations)  Protection from Eviction Act 1977 (as amended by the Housing Act 1988)  Public Health (Control of Disease) Act 1984  Public Health Acts 1936 and 1961  Refuse Disposal (Amenity) Act 1978  Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation (EC) No. 854/2004 and Regulation (EC) No. 882/2004  Riding Establishments Act 1964  Safety at Sports Ground Act 1975  Scrap metal Dealers Act 2013  Slaughter of Poultry Act 1967  Sunbed (Regulations) Act 2010  Sunday Trading Act 1994  The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018  The Food (Jelly Mini Cups) (Emergency Control) (England) Regulations 2009  The Redress Schemes for Lettings Agency Work and Property Management Work (Approval and Designation of Schemes)(England) Order 2013  The Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2012  The Trade In Animals and Related Products Regulations 2011  Town and Country Planning Act 1990 </p>	

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Summary of Delegation	Comments
Transmissible Spongiform Encephalopathies (England) Regulations 2010 Water Act 2014 Water Industry Act 1991 Water Industry Act 1991 as amended Water Supplies (Water Fittings) Regulations 1999 Water Supplies (Water Quality) Regulations 2010 Zoo Licensing Act 1981	
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. The Management of Houses in Multiple Occupation (England) Regulations 2006 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. Mortgage Repossessions Act 2010 Deregulation Act 2015 Homes (Fitness for Human Habitation Act) 2018 Tenant Fees Act 2019 Private Water Supplies Regulations 2016 The Private Water Supplies (England) (Amendment) Regulations 2018 The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 The Licensing of Houses in Multiple Occupation (prescribed Descriptions) (England) Order 2018 Health and Safety at Work Etc. Act 1974 (and associated Regulations made under the Act) <ul style="list-style-type: none"> <li>- S. 20 and S 25 (Powers of entry, order areas to be left undisturbed, take samples, photos, measurements, require any person to answer questions, take statements, etc. if necessary, to be harmless)</li> <li>- S. 21 improvement notices</li> <li>- S. 22 prohibition notices</li> <li>- S. 38 institute legal proceedings</li> </ul>	
Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same	
To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section	
To appoint proper officers and alternative proper officers for the purposes of the	

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Summary of Delegation	Comments
Public Health (Control of Disease) Act 1984 or any statutory enactment or amendment to that Act	
To review and update the Council's annual food service plan	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within Environmental Services to exercise such powers	
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	In consultation with the Chief Executive and the relevant portfolio holder
To award assistance, including grants, up to a maximum of £20,000 to help bring empty properties back into use	Subject to the availability of resources
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	In consultation with the Executive Director (Legal & Democratic Services)
(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 authorise officers of the Council to exercise any of the powers and duties which are the responsibility of the Council under that Act; and (b) to determine scrap metal licences fees in accordance with Schedule 1 paragraph 6 Scrap Metal Dealers Act 2013	In consultation with the portfolio holder
To exercise the powers of the Council under The Animal Welfare Act 2006 and The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 in respect of: i) risk rating appeals ii) the suspension or variation of licences iii) the annual review and adjustment of fees and charges	
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	
To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000	Subject to compliance with the Council's guidance for officers on the application and use of surveillance which is not governed by

Summary of Delegation	Comments
	<p>the Regulation of Investigatory Powers Act 2000</p> <p>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</p>

### Part 3 - Delegation of Non-Executive Functions to Officers

Chief Officer for the purposes of this Part means the Chief Executive, the Executive Director (Resources), the Executive Director (Legal & Democratic), the Executive Director (Environment), the Head of Environmental Services, the Head of Regeneration and Housing, the Head of Environmental Health, Head of Policy and Organisational Development and the Chief Planning & Transportation Officer

#### DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

Summary of Delegation	Comments
<b>DEVELOPMENT CONTROL FUNCTIONS</b>	
<b>DETERMINATION OF PLANNING APPLICATIONS</b>	
<p>To determine factual or technical applications as follows:</p> <p>i. Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.</p>	

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Summary of Delegation	Comments
<ul style="list-style-type: none"> <li>ii. Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.</li> <li>iii. Determination of applications for a Certificates of Lawfulness of proposed works to listed buildings under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990</li> <li>iv. Applications to discharge conditions attached to approvals.</li> <li>v. Determination of requests for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017</li> <li>vi. Determination of Prior Notifications/Approvals Applications</li> </ul> <p>(For the avoidance of doubt, these applications are not subject to the member call-in procedure).</p> <p>To determine all other applications for permission or consent made under Town and Country Planning legislation unless:</p> <ul style="list-style-type: none"> <li>1. the Chief Planning and Transportation Officer considers that the application should be considered by the Planning Committee</li> <li>2. the application would constitute a significant departure from the policies of the statutory development plan and it is intended to approve the application</li> <li>3. the application is for a significant proposal by the Council or the County Council and is not of a minor nature</li> <li>4. the applicant is a member of the Council</li> <li>5. the applicant is an employee of the Planning &amp; Transportation Section or is a senior manager of the Council</li> <li>6. 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.</li> <li>7. the application is a major planning application and, following consultation, either the Chair of Planning, Vice Chair of Planning or the Shadow Chair of Planning has requested in writing that the application be referred to Planning Committee</li> </ul> <p>This includes legislation relating to listed buildings, conservation areas and hazardous substances.</p>	
<b>DEVELOPMENT CONTROL</b>	
Serve Building Preservation Notices	
Service of Discontinuance Notices under the Advertisement Regulations for	Consult the Executive

Summary of Delegation	Comments
advertisements which seriously conflict with adopted policies, taking into account possible compensation liability	Director (Legal & Democratic Services)
Secure removal of an advertisement displayed in contravention of Regulations or use of any site	Consult Executive Director (Legal & Democratic Services)
Removal or obliteration of placards and posters	
Issue of enforcement notices for breach of planning control under the Town & Country Planning legislation	To be reported to Planning Committee every six months.
In relation to listed buildings: Issue of listed building enforcement notices Issue of repairs notices Execution of urgent works	Consultation required with the Executive Director (Legal and Democratic Services)
Issue of stop notices and temporary stop notices  Issue of breach of conditions notices or planning contravention notices  Issue of completion notices	Consultation required with the Executive Director (Legal and Democratic Services)
Take steps to secure compliance with an enforcement notice either through prosecution or by taking direct action under the Town & Country Planning Acts	Consultation with the Executive Director (Legal & Democratic Services)
For purposes of the Town & Country Planning (Enforcement Notices & 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	
To make representations (for or against) on planning applications for developments in neighbouring districts	
Assess interim development order submissions relating to mineral extraction and give observations to Lancashire County Council	
Take action on dangerous trees	
1.2.17 To do any of the following unless a ward councillor has requested in writing that the decision be referred to the Planning (Trees) Sub-Committee within seven days of the relevant ward councillors being given notice of the matter in question:  (a) Make and confirm Tree Preservations Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area (following consultation with the relevant portfolio holder and ward councillors, save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place in which case paragraph 1.2.19 below shall apply);	

Summary of Delegation	Comments
<p>(b) Serve notices and take appropriate action for replacement tree planting under the Town and Country Planning Acts;</p> <p>(c) Operate the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in all cases involving works to trees protected by Tree Preservation Orders and situated on land owned or controlled by the Council except where the trees in question are managed by the Chief Planning and Transportation Officer;</p> <p>(d) Determine applications to carry out work on trees protected by Tree Preservation Orders except in the case of proposed felling;</p> <p>(e) Determine applications to fell trees protected by Tree Preservation Orders and situated on land which is not owned or controlled by the Council if:</p> <ul style="list-style-type: none"> <li>i. The trees are causing structural damage to property, retaining walls, services or similar; or</li> <li>ii. 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</li> <li>iii. 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</li> <li>iv. 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</li> </ul> <p>(f) Following consultation with the Chair and Vice-Chair of Planning (Trees) Sub-Committee, determine applications to fell trees protected by Tree Preservation Orders and situated on land which is not owned or controlled by the Council in circumstances not covered by (e) above;</p> <p>(g) Determine repeat applications to fell trees protected by Tree Preservation Order 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;</p> <p>(h) Operate the Hedgerow Regulations 1997 on land in ownership other than</p>	

Summary of Delegation	Comments
Hyndburn Borough Council including the issue of hedgerow retention notices;  (i) Obtain an ecological or archaeological survey on a hedgerow once a hedgerow removal notice has been received;  (j) Determine, in consultation with the Executive Director (Legal & Democratic Services), whether to prosecute after contravention of Tree Preservation Order or hedgerow regulations and to undertake appropriate action.	
Apply for an injunction pursuant to section 214A of the Town and Country Planning Act 1990 (as amended) in cases which he determines to be urgent; and  Authorise an officer or any other suitably qualified and / or experienced person to exercise a right of entry pursuant to section 214B of the Town and Country Planning Act 1990 (as amended);	
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 where the possibility of felling or lopping is so imminent that time does not permit consultation with the relevant ward councillors or consideration of the matter by the Planning (Trees) Sub-Committee to take place (and the Portfolio Holder and relevant ward councillors shall be notified of the making of the Tree Preservation Order within 1 working day);	
Make structural appraisal of building regulation applications. This includes making arrangements for outside specialist appraisal, if necessary	
Determine all applications for building regulation approval/rejection	
Process all applications for determination of building regulations	
Securing deposited plans providing access and other safety for the fire brigade	
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	
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	
Use of powers re ruinous, dilapidated and neglected sites	
Use of powers re dangerous buildings and structures	
To authorise any officer or other suitably qualified and / or experienced person to exercise the rights of entry on land conferred by S196A of Town & Country Planning Act 1990	
To deal with all matters relating to the listing of buildings	
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	In consultation with the Executive Director (Legal

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<b>Summary of Delegation</b>	<b>Comments</b>
default of remedial notices	& Democratic Services)
To decide the level of fee payable for processing complaints made about high hedges under the Anti-social Behaviour Act 2003	In consultation with the relevant portfolio holder and the Executive Director (Resources)
To waive or refund application fees payable for processing complaints about high hedges under the Anti-social Behaviour Act 2003 where the complainant is in receipt of income support, income based job seekers allowance or guaranteed pension credit	In consultation with the relevant portfolio holder
To order works in default of a remedial notice served in respect of high hedges in anticipation of full cost recovery	
To make agreements under s25 Highways Act 1980	
To make orders under s26 Highways Act 1980	
To require the discontinuance of a use of land	
To apply for injunctions restraining a breach of planning control or in relation to a listed building	In conjunction with the Executive Director (Legal Services)
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	In consultation with the Chair and Vice Chair of Planning Committee and the Executive Director (Legal & Democratic Services)
<b>Local Plan</b>	
To make non-material changes to the Local Plan prior to formal approval and adoption of the same	Following consultation with the Portfolio Holder
To publish updates to the Local Development Scheme and Monitoring Reports	

## DELEGATIONS TO CHIEF EXECUTIVE

<b>Summary of delegation</b>	<b>Comments</b>
Power to designate attendance at meetings and other events as approved duties for the purpose of eligibility for travel and subsistence allowance where such attendance is in connection with the discharge of the Council's functions, including its executive function	
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	Having regard to the relevant Council policy

the service	
<p>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.</p> <p>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</p>	<p>This delegation must be exercised in accordance with the Officer Employment Procedure Rules</p> <p>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</p> <p>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</p>
<p>Approval of changes to any document forming part of the Council's policy framework provided the proposed change:</p> <ul style="list-style-type: none"> <li>a) is prescribed by legislation or statutory instrument; or</li> <li>b) merely corrects a typographical error or errors; or</li> <li>c) is of a minor nature (i.e. the proposed change does not affect the substance of the document or change Council policy)</li> </ul>	

## DELEGATIONS TO ALL CHIEF OFFICERS

Summary of delegation	Comments
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
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
Determination of appeals against dismissal under the Council's capability procedures	<p>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</p> <p>A Chief Officer must have had no previous involvement with the relevant capability procedure or decision making process</p> <p>Determination of appeals against dismissal may not be delegated by a chief officer</p>
<p>To deal with the following employment issues within the Chief Officers service area :</p> <ul style="list-style-type: none"> <li>i) engage, suspend, dismiss and deploy staff</li> <li>ii) take disciplinary action against staff</li> <li>iii) apply conditions of service</li> <li>iv) regrade posts in accordance with the Council's job evaluation</li> </ul>	<p>In exercising their delegated powers Chief Officers must:</p> <ul style="list-style-type: none"> <li>i) act within the law and in accordance with any statutory requirements and procedures</li> </ul>

scheme v) approve honoraria payments not exceeding £2000 vi) award car / telephone allowances vii) amend job descriptions of staff within his/her department	iii) comply with the Council's policies and procedures iv) act within the budget for the relevant service area
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## DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)

Summary of delegation	Comments
To exercise the statutory powers and obligations of the returning officer and electoral registration officer pursuant to: <ul style="list-style-type: none"> <li>- Elections Act 2022;</li> <li>- All legislation amended by the Elections Act 2022 (including without limitation the Local Government Act 1972, the Representation of the People Act 1982 and the Representation of the People Act 1983;</li> <li>- All regulations and rules issued pursuant to or amended by the Elections Act 2022)</li> </ul>	
To approve changes to the Council's written constitution provided the proposed change: <ul style="list-style-type: none"> <li>a) is prescribed by legislation or statutory instrument; or</li> <li>b) merely corrects a typographical error or errors</li> </ul>	
To appoint Independent Members to the Standards Committee	In consultation with the Chair of the Standards Committee
To appoint Members of the Independent Remuneration Panel	
To agree and enter into agreement pursuant to section 106 Town and Country Planning Act 1990	In consultation with the Chief Planning and Transportation Officer
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	
In respect of community governance reviews under Chapter 3 Part 4 Local Government and Public Involvement in Health Act 2007;	

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To comply with the notification and publicity requirements in sections 80, 96 and 98; and To make agreements about incidental matters under section 99	
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	
Power to advertise and seek applications for the position of independent member of the audit panel pursuant to the Local Audit & Accountability Act 2014	
<b>Licensing Functions</b>	
<p>To exercise the powers conferred by the following legislation (including, without limitation, the determination of fees) and to appoint and authorise officers and any other suitably qualified and / or experienced person 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.</p> <p>Applicable to:-</p> <p>Scrap Metal Dealers Act 2013  Public Health Act 1936  Health &amp; 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</p>	

To exercise functions under the Licensing Act 2003	In accordance with the Statement of Licensing Policy
To authorise officers pursuant to section 304 Gambling Act 2005	In accordance with the Statement of Gambling Licensing Policy and Principles
To determine applications for premises licenses under the Gambling Act 2005 where no representations received or representations have been withdrawn	
To determine applications for variation of premises licenses under the Gambling Act 2005 where no representations received or representations withdrawn	
To determine applications for transfer of premises licenses under the Gambling Act 2005 where no representations received from the Gambling Commission	
To determine applications for a provisional statement under the Gambling Act 2005 where no representations have been received or representations have been withdrawn	
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	
To set fees under the Gambling Act 2005	
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	
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: <ul style="list-style-type: none"> <li>determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;</li> <li>cancellation of licence</li> <li>determining license fees</li> <li>enforcement of the provisions of Part II and Schedule 3 of the said 1982 Act</li> </ul>	

## DELEGATIONS TO HEAD OF ENVIRONMENTAL SERVICES

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Summary of Delegation	Comments
<p>To exercise the powers conferred by the following legislation and to appoint and authorise officers or any other suitably qualified and or experienced person 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.</p> <p>Applicable to:-  Health &amp; Safety at Work etc. Act 1974  Environmental Protection Act 1990 (in so far as it is a non-executive function)  Local Government (Miscellaneous Provisions) Act 1976  Clean Neighbourhoods &amp; Environment Act 2005  Local Authorities Cemeteries Order 1977</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
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.	
To authorise appropriate staff within the Parks and Cemeteries Section to appear in court	
Take action on dangerous trees	

### DELEGATIONS TO THE EXECUTIVE DIRECTOR (ENVIRONMENT)

Summary of Delegation	Comments
<p>To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re –enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of Environmental Services.</p> <p>Applicable to the following in so far as they are non-executive functions:-  The Hazardous Waste Regulations 2005  The Waste Management Regulations 2006  The Environmental Permitting Regulations 2016  Environmental Protection Act 1990  Environmental Act 2021  The Packaging Waste (Data Reporting) Regulations 2024  Refuse Disposal (Amenity) Act 1978  Clean Neighbourhoods and Environment Act 2005</p>	

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Summary of Delegation	Comments
Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within Environmental Services to exercise such powers	
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	
To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section	

## DELEGATIONS TO HEAD OF POLICY & ORGANISATIONAL DEVELOPMENT

Summary of Delegation	Comments
To make changes to the terms and conditions of the Chief Executive, Executive Director (Resources) and Executive Director (Legal & Democratic Services) and the Executive Director (Environment) provided there is no additional cost to the Council	Subject to the Leader of the Council and the relevant postholder(s) indicating their agreement to the proposed change

## DELEGATIONS TO HEAD OF ENVIRONMENTAL HEALTH

Summary of Delegation	Comments
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	
To authorise appropriate staff within the Environmental Health Team to appear in court	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise	



Summary of Delegation	Comments
<p>officers within Environmental Services to exercise such powers</p> <p>To implement and exercise the powers conferred by the following legislation and to authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person pursuant to the following legislation ( and any re-enactment or modification thereof and any regulations made thereunder) for any appropriate provisions which fall within the remit of the Council's environmental health and environmental protection functions</p> <p>:Applicable to:-</p> <p>Animal Boarding Establishments Act 1963</p> <p>Caravan Sites and Control of Development Act 1960</p> <p>Breeding of Dogs Act 1973 / 1991</p> <p>Breeding and Sale of Dogs (Welfare) Act 1999</p> <p>Clean Neighbourhoods &amp; Environment Act 2005</p> <p>Licensing Act 2003</p> <p>Riding Establishments Act 1964 / 1970</p> <p>Pet Animals Act 1951</p> <p>Public Health Act 1936 / 1961</p> <p>Refuse Disposal (Amenity) Act 1978</p> <p>Dangerous Wild Animals Act 1976</p> <p>Health &amp; Safety at Work etc. Act 1974</p> <p>Food Safety Act 1990</p> <p>Environmental Protection Act 1990 (in so far at it is a non-executive function)</p> <p>Environmental Damage (Prevention &amp; Mediation) Regulations 2009</p> <p>Slaughter of Poultry Act 1967</p> <p>The Specified Products from China (Restriction on First Placing on the Market) (England) (Amendment) Regulations 2012</p> <p>Sunbed (Regulations) Act 2010</p> <p>Sunday Trading Act 1994</p> <p>The Trade In Animals and Related Products Regulations 2011</p> <p>Transmissible Spongiform Encephalopathies (England) Regulations 2010</p> <p>Water Act 2014</p> <p>Water Supplies (Water Fittings) Regulations 1999</p> <p>Water Supplies (Water Quality) Regulations 2010</p> <p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Food Hygiene (England) Regulations 2005</p> <p>Food Act 1984</p> <p>Microbiological Criteria for Foodstuffs Regulations 2005</p> <p>Mobile Homes Act 2013</p> <p>Official Feed and Food Controls (England) Regulations 2009</p> <p>Prevention of Damage by Pests Act 1949</p>	

Summary of Delegation	Comments
<p>Private Water Supply Regulations 2009  Processed Animal Protein (England) Regulations 2001  Products of Animal Origin (Third Country Imports) Regulations 2006 and 2007 (Amendment Regulations)  Riding Establishments Act 1964 and 1970  Cinemas Act 1985  Theatres Act 1968  Local Government (Miscellaneous Provisions) Act 1976 / 1982  Food Safety and Hygiene Regulations 2013  Fire Safety and Safety of Places of Sport Act 1987  Performing Animals (Regulation) Act 1925  Safety at Sports Grounds Act 1975  Slaughterhouses Act 1974  Zoo Licensing Act 1981  Scrap metal Dealers Act 2013  Animal Welfare Act 2006  The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018  Control of Pollution Act 1974  Environment Act 1995  Noise Act 1996  Clean Neighbourhoods and Environment Act 2005  Water Industry Act 1991  Clean Air Act 1993  Building Act 1984  Dangerous Dogs Act 1991  Clean Air Act 1993 (in so far as it is a non-executive function  Noise and Statutory Nuisance Act 1993 (in so far as it is a non-executive function)  Criminal Justice and Public Order Act 1994 (including taking legal proceedings)  Health Act 2006  Public Health (Control of Disease) Act 1984  Coronavirus Act 2019  Environmental Permitting (England &amp; Wales) Regulations 2010  Private Water Supply Regulations 2009  Pollution Prevention and Control Act 1999  Noise and Statutory Nuisance Act 1993  Riding Establishments Act 1964  Animal Boarding Establishments Act 1963  Breeding of Dogs Act 1973 and 1991  Pet Animals Act 1951  Dangerous Wild Animals Act 1976</p>	

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Summary of Delegation	Comments
Agriculture Act 1970 Agriculture (Miscellaneous Provisions) Act 1968 Agriculture (Miscellaneous Provisions) Act 1968 Animal By-Products (England) Regulations 2005 Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015 Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same	
To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section	
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	
To review and update the Council's annual food service plan	
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise officers within Environmental Services to exercise such powers	

## 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

Legislation	Section	Statutory Officer	Allocated To
Local Government Act 1972  Local Government Finance Act 1988	S151	Chief Finance Officer	Executive Director (Resources)
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Executive Director (Legal & Democratic Services)

### Proper Officers

Legislation	Section	Provision	Proper Officer
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 26 <sup>th</sup>			Chief Executive

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.			
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 the Proper Officer of the Council			Chief Executive
	S83	Accepting declarations of acceptance of office	Executive Director (Legal & Democratic Services)
	S84	Receiving resignations from office	Executive Director (Legal & Democratic Services)
	S88	Convening Council meeting for election of chairman	Chief Executive
	S89	Receiving notice of casual vacancy in office of councillor	Executive Director (Legal & Democratic Services)
	S96	Receiving and recording member interests	Executive Director (Legal & Democratic Services)
Local Government Act 1972	S100(B)(2)	Circulation of reports and agendas	Chief Executive
	S100(B)(7)	Supply of papers to press	Chief Executive
	S100(C)(2)	Summary of minutes	Chief Executive
	S100(D)(1)(a)	Compilation of background papers	Chief Executive
	S100(D)(5)(a)	Identification of background papers	Chief Executive
	S100(F)	Identification of confidential documents not open to Members	Chief Executive
	S115(2)	Receipt of money due from Officers	Executive Director (Resources)
	S146(1)(a)&(b)	Declarations and certificates with regard to securities	Executive Director (Resources)

	S191	Ordnance Survey requests for assistance	Chief Executive
	S204(3)	Receipt of application for licence under Licensing Act 1964	Executive Director (Legal & Democratic Services)
	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	Executive Director (Resources)
	S225(1)	Deposit of documents	Chief Executive
	S228(3)	Accounts – to be open for inspection	Executive Director (Resources)
	S229(5)	Deposit of documents - certification	Executive Director (Resources)
	S234	Authentication of documents	Executive Director (Resources)
	S234(2)	Statutory Notices under various Public Health and Associated Legislation	Chief Executive
	S236(9)&10	Service of Byelaws on other Authorities	Executive Director (Legal & Democratic Services)
	S238	Certification of Byelaws	Executive Director (Legal & Democratic Services)
	Schedule 14 Para 25(7)	Certification of resolutions – Para 25	Executive Director (Legal & Democratic Services)
	S248 (2)	Keeping roll of Freeman	Chief Executive
	Schedule 12	Signature of	Chief Executive

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Municipal Year 2025/26  
Amended at the Annual General Meeting May 2024

	Para 4(2)(b)	summons to Council	
	Schedule 12 Para 4 (3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Chief Executive
	Schedule 16 Para 28	Receipt of deposit lists of protected buildings	Executive Director (Legal & Democratic Services)
	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	Executive Director (Resources)
	N/A	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 26 <sup>th</sup> October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of	Executive Director (Resources)

		the said Act is to be construed as a reference to the Proper Officer of the Council	
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Chief Executive
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation Regeneration and Architecture	Executive Director (Resources)
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Executive Director (Environment)
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Executive Director (Environment)
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Executive Director (Environment)
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture  Part 1V accommodation	Chief Executive



Rates Act 1984	S7	Certification of rate	Executive Director (Resources)
Building Act 1984	S61(2)	Repair etc., of drain	Executive Director (Legal & Democratic Services)
	S78	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	Executive Director (Legal & Democratic Services)
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Chief Executive
Local Elections (Principal Areas) Rule 1986	Rule 50	Receipt from Returning Officer of names of persons elected to Council	Executive Director (Legal & Democratic Services)
	Rule 52	Receipt from Returning Officer of election documents	Executive Director (Legal & Democratic Services)
	Rule 51 - 54	Retention of election documents and making them available for public inspection	Executive Director (Legal & Democratic Services)
Elections	Representation of the People Act 1982	Registration Officer for any constituency or part of a constituency coterminous with or	Executive Director (Legal & Democratic Services)

		contained in the Council	
	Local Government Act 1972	Returning Officer for the election of Councillors for the Borough	Executive Director (Legal & Democratic Services)
	Representation of the People Act 1982	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	S114	Preparing reports in the case of unlawful expenditure	Executive Director (Resources)
	S116	Notifying auditor of meetings to consider reports under s114	Executive Director (Resources)
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Executive Director (Legal & Democratic Services)
	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	Executive Director (Legal & Democratic Services)

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Amended at the Annual General Meeting May 2024

	S19	Members interests – notification	Executive Director (Legal & Democratic Services)
	S3 /3A	Certifying that a post is or is not politically restricted	Executive Director (Legal & Democratic Services)
Environmental Protection Act 1990	S149	Stray dogs	Executive Director (Environment)
Local Authority (Members Allowances) Regulations 1991	R14	Receipt of notice from members electing to forego entitlement to allowances	Executive Director (Legal & Democratic Services)
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Executive Director (Legal & Democratic Services)
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	Chief Executive
The Local Authorities (Standing Orders) (England) Regulations 2000	Regs 3 and 4 and Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive
Regulation of Investigatory Powers Act 2000	Part II of the Act	Appointment to act as the Senior Responsible Officer	Executive Director (Legal & Democratic Services)
Local Government Act 2000	S81	Maintaining a register of members financial and other interests	Executive Director (Legal & Democratic Services)

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[REPORT TO:		Annual General Meeting	
DATE:		15th May 2025	
PORTFOLIO:		Leader of the Council	
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Annual Constitution Update	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	

## 1. Purpose of Report

- 1.1 To propose a number of updates to the Council's written constitution following the annual review of the same.

## 2. Recommendations

- 2.1 That Council agrees to adopt the revised Council Procedure Rules attached at Appendix 1 to this report (with proposed amendments shown in red);

## 3. Reasons for Recommendations and Background

- 3.1 The Council is required by law to have a written constitution. The Council's written constitution is reviewed regularly and a copy of the constitution is available on the Council's website. A review of the constitution is undertaken annually to:

(i) ensure the constitution accurately reflects the Council's political management arrangements; and

(ii) ensure the constitution reflects changes to the law, staffing structures and best practice guidance;

### 3.2 **Council Procedure Rules**

The Council Procedure Rules are the rules of procedure for Council meetings. Proposed amended Procedure Rules are attached at Appendix 1 to this report, with the changes shown in red. In summary, the changes are as follows:

- The Council hasn't appointed a chair of council business for some years, so the provisions relating to the same have been deleted;
- The Council hasn't had a petition scheme for some years, so reference to the same has been deleted;
- It is proposed that members of the public should raise questions at Council via their ward councillor, rather than having the right to submit questions directly. However, it is proposed that more time is allowed for the submission of questions by changing the deadline to two clear days before the Council meeting;
- It is proposed that motions on notice will need to be signed by three councillors (i.e. a mover, seconder and one other), a reduction from the current five;
- It is proposed that an Altham Parish Council representative may speak at Planning Committee in respect of planning applications within the Parish of Altham provided the Chair of the Planning Committee gives consent.

3.3 Members will be offered training on the Council's decision-making processes. This will cover constitutional requirements, as well as legal requirements for sound and lawful decisionmaking

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

4.1 None, although members could chose to reject any of the proposed amendments and retain the current version of these documents whilst the proposed amendments are reconsidered.

#### **5. Consultations**

5.1 The Council's controlling group has been consulted re the proposed changes to the Council Procedure Rules.

#### **6. Implications**

<b>Financial implications (including mainstreaming)</b>	None.
<b>Legal and human rights implications</b>	None. However, it is part of good governance to keep the constitution under regular review and up to date.
<b>Assessment of risk</b>	None

<b>Equality and diversity implications</b> <i>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.</i>	None identified.
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**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.

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## **A. COUNCIL PROCEDURE RULES**

### **CONTENTS**

#### **Rule**

- A1. Annual meeting of the Council
- A2. Ordinary meetings
- A3. Extraordinary meetings
- A4. Notice of and summons to meetings
- A5. Chair of meeting
- A6. Quorum
- A7. Duration of meeting
- A8. Questions by members
- A9. Motions on notice
- A10. Motions without notice
- A11. Amendments to motions
- A12. Alteration and withdrawal of motions
- A13. Motions which may be moved during debate
- A14. Rules of debate
- A15. Previous decisions and motions
- A16. Voting
- A17. Minutes
- A18. Record of attendance
- A19. Exclusion of public
- A20. Members' conduct
- A21. Disturbance by public
- A22. Suspension and amendment of Council Procedure Rules
- A23. Mayor, Deputy Mayor and Chair of Council Business
- A24. Council Urgency Procedure
- A25. Petitions

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Amended at the Annual General Meeting in May 2025

A26. Rules applying to committees

A26.2	Delegation to Committees and Sub-Committees
A26.6	Committee urgency procedure (including Area Councils)
A26.7	Attendance by Leader and Deputy
A26.8	Appointment of Substitutes
A26.9	Quorum (of Committees and Sub-Committees)
A26.10	Rules applying to Planning Committee
A26.11	Attendance at Committees
A26.12	Extraordinary Committee Meetings

A27. Disclosable pecuniary interests

## A1. ANNUAL MEETING OF THE COUNCIL

### 1.1 Timing

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 shall be agreed by, and may be changed with the consent of the Chief Executive.

### 1.2 Business

The annual meeting will:

- (i) elect the Mayor;
- (ii) elect the Deputy Mayor;

(iii) approve the minutes of the last meeting;

(iv) receive any announcements from the Mayor, Leader of the Council and/or the Chief Executive;

(v) elect the Leader of the Council;

(vi) (at the option of the Leader) receive a report from the Leader of the Council confirming the appointment of members of the Cabinet and the allocation of portfolio's;

(vii) appoint such Committees and Sub-Committees as the Council considers appropriate (including at least one overview and scrutiny committee) and determine their size and terms of reference;

(viii) decide the allocation of seats on Committees and Sub-Committees in accordance with the political balance rules and appoint each Committee and Sub-Committee, including the Chair and Vice Chair;

(ix) make appointments to outside bodies where this is the responsibility of the Council;

(x) agree the scheme of delegation of non-executive functions;

(xi) if Council wishes, agree a protocol for the conduct of ordinary meetings of the Council

(xii) approve a programme of ordinary meetings of the Council for the year;

(xiii) consider any other business set out in the notice convening the meeting.

**Deleted:** elect the Chair of Council Business (who shall act as the chair of the meeting instead of the Mayor) if required for the municipal year in question)

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**Deleted:** <#>agree the appointment of, or the process for the appointment of, one or more Vice Chairs of Council Business (if required for the municipal year in question)¶

<#>¶  
<#>[If a Chair of Council Business has been appointed the Mayor or Deputy Mayor shall then retire from the chair and the Chair of Council Business shall assume the chair for the remainder of the business]¶

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## A2. ORDINARY MEETINGS

### 2.1 Timing

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.

## 2.2 Business

Subject to Rule 2.3, ordinary meetings will:-

- (i) elect a person to preside in the absence of the Mayor and Deputy Mayor ;
- (ii) receive any declarations of interest and apologies for absence from members;
- (iii) receive any announcements from the Mayor, Leader, or the Chief Executive;

**Deleted:** (or Chair and Vice Chair(s) of Council Business if appointed for the municipal year in question)

- (iv) approve the minutes of the last meeting;
- (v) deal with any business from the last Council meeting;
- (vi) hold a Question Time with questions limited to the functions of the Council (which will last for up to 30 minutes).

**Deleted:** [If a Chair of Council Business has been appointed the Mayor or Deputy Mayor shall then retire from the chair and the Chair of Council Business shall assume the chair for the remainder of the business]

Questions for the Leader of the Council, a member of the Cabinet or a committee chair may be submitted by councillors, Members of the public wishing to ask a question must do so by asking one of their ward councillors to raise the question, although ward councillors are not obliged to agree to such requests.

**Deleted:** or members of the public

Questions must be submitted in writing or by electronic mail to the Chief Executive at least two clear days in advance of the meeting and must be received by twelve noon on the last day for receipt of the question. "Clear days" means working days and excludes the day the question was received and the day of the meeting.

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Questions will be set out in the agenda for the meeting

Questions will be put by the chair of the meeting and will be taken in the order in which they are received by the Chief Executive and will receive an oral answer. Questions that cannot be put within the allotted time will receive a written answer within 10 working days.

A member may put only one question to each meeting, except with the consent of the Chair, but may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

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The Chief Executive or the Mayor (as chair of the Council) may reject a question if it:

**Deleted:** Each question submitted by a member of the public must give the name and address of the questioner. A member of the public may put only one question to each meeting, except with the consent of the Chair.¶

- i) is not about a matter for which the Council has a responsibility or which affects Hyndburn
- ii) is defamatory, frivolous or offensive
- iii) is substantially the same as a question which has been put at a meeting of the Council in the last 6 months
- iv) requires the disclosure of confidential or exempt information

Questions must, in the opinion of the Chief Executive, or the Mayor, contain no expression of opinion.

(vii) consider any business requiring a Council decision and specified in the summons to the meeting

(viii)

(viii) receive a report from a Cabinet member in respect of his / her portfolio area. The Cabinet member will be allowed up to 10 minutes to present the report, then up to 10 minutes will be allowed for questions, then the Leader may comment on the report for up to 5 minutes and then the Cabinet member will have up to 5 minutes to sum up.

(ix) receive the minutes of Cabinet for information and comment only. The minutes will be moved and seconded. Cabinet members may respond to any points raised in debate and will be allowed up to 5 minutes each. At the end of the debate the Leader will have up to 15 minutes to comment and answer any questions raised on the Cabinet minutes;

(x) receive the minutes of the Council's committees for information and comment only. The Leader will introduce the minute book as a whole. The chair of the relevant Committee may respond to any points raised in the debate and the Leader will close the debate.

(xi) consider motions of which notice has been given under Rule A9;

(xii) receive a report from the chair of the Overview and Scrutiny Committee in respect of the Committee's activities. The chair will be allowed up to 5 minutes to present his / her report, then up to 5 minutes will be allowed for questions and the chair will then be allowed up to 5 minutes to sum up;

(xiii) receive an MP's report (up to 15 minutes)

(xiv) receive a presentation from an external speaker at the invitation of the Chief Executive, in consultation with the Leader of the Council and Mayor (up to 15 minutes), followed by a question and answer session, up to 15 minutes, with provision to extend the time, with the consent of the meeting.

(xv) consider any other item of business which in the opinion of the chair of the meeting must be considered as a matter of urgency.

**Deleted:** receive any petitions for debate in accordance with the Council's Petitions Scheme

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### 2.3 Budget Council meeting

The meeting of the Council designated as the budget council meeting shall deal with the following items of business:

- a. items (i) to (iv) in Rule 2.2 above
- b. the Council's prudential indicators and treasury management strategy for the next following financial year
- c. the Council's medium term financial strategy
- d. proposals for the Council's revenue budget and capital programme for the next following financial year

and no additional item of business shall be considered without the agreement of the Chief Executive (following consultation with the Leader of the Council and the leader of the main opposition group) that the item is urgent and cannot reasonably wait until the next scheduled ordinary meeting of the Council.

## 2.4 Variation of order of business

The chair of the meeting may, particularly if members of the public are present, make any necessary introductions and explanations. Business falling under (i) - (iv) above shall not be displaced but otherwise the order of other items may be varied

- by the chair at his or her discretion; or
- by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## A3. EXTRAORDINARY MEETINGS

### 3.1 Timing

Those listed below may request the Chief Executive to call an extra-ordinary meeting of the Council at any time:-

- (i) the Mayor;
- (ii) the Leader;
- (iii) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; and
- (iv) the Monitoring Officer or Section 151 Officer pursuant to their statutory powers.

### 3.2 Any call for an extra-ordinary meeting should be in writing and must specify the business for which it is called and be signed by the person(s) making the request.

On receiving a call for an extra-ordinary meeting the Chief Executive will summon a meeting in accordance with Rule A4 only if s/he is satisfied that the proposed business is genuinely urgent and cannot reasonably wait until the next scheduled ordinary meeting of the Council.

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### 3.3 Business

The summons to all extraordinary meetings shall set out the business to be considered and no business other than that set out in the summons may be considered at that meeting, except that the chair may in his absolute discretion permit other items of business to be considered for the efficient discharge of the Council's business.

## A4. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meetings of Council in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by an appropriate method. If the member has given consent for the summons to be transmitted in electronic form, it will be sent by email to the member's designated email address. Otherwise, the summons will be posted to, or left at, the member's usual place of residence, or at an

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address specified by him or her. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

"Clear days" means working days and excludes the day the notice is given and the day of the meeting

#### A5. CHAIR OF MEETING

- 5.1 The person presiding at the meeting may exercise any power or duty of the chair.
- 5.2 Whenever the chair speaks during a meeting a member then speaking shall be silent.
- 5.3 The ruling of the chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion. Members raising a point of order must when doing so indicate which Procedure Rule or law they believe has been broken
- 5.4 The ruling of the chair as to the construction or application of any of these Rules, or on any issue (whether or not specifically regulated by these Rules) arising out of the proceedings at a meeting, shall not be challenged.
- 5.5 ~~The Mayor will preside over Council meetings. In the absence of the Mayor, the Deputy Mayor shall preside. If both the Mayor and the Deputy Mayor are absent the Council will select another member to preside at the meeting.~~

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**Deleted:** If a Chair of Council Business has been appointed for the municipal year in question, the Mayor shall preside over the civic part of the agenda and the Chair of Council Business will preside over the business items on the agenda, in accordance with Rules 1.2 and 2.2. If the Chair of Council Business is absent a Deputy Chair of Council Business will preside in his or her place. If all are absent the Council will select another member to preside

#### A6. QUORUM

- 6.1 The quorum of a meeting will be one quarter of the whole number of members.
- 6.2 If during any meeting of the Council or a Committee the chair after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the chair at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the Council or Committee.

#### A7. DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, all Council meetings shall adjourn at 10.00 pm. Subject to paragraph 9.6, remaining business will be considered at a time and date fixed by the chair and, if he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### A8. QUESTIONS BY MEMBERS

##### 8.1 On reports and minutes

A member of the Council may ask the Leader any question without notice upon an item in a report of the Cabinet when that item is being received or is under consideration by the Council and may ask the chair of a Committee any question without notice upon an item in

a report from that Committee when that item is being received or is under consideration by the Council.

A member of the Council may ask the Leader of the Council any question without notice arising out of minutes of meetings of the Cabinet when those minutes are being received by the Council and may ask the Chair of a Committee any question without notice arising out of the minutes of that Committee when those minutes are being received by the Council

## **A9. MOTIONS ON NOTICE**

### **9.1 Notice**

Except for motions which can be moved without notice under Rule A10, written notice of every motion must:

- a) be signed by the members of the Council giving the notice and each notice of motion must be given by a proposer, a seconder and ~~one~~ other member of the Council ; and
- b) be delivered to the Chief Executive not later than 5 clear days before the date of the meeting and be received by twelve noon on the last day for receipt of the motion.  
These will be entered in a book open to public inspection.

"Clear days" means working days and excludes the day the notice is given and the day of the meeting

### **9.2 Scope**

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

A motion cannot:

- (i) Ask the Council to take an executive decision; or
- (ii) Ask the Council to approve or amend a policy falling within the Council's policy framework unless the requirements of the Budget and Policy Framework Procedure Rules have been complied with in respect thereof;
- (iii) Ask the Council to take a decision without the benefit of advice on the technical, operational, legal, financial, staffing and / or equalities implications of the decision where, in the opinion of the Chief Executive, such advice is required in respect of at least of these issues to enable the Council to take a lawful decision (and such motions shall be deferred to the next meeting of the Council to enable such advice to be given).

### **9.3 Motion set out in agenda**

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

### **9.4 Motions not moved**

If a motion set out in the summons is not moved either by a member who gave notice thereof or by some other member on his or her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

### **9.5 Automatic reference to Committee**

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The following procedure shall apply where the subject matter of any motion of which notice has been given comes within the terms of reference of a committee.

After being moved and seconded, the notice of motion shall be referred without discussion to that committee unless the chair (at his/her discretion) considers it convenient and conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

#### **9.6 Timing of debate on motions**

Each motion shall be debated for no more than 20 minutes before being put to the vote.

No more than one and a half hours in totality shall be allowed at each Council meeting for the debate of the motions on the agenda. Any motions not debated by the close of the meeting shall be treated as withdrawn and shall not be moved without fresh notice.

### **A10. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body, committee or individual;
- (e) to appoint a Committee, working group or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 10.00 pm;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule A20.4 or to exclude them from the meeting under Rule A20.4;
- (q) to give the consent of the Council where its consent is required by this Constitution;

- (r) to extend the time limit for speeches.

#### **A11. AMENDMENTS TO MOTIONS**

- (1) An amendment to a motion must be relevant to the motion and will either be:
  - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words;as long as the effect of (b) to (d) is not to negate the motion.
- (2) Usually only one amendment may be moved and discussed at a time. However the chair may permit two or more amendments to be discussed together (but not voted upon) if he or she considers that this would allow the Council's business to be dealt with more effectively.
- (3) If an amendment is lost, other amendments may be moved on the original motion. If an amendment has been carried the motion as amended takes the place of the original motion. The Chair shall read out the amended motion before accepting any further amendments. No further amendment may be moved that would have the effect of reviving the original motion.

#### **A12. ALTERATION AND WITHDRAWAL OF MOTION**

- (a) The mover of a motion may with the consent of the meeting alter the motion if it has not yet been seconded. The meeting's consent will be signified without discussion.
- (b) The mover of a motion may alter a motion which he/she has moved and which has been seconded with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.
- (d) A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder (if any). The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **A13. MOTIONS WHICH MAY BE MOVED DURING DEBATE**

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

- (i) to withdraw a motion;
- (ii) to amend a motion;

- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn the meeting;
- (vii) that the meeting continue beyond 10.00 pm
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule A20.3 or to exclude them from the meeting under Rule A20.4.

#### **A14. RULES OF DEBATE**

##### **14.1 No speeches until motion or amendment moved and seconded**

A motion or amendment shall not be debated unless it has been moved and seconded

##### **14.2 Right to require motion or amendment in writing**

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

##### **14.3 Secunder's speech**

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

##### **14.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to Rule A2.2, no speech may exceed 10 minutes in the case of a mover of a motion and 5 minutes in all other cases, except by the consent of the chair.

##### **14.5 When a member may speak again**

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

- (i) to speak once on an amendment moved by another member;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (iv) in exercise of a right of reply;

- (v) on a point of order in accordance with Rule A14.8;
- (vi) by way of personal explanation in accordance with Rule A14.9;
- (vii) to answer a question raised by the chair or Chief Executive;
- (viii) to request the chair for clarification of a procedural issue related to the debate.

#### **14.6 Right of reply**

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

#### **14.7 Closure motions**

- (i) A member may move, without comment, the following motions at the end of a speech of another member;
  - (a) to proceed to the next business;
  - (b) that the question be now put;
  - (c) to adjourn the debate; or
  - (d) to adjourn the meeting.
- (ii) If a motion to proceed to next business is seconded and the chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (iii) If a motion that the question be now put is seconded and the chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **14.8 Point of order**

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

#### **14.9 Personal explanation**

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

### **A15. PREVIOUS DECISIONS AND MOTIONS**

#### **15.1 Motion to rescind a previous decision**

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

#### **15.2 Motion similar to one previously rejected**

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

NB: this Rule 15 does not apply to any motion to remove or change the Leader of the Council

### **A16. VOTING**

#### **16.1 Majority**

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

#### **16.2 Chair's casting vote**

If there are an equal number of votes for and against, the chair (or vice chair in the chair's absence) will have a second or casting vote. There will be no restriction on how the chair (or vice chair in the chair's absence) chooses to exercise a casting vote. In the absence of the chair and vice chair, the chair of the meeting shall have a second or casting vote and there shall similarly be no restriction on how this is exercised.

#### **16.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules A17.4 and A17.5, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **16.4 Ballots**

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

## 16.5 Recorded vote

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

## 16.6 Right to require individual vote to be recorded

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

## 16.7 Recorded votes at budget meetings

Immediately after any vote is taken on a budget decision at the budget decision meeting of the Council, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. This will include a recorded vote on any amendment proposed at the meeting.

For the purposes of this rule:

- (a) "budget decision meeting" means a meeting of the Council at which it –
  - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(a); or
  - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and
- (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.”;

## 16.8 Voting on appointments

- (ii) ~~Where more than one person is nominated for a position to be filled, the chair of the meeting will suggest a procedure to be followed to make the appointment.~~ If no member objects to this procedure it shall be adopted.

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

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**Deleted:** may if there are a large number of appointments to be made suggest that the procedure outlined in (1) above be dispensed with and that where there are more than two persons nominated the number of votes for each person nominated be recorded and that the person with the highest number of votes be appointed

**Deleted:** in preference to (1) above. If this procedure is adopted and two or more persons secure the highest number of votes and the chair does not exercise a casting vote, any person nominated who secured a lower number of votes shall be struck off the list and a fresh vote taken.

## A17. MINUTES

Minutes of meetings of Cabinet and Committees are presented to Council meeting for information as a basis for questioning and comment. There is no need for any motion or vote to receive them.

The chair will sign the minutes of the previous meeting as a correct record and the only part of the minutes that can be discussed is their accuracy.

## A18. RECORD OF ATTENDANCE

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

#### **A19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule A21 (Disturbance by Public).

#### **A20. MEMBERS' CONDUCT**

##### **20.1 Standing to speak**

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

##### **20.2 Chair standing**

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

##### **20.3 Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

##### **20.4 Member to leave the meeting**

If a member continues to behave improperly after a motion is carried under Rule A20.3, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

##### **20.5 General disturbance**

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

#### **A21. DISTURBANCE BY PUBLIC**

##### **21.1 Removal of member of the public**

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

##### **21.2 Clearance of part of meeting room**

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

## **A22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **22.1 Suspension**

All of these Council Rules of Procedure except Rule A16.6 may be suspended by motion on notice or without notice if at least one half of the members present at the meeting vote in favour. Suspension can only be for the duration of the meeting.

### **22.2 Amendment**

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

## **A23. MAYOR AND DEPUTY MAYOR**

### **23.1 Mayor**

- (i) 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 but no member may stand for a second consecutive term as Mayor.
- (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.
- (iv) The Mayor shall have precedence in the Borough, but not so as to prejudicially affect His 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.

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### **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.



- (iv) 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 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.

## **A24. COUNCIL URGENCY PROCEDURE**

Decisions within the terms of reference of the Council that cannot be deferred until the next scheduled ordinary meeting of the Council by reason of urgency may be taken by the Chief Executive under delegated powers following consultation with the following:

- (a) the Leader and Deputy Leader of the Council; and
- (b) the Leader and Deputy Leader of the political group with the next largest number of seats after the controlling group

provided that the Chief Executive may not exercise such delegated powers in respect of a decision for which an extraordinary meeting of the Council has been requested pursuant to Rule A3, even if the request for an extraordinary meeting is declined pursuant to Rule A3.2.

## **A25. PETITIONS**

At any one meeting of the Council no person may present more than one petition.

The following shall apply where a petition is referred to Council by the Leader of the Council or the Chief Executive:

- (i) the organiser of the petition (or their nominee) may speak for up to 5 minutes to present the petition to the Council
- (ii) the petition may then be debated for up to 20 minutes
- (iii) Leader of the Council will then have up to 5 minutes to sum up following the petition debate

The Council will decide how to respond to the petition at the meeting. Such response may include:

- i) taking the action the petition requests
- ii) declining to take the action the petition requests
- iii) requesting further investigation into the matter
- iv) making recommendations to Cabinet where the matter relates to an executive decision

The petition organiser will receive written confirmation of this decision.

## **A26. COMMITTEES**

### **Application to Committees and Sub-Committees**

- 26.1 Only Rules A2.3, A3.3, A5.2-5.4, A6.2, A8.1, A16-22.1 (but not Rule A20.1) and A26 apply to meetings of committees and sub-committees. Rules A16.5 and A16.6 shall not apply to the Planning Committee, Judicial Committee and Licensing Committee

**Delegation to Committees and Sub-Committees**

- 26.2 Matters delegated to a particular Committee or Sub-Committee will, in the absence of any contrary provision, and subject to Rule A26.3 below, be actionable immediately upon the committee granting the approval
- 26.3 Any item may be referred to the next meeting of the Council where either:
- (a) not less than 4 members of the committee (including the proposer and any member attending as a substitute) vote at the meeting to request a reference to Council; or
  - (b) not less than 7 members of the Council (in any combination of committee / non-committee members) submit a signed resolution addressed to the committee chair requesting a reference to Council
- 26.4 If a resolution under Rule A26.3 is carried, no action may be taken until the Council has considered the item. This is a request for "Reference to Council" and must be made before the item of business is discussed
- 26.5 The Council may, if appropriate, refer the issue back to the Committee or Sub-Committee for decision.

**26.6 Committee urgency procedure**

Decisions within the terms of reference of a Committee or Sub-Committee which cannot be deferred until the next scheduled meeting of the Committee or Sub-Committee by reason of urgency may be taken by the Chief Executive (or the Deputy Chief Executive if the Chief Executive is unavailable or unable to act) under delegated powers following consultation with the chair and vice chair of the Committee or Sub-Committee, plus the main spokesperson for each political group represented on the Committee or Sub-Committee.

**26.7 Attendance by Leader and Deputy**

The Leader and Deputy Leader of the Council may attend meetings of all Committees and Sub-Committees where this is permitted by law and may address the meeting once without leave and thereafter only with the consent of the chair of the meeting.

**26.8 Appointment of Substitutes**

The following rules shall apply so as to permit the substitution of reserve members for members who are unable to attend Committee meetings.

- a The Council shall, when appointing Committees, appoint to each of them reserve members who may act as members of a Committee only when nominated in accordance with these rules, provided that no reserve members may be appointed in respect of the Standards Committee.
- b The reserve members shall be divided into lists for each Committee which shall include all members of the Council not serving on that particular body.
- c A member of a Committee shall, if he wishes a reserve member to attend a meeting of that committee in his or her place, give the Chief Executive written or oral notice before the time arranged for the start of that meeting that he or she is unable to attend and that the reserve member named in the substitution notice or orally will attend in his or her place.

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- d The effect of such substitution notices shall be that the member giving the notice shall cease to be a member of that committee for the duration of that meeting and for the duration of any adjournment of it, and that the reserve member shall be a full member of the committee for the same period.
- e A written or oral substitution notice, once given in respect of a meeting of a committee, may not be revoked in respect of such meeting, or any adjournment of it.
- f The member giving notice under (c) above shall be responsible for notifying the relevant reserve member of the substitution and for passing on the relevant agenda and reports.
- g A reserve member arriving during the course of a committee or sub-committee meeting may take part in the meeting but may only vote on items for which they have been present throughout. The reserve member must declare themselves as such upon arrival at the meeting and must confirm the name of the member for whom they acting as a reserve member.

#### 26.9 Quorum

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the committee is present.

Provided that in no case shall the quorum of a Committee be less than four members, except in the case of the Audit Committee, the Judicial Committee (Private Hire and Hackney Carriage Licensing), the Management Review Committee and the Standards Committee where the quorum shall be not less than 3 members.

#### 26.10 Rules applying to Planning Committee

The public shall have the right to address the Planning Committee in respect of individual planning applications subject to the following rules:

- 26.10.1 The number of members of the public speaking in respect of each major planning application (as defined by Regulations) shall be limited to two on behalf of the applicant / agent for the applicant and two others;
- 26.10.2 The number of members of the public speaking in respect of any other planning application shall be limited to one on behalf of the applicant / applicant's agent and one other;
- 26.10.3 In addition to the above, Ward Councillors (who are not members of the Planning Committee) will be given the right to speak on a planning application in their ward or township of which their ward forms part, and will be allowed up to five minutes. These rights are subject to the Ward Councillor's obligations under the Code of Conduct, whereby if he/she has a disclosable pecuniary interest in the application, he/she will be unable to speak (unless he/she has obtained a dispensation from Standards Committee).
- 26.10.4 In addition to the above, a properly nominated representative of Altham Parish Council may, with the consent of the Chair, speak in respect of planning applications within the boundary of the Parish of Altham for up to five minutes.
- 26.10.5 Each person addressing the Planning Committee pursuant to Procedure Rules 26.10.1 to 26.10.3 above may speak for up to five minutes only and they shall be invited to do so by the Chair immediately after the application has been presented to the Committee by the planning officer and they shall speak in the following order:

"other" speaker

Altham Parish Council (if Rule 26.10.4 applies)

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applicant / applicant's agent

- 26.10.5. Applications to address the Planning Committee shall be allocated on a first come first served basis prior to the meeting of the Planning Committee and only those whose names have been notified to the Chair at the start of the meeting of each Committee shall be permitted to speak

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#### 26.11 Attendance at Committees

A member of the Council may attend as an observer any meeting of a committee of which he or she is not a member. He or she may not engage in debate or discussion or vote, but may speak by way of explanation on any matter of which the chair has been previously notified.

#### 26.12 Extraordinary Committee Meetings

- (i) The chair of a committee may call an extraordinary meeting of the committee at any time;
- (ii) An extraordinary meeting of a committee shall also be called by the Chief Executive on the requisition of a quarter of the total membership of the committee or four members whichever is greater.
- (iii) The summons to the special meeting will set out the business to be considered and no other business other than that set out in the summons may be considered at the meeting.

#### A27. DISCLOSABLE PECUNIARY INTERESTS

A member of the Council with a disclosable pecuniary interest in any matter to be considered, or being considered, at a meeting of the Council, or Cabinet, or a committee, sub-committee, joint committee or joint sub-committee of the Council, shall withdraw from the room where the meeting is being held whenever it becomes apparent that the matter in which the member has a disclosable pecuniary interest is being considered unless the member has obtained a dispensation from the Council's Standards Committee.

<b>REPORT TO:</b>		Annual Council Meeting	
<b>DATE:</b>		15 May 2025	
<b>REPORT AUTHOR:</b>		Jane Ellis, Executive Director	
<b>TITLE OF REPORT:</b>		Annual Review Of The Planning And Licensing Codes Of Practice	
<b>EXEMPT REPORT:</b>	<b>No</b>		
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	n/a

## 1. Purpose of Report

- 1.1 To seek approval for the Council's planning and licensing codes of practice following an annual review of the same.

## 2. Recommendations

- 2.1 That Council approves the 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, Licensing and Judicial Committees in respect of their respective code of practice as soon as possible in the new municipal year and requires all members of those Committees to attend training prior to serving on the relevant Committee 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 councillors involved in the planning and licensing processes. These are complex areas, involving quasi-judicial decision-making and where there is a real risk of legal challenge, whether on appeal or via judicial review. The proposed 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 The codes were significantly amended a couple of years ago and therefore no changes to the codes are proposed this year.
- 3.3 In accordance with the Council's Member Development Strategy 2020-2027, councillors sitting on the Planning, Licensing and Judicial Committees are required to have undergone training each year before they serve on their respective Committees and take part in decision making.
- 3.4 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 approval of the same. 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, bias and predetermination. 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.

#### **6. Implications**

<b>Financial implications (including mainstreaming)</b>	None anticipated – it is proposed that the briefing sessions will be presented by Legal Services staff alongside Planning and Licensing colleagues. If an external trainer is proposed instead, a suitable budget will be identified before any booking is made.
<b>Legal and human rights implications</b>	There is no legal requirement to have separate codes of practice for members involved in the Council's planning and licensing functions, but it is recommended as good practice and helps to reduce the risk of legal challenge to the Council's decision-making in these areas.
<b>Assessment of risk</b>	None. The codes are intended to reduce the risk of legal challenge to the Council's decisions.
<b>Equality and diversity implications</b> <i>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.</i>	None identified.

#### **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.

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**HYNDBURN BOROUGH COUNCIL**  
**MEMBERS PLANNING CODE OF GOOD PRACTICE**

**A summary of some key points:**

- This Planning Code of Good Practice is supplementary to the Members Code of Conduct, which applies to Members at all times.
- Planning Committees are “quasi-judicial” proceedings and the principle of natural justice applies – everyone has the right to a fair hearing, and the decision-making process must always be fair, and must be seen to be fair by all involved.
  - Individuals must be afforded a fair opportunity to present their case.
  - A decision maker should have no pecuniary or proprietary interest in the outcome of the proceedings and must not be suspected or show a likelihood of bias or predetermination.
- You should not take part in a decision if:
  - You have made up your mind beforehand or indicated to others that you have done so (predetermination);
  - You have a personal interest in the application that comprises your ability to give the application a fair hearing, or gives the impression that you are prejudiced one way or the other (bias); or
  - You have a Disclosable Pecuniary interest in the matter.
- Be as open as possible about your interests, your actions and your decisions, and be prepared to give reasons for your actions and decisions.
- You can be predisposed towards a particular outcome provided that you don't have a closed mind and you are willing to listen to and consider everything presented to the Committee before you reach a final decision.
  - If you indicate a predisposition to anyone, always make it clear that you are still open to hearing all the evidence before making a final decision.
  - Always consider how what you say and do would look to others.
- Avoid being lobbied and having contact with interested parties where possible, but where it isn't possible make it clear that you must remain open minded, and then report it to the Chief Planning and Transportation Officer.
- Political Group Meetings must never dictate how Members should vote on a planning application.
- Take account of relevant advice from the Council's statutory and other professional officers, taking all relevant information into consideration, remain objective and make decisions on merit.
- You must make decisions in accordance with planning law, all relevant planning policies and all material considerations, such as the NPPF.
  - There is always a presumption in favour of the Councils development/local plan, underpinned by national policy. In order to make a decision against the local plan, there must be strong material considerations which you believe outweigh the local plan.
  - If you are proposing, seconding or supporting a decision contrary to officer recommendation or the development plan you must clearly identify and understand the planning reasons leading to this decision, and these reasons must be recorded.

*This summary sheet is designed to provide an overview only, and should be read in conjunction with the rest of this Code of Good Practice.*



**HYNDBURN BOROUGH COUNCIL**  
**MEMBERS PLANNING CODE OF GOOD PRACTICE**

**1. INTRODUCTION**

- 1.1. The aim of this Code of Good Practice** is to make sure that the planning process is fair, open and conducted in accordance with all relevant planning policy, and to ensure that there can be no grounds for suggesting that any decision has been affected by bias, predetermination or is unreasonable in any way.
- 1.2. 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 entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you do not predetermine any application. You must weigh up all material considerations and give fair regard to all relevant points raised, both in the Officer's report and presentation and by any person addressing the Planning Committee, with an open mind before making any decision.
- 1.3. 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.
- 1.4. 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.**
- 1.5. If you do not abide by this Code of Good Practice** your conduct may lead to the legal challenge of a Planning Committee decision, or invoke a finding of maladministration by the Local Government Ombudsman. 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. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- 2.1. You must apply the rules in the Members' Code of Conduct first, as they must always be complied with. This includes the rules on Personal Interests, Disclosable Pecuniary Interests and Conflicts of Interest, as well as the general rules contained therein.
- 2.2. 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.

## 3. DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

- 3.1. 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 to 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.
- 3.2. In addition, a Member should always seek to act with integrity when reaching a decision, 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**".*

### 3.3. Disclosable Pecuniary Interests

- 3.3.1. Disclosable Pecuniary Interests are dealt with in detail in the Members' Code of Conduct and this section should be read in conjunction with the rules set out therein. In short, a Disclosable Pecuniary Interest is an interest of yourself or your partner in employment, office, trade, profession, sponsorship, contract, land, licenses, corporate tenancies or securities.
- 3.3.2. 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 (unless you have obtained a dispensation from the Standards Committee that permits you to speak on the item).

- You must not participate in any vote taken on the matter at the meeting (unless you have obtained a dispensation from the Standards Committee that permits you to vote on the item).
- 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 should leave the meeting room whilst the matter in which you have a Disclosable Pecuniary Interest is being discussed and voted on.

3.3.3. The Members' Code of Conduct explains how failure to comply with the requirements relating to Disclosable Pecuniary Interests can amount to a criminal offence.

3.3.4. There are specific rights for Ward Members to speak at Planning Committee meetings on applications within their wards. However, even if 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.

3.3.5. Any ward member who does not have a Disclosable Pecuniary Interest or other conflict of interest of any description may address the Planning Committee in the same way as a member of the public i.e. by registering to speak. In such cases Members who are also Members of the Planning Committee should remove themselves from the seating area reserved for Members of the Committee.

### **3.4. Personal Interests**

3.4.1. Personal Interests are also dealt with in detail in the Members' Code of Conduct and again this section should be read in conjunction with the rules set out therein. A Personal Interest can be any interest, no matter how small, that a Member may have in any business of the Council.

3.4.2. If you have, or think that you might have a Personal Interest in any planning matter before the Council / Planning Committee then you must disclose that interest at the commencement of the meeting, or as soon as the interest becomes apparent. You do not, however, have to leave the meeting and you may still be able to take part in the discussion and voting, provided you are satisfied that the interest will not affect your ability to deal with the matter fairly and with an open-mind, nor can it reasonably be perceived to do so.

3.4.3. You should notify the Monitoring Officer in writing of any personal planning applications / proposals that you submit to the Council. This notification

should be given to the Monitoring Officer no later than submission of the application.

3.4.3.1. The proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers.

3.4.3.2. 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 Member 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 own planning application.

3.4.3.3. You must not sit on the Committee nor take part in any discussion or voting. You may wish to leave the meeting room altogether whilst the item is heard.

3.4.4 If you have a private interest in a matter before the Planning Committee you may consider that the only way to resolve any conflict of interest, and for the sake of the matter appearing to be fair and free from any bias, is not to vote or even participate in any discussion.

3.4.5 Any Member may make a written request to refer an application to Planning Committee, such request must be in writing giving planning reasons for the referral and must be made within 14 days of the planning application first being included on the weekly list of such applications.

#### **4. PREDISPOSITION, PREDETERMINATION AND BIAS**

4.1. “**Predetermination**” occurs where a Member’s mind is closed to the merits of any arguments relating to a particular application and the Member makes a decision without taking them into account.

4.2. “**Bias**” occurs where a Member has a clear inclination or prejudice for or against one person or group relating to a particular application in a way that can be considered to be unfair.

4.3. Do not limit your discretion or appear to limit your discretion, and therefore limit 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 Planning Committee and hearing the officer’s presentation and evidence and all of the arguments for both sides of a decision.

4.4. 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 a legal challenge on the grounds of there being a danger of bias or predetermination, or a failure to take into account all of the factors enabling the proposal to be considered properly and fairly on its planning merits.

4.5. 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. You are entitled to have a “**predisposition**” towards a particular outcome, and even indicate your likely voting intentions, provided that you don’t have a closed mind and you are willing to listen to and consider all arguments and points being made on a matter before you reach a final decision.

4.6. 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”.***

4.7. Members are able to publicise their views on issues, indicate their likely voting intentions and engage fully with their local communities (as this will help Members to better represent their constituents and enrich local debate) without this affecting participation in the Planning Committee’s formal decision-making process, provided that Members go into the Planning Committee meeting with an open mind, being prepared to listen to all of the facts, evidence and arguments presented before making a final decision.

4.7.1. In order to confirm this is the case the Chairman of the Planning Committee may ask a Member to confirm whether or not they still have an open mind in respect of any application to be considered.

4.7.2. If you do indicate that you are predisposed towards a particular outcome or state that based on what you have currently heard you are of a certain opinion, at any time before the Planning Committee votes on a particular matter you should always make it clear when doing so that you are still open to hearing all the evidence/arguments/debate before making a final decision.

4.7.3. If you are a Member of the Planning Committee it is permissible to speak on any item being heard 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 Planning Committee and who is willing to speak on behalf of the residents.

4.7.4. If you have formed such a strong view on an item yourself that you feel unable to take part in the Committee decision then, subject to the rules on Interests, you may stand down from the Planning Committee and speak as a member of the public on behalf of residents.

4.8. Members are able to take part in any debate on a proposal when acting as part of a consultee body outside of their duties for this Council (where you are also a member of a Parish Council, for example, or both the Borough and County Council), provided that:

- The proposal does not substantially affect the well-being or financial standing of the consultee body; and
- 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 Planning Committee, and you must hear all of the relevant information;
  - You will not in any way commit yourself as to how you or others may vote when the proposal comes before the Planning Committee, and;
  - You disclose the Personal Interest regarding your membership or role when the Planning Committee comes to consider the proposal.

4.9. Do not speak and vote on a proposal where you have openly and uncompromisingly limited your discretion for example by commenting in a newspaper or on social media that you will never support an application. You do not have to withdraw from the meeting room, but you may prefer to do so for the sake of appearances. You should explain that you do not intend to speak or vote because you have or you could reasonably be perceived as having predetermined the matter elsewhere, so that this may be recorded in the minutes.

4.10 In determining whether there is an appearance of predetermination 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?***

4.11 When applying this test it is important to remember that it is legitimate for a Member to be predisposed towards a specific outcome as long as the Member remains open minded and is prepared to consider all the arguments and points



made before reaching a final decision, however you must not do or say anything that could appear to others as though you have a closed mind.

## **5 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS**

- 5.1 If any applicant, developer, objector or other interested party approaches you as a Member of the Planning Committee you should, as far as is practicable, discourage them from speaking to you in relation to any individual planning application or any other matter which may give rise to a planning application. You should always refer them to Council officers for planning, procedural or technical advice.
- 5.2 Do not 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.
- 5.3 The Council officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action. They will also ensure that the meeting is properly recorded on the application file and that the record of the meeting is disclosed when the application is considered by the Planning Committee.
- 5.4 Otherwise when contacted you should:
- follow the Council's guidance on lobbying (see section 6 below);
  - take notes wherever possible,
  - ask relevant questions for the purposes of clarifying your understanding but remember this is not part of the formal process of debate and determination of any subsequent application,
  - do not express any strong view or state how you or other Members might vote, and;
  - report to the Chief Planning and Transportation Officer any significant contact with the applicant and any other interested parties, explaining the nature and purpose of the contact and your involvement in it, and ensure that this is recorded on the planning file.

## **6 LOBBYING OF COUNCILLORS**

- 6.1 Always 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 Planning Committee's decision making process.
- 6.2 In such cases it may be advisable to refer those lobbying you to another Ward Member.
- 6.3 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, you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 6.4 Do not 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 register the gift or hospitality where its value is over £100 in accordance with the Members' Code of Conduct.
- 6.5 Always copy or pass on any lobbying correspondence that you receive to the Chief Planning and Transportation Officer at the earliest opportunity, and you should promptly refer to the Chief Planning and Transportation Officer any offers made to you of planning gain or constraint of development.
- 6.6 If you believe that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) you should promptly inform the Monitoring Officer.
- 6.7 Unless you have a Disclosable 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 predetermination of the issue and you make clear that you are keeping an open mind;
  - seeking information through the appropriate channels.

## **7 LOBBYING BY COUNCILLORS**

- 7.1 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 any planning proposals. If you do you will have restricted your discretion and will have a Personal Interest.

- 7.2 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 you should 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.
- 7.3 Be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.
- 7.4 Do not 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.
- 7.5 Do not 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.
- 7.6 It is not permissible for your political party to expect you to follow any position it may have taken on an application prior to the Planning Committee. It is important that each Member of the Planning Committee forms their own view on applications after considering officer advice and any representations.

## **8 SITE VISITS**

- 8.1 Try to attend site visits organised by the Council where possible.
- 8.2 Do not 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 due to 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.
- 8.3 Any information which you gained from the site visit should be reported back to the Committee, so that all Members have the same information.
- 8.4 Ensure that you treat the site visit only as an opportunity to obtain information and to observe the site. No debate on the planning merits of the case should take place during the site visit.
- 8.5 During the site visit you may ask questions or seek clarification from the officers on matters which are relevant to the site inspection.

- 8.6 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 Council 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 determination.
- 8.7 During the site visit avoid giving any express opinions or views to anyone.
- 8.8 Do not 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 and you are unable to attend 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 that you comply with these good practice rules on any such site visits.

## **9 PUBLIC SPEAKING AT MEETINGS**

- 9.1 Do not allow members of the public to communicate with you during the Planning Committee's proceedings (orally or in writing including social media) other than through the scheme for public speaking, as this may give the appearance of bias.
- 9.2 Do not participate in social media or exchanges by texting as a Member of the Committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.
- 9.3 Always ensure that you comply with the Council's procedures in respect of public speaking, and seek clarification from officers if you are unsure of these procedures.
- 9.4 Members should be aware that Planning Committee meetings are open to the public, and so any member of the public is entitled to record the meeting from the moment that it has commenced to the moment the meeting concludes.

## **10 OFFICERS**

- 10.1 Do not 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.
- 10.2 You should 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.

- 10.3 You should also 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 Planning Committee or its Members.

## **11 DECISION MAKING**

- 11.1 If you request a proposal to go before the Planning Committee rather than be determined through officer delegation, your reasons for doing so should be recorded and repeated in the report to the Committee.
- 11.2 You must always come to Planning Committee meetings with an open mind and you should be able to demonstrate that you are open minded.
- 11.3 You must make decisions in accordance with section 70 of the Town and Country Planning Act 1990 (as amended), all relevant planning policies and all material considerations, such as the National Planning Policy Framework.
- 11.3.1 Planning decisions are constrained by the need to operate within the law and to give proper weight to policy. Planning decisions need to be taken on an authority wide basis – often putting the desires of local people second to the need to work within the authority's overall policy framework.
- 11.3.2 There is always a presumption in favour of the Councils development/local plan, underpinned by national policy. In order to make a decision against the local plan, there must be strong material considerations which you believe outweigh the local plan.
- 11.4 You should come to your decision only after due consideration of all of 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, you should request that further information be provided, or if necessary defer or refuse the application.

- 11.5 Do not vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, any public speakers and the officers' introduction to the matter. If you come in to Planning Committee late and public speaking has already commenced on an item, or if you have to leave the room part way through an item being heard, you will not be able to vote on that item. Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote.
- 11.6 You must record the reasons for any Planning Committee decision to defer the determination of an application.
- 11.7 You must make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the **planning reasons** leading to this conclusion/decision. These reasons must be given prior to the vote and they must be recorded. Be aware that you may have to justify the resulting decision by giving evidence at an appeal, in the event of any legal challenge.

## **12 TRAINING**

- 12.1 Members are required to attend any training prescribed by the Council before they participate in decision making at meetings dealing with planning matters.
- 12.2 You should 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.
- 12.3 You should participate in any review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

## **13 GENERAL**

This Planning 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.



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**HYNDBURN BOROUGH COUNCIL**  
**MEMBERS LICENSING CODE OF GOOD PRACTICE**

**A summary of some key points:**

- This Licensing Code of Good Practice is supplementary to the Members Code of Conduct, which applies to Members at all times.
- Licensing Committees are “quasi-judicial” proceedings and the principle of natural justice applies – everyone has the right to a fair hearing, and the decision-making process must always be fair, and must be seen to be fair.
  - Individuals must be afforded a fair opportunity to present their case.
  - A decision maker should have no pecuniary or proprietary interest in the outcome of the proceedings and must not be suspected or show a likelihood of bias or predetermination.
- You should not take part in a decision if:
  - You have made up your mind beforehand or indicated to others that you have done so (predetermination);
  - You have a personal interest in the matter before the Committee that comprises your ability to give it a fair hearing, or gives the impression that you are prejudiced one way or the other (bias); or
  - You have a Disclosable Pecuniary interest in the matter.
- Be as open as possible about your interests, your actions and your decisions, and be prepared to give reasons for your actions and decisions.
- You can be predisposed towards a particular outcome provided that you don't have a closed mind and you are willing to listen to and consider everything presented to the Committee before you reach a final decision.
  - If you indicate a predisposition to anyone, always make it clear that you are still open to hearing all the evidence before making a final decision.
  - Always consider how what you say and do will look to others.
- Avoid being lobbied and having contact with interested parties where possible, but where it isn't possible make it clear that you must remain open minded, and then report the contact to the Head of Licensing.
- Political Group Meetings should never dictate how Members should vote on a licensing matter.
- Take account of relevant advice from the Council's statutory and other professional officers, taking all relevant information into consideration, remain objective and make decisions on merit.
- You must make decisions having regard to all of the relevant statutory criteria, policy and guidance relating to the determination of the matter.
  - If you are proposing, seconding or supporting a decision contrary to the licensing objectives, officer recommendations, statutory guidance or any relevant policies, then you must be satisfied that there are exceptional circumstances and justifiable reasons to do so and you must clearly identify and understand the licensing reasons leading to this decision, which must be recorded.

*This summary sheet is designed to provide an overview only, and should be read in conjunction with the rest of this Code of Good Practice.*

**HYNDBURN BOROUGH COUNCIL**  
**MEMBERS LICENSING CODE OF GOOD PRACTICE**

**1. INTRODUCTION**

- 1.1. The aim of this Code of Good Practice** is to make sure that the licensing process is fair, open and conducted in accordance with all relevant licensing law and policy, and to ensure that there can be no grounds for suggesting that any decision has been affected by bias, predetermination or is unreasonable in any way.
- 1.2. Your role as a Member of the Licensing and/or Judicial Committee** is to make licensing decisions openly, impartially, with sound judgement and for legally justifiable reasons. You are entitled to be predisposed to make licensing decisions in accordance with your political views and policies provided that you do not predetermine any particular matter. You must weigh up all the relevant factors and give fair regard to all relevant points raised, both in the Officer's report and presentation and by any person addressing the Committee, with an open mind before making any decision.
- 1.3. This Code applies to Members at all times when they are involved in the licensing process.** It applies to the conduct of Members appointed to both the Licensing and the Judicial Committee, including any sub-committee of those Committees. It applies to the taking part in Committee meetings of the Council when it is determining licensing matters, and also when you are involved on less formal occasions, such as meetings with officers or the public and consultative meetings.
- 1.4. 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.**
- 1.5. If you do not abide by this Code of Good Practice** your conduct may lead to the legal challenge of a Licensing/Judicial Committee decision, or invoke a finding of maladministration by the Local Government Ombudsman. 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. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- 2.1. You must apply the rules in the Members' Code of Conduct first, as they must always be complied with. This includes the rules on Personal Interests, Disclosable Pecuniary Interests and Conflicts of Interest, as well as the general rules contained therein.
- 2.2. You should then apply the rules in this Licensing Code of Good Practice, which explains and supplements the Members' Code of Conduct with specific reference to dealing with licensing matters.

## 3. INTERESTS

- 3.1. 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 to 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.

- 3.1.1. It is advisable for any Member to decline to sit on a Licensing or Judicial Committee if one of his or her friends, for example, is making an application or an objection.

- 3.1.2. Any Member that has substantial interests, or other interests that would prevent taking part or voting on a regular basis, should avoid membership of the Licensing and/or Judicial Committees.

- 3.2. In addition, a Member should always seek to act with integrity when reaching a decision, 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**".*

### 3.3. Disclosable Pecuniary Interests

- 3.3.1. Disclosable Pecuniary Interests are dealt with in detail in the Members' Code of Conduct and this section should be read in conjunction with the rules set out therein. In short, a Disclosable Pecuniary Interest is an interest of yourself or your partner in employment, office, trade, profession, sponsorship, contract, land, licenses, corporate tenancies or securities.

3.3.2. If you have a Disclosable Pecuniary Interest in any matter that is being considered by the Council / Licensing or Judicial Committee;

- You must not participate in any discussion of the matter at the meeting (unless you have obtained a dispensation from the Standards Committee that permits you to speak on the item).
- You must not participate in any vote taken on the matter at the meeting (unless you have obtained a dispensation from the Standards Committee that permits you to vote on the item).
- 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 should leave the meeting room whilst the matter in which you have a Disclosable Pecuniary Interest is being discussed and voted on.

3.3.3. The Members' Code of Conduct explains how failure to comply with the requirements relating to Disclosable Pecuniary Interests can amount to a criminal offence.

### **3.4. Personal Interests**

3.4.1. Personal Interests are also dealt with in detail in the Members' Code of Conduct and again this section should be read in conjunction with the rules set out therein. A Personal Interest can be any interest, no matter how small, that a Member may have in any matter before the Council.

3.4.2. If you have, or think that you might have a Personal Interest in any planning matter before the Council / Licensing and/or Judicial Committee then you must disclose that interest at the commencement of the meeting, or as soon as the interest becomes apparent. You do not, however, have to leave the meeting and you may still be able to take part in the discussion and voting, provided that you are satisfied that the interest will not affect your ability to deal with the matter fairly and with an open-mind, nor can it reasonably be perceived to do so.

3.4.3. You should notify the Monitoring Officer in writing of any personal licensing applications that you submit to the Council. This notification should be given to the Monitoring Officer no later than submission of the application.

3.4.3.1 The proposal should always be reported to the Committee as a main item and not dealt with by officers under delegated powers.

- 3.4.3.2 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 Committee meeting. 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 Member 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 own licensing application.
- 3.4.3.3 You must not sit on the Committee nor take part in any discussion or voting. You may wish to leave the meeting room altogether whilst the item is heard.
- 3.4.4. If you have a private interest in a matter before the Licensing and/or Judicial Committee you may consider that the only way to resolve any conflict of interest, and for the sake of the matter appearing to be fair and free from any bias, is not to vote or even participate in any discussion.
- 3.4.5. Any Member that is not a member of the Licensing or Judicial Committee and speaks at a meeting of one of those Committees on a particular item should, when addressing the Committee, make it clear whether that Member is speaking in their capacity as an interested party (as defined by section 13 of the Licensing Act 2003) or as a representative of interested parties.

#### **4. PREDISPOSITION, PREDETERMINATION AND BIAS**

- 4.1. “**Predetermination**” occurs where a Member’s mind is closed to the merits of any arguments relating to a particular matter and the Member makes a decision without taking them into account.
- 4.2. “**Bias**” occurs where a Member has a clear inclination or prejudice for or against one person or group relating to a particular item in a way that can be considered to be unfair.
- 4.3. Do not limit your discretion or appear to limit your discretion, and therefore limit 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 at the meeting of the Licensing or Judicial Committee and hearing the officer’s presentation and evidence and all of the arguments for both sides of a decision.
- 4.4. 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 a legal challenge on the grounds of there being a danger of bias or predetermination, or a failure to

take into account all of the factors enabling the proposal to be considered properly and fairly and on genuine licensing grounds.

4.5. 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. You are entitled to have a “**predisposition**” towards a particular outcome, and even indicate your likely voting intentions, provided that you don’t have a closed mind and you are willing to listen to and consider all arguments and points being made on a matter before you reach a final decision.

4.6. 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”.***

4.7. Members are able to publicise their views on issues, indicate their likely voting intentions and engage fully with their local communities (as this will help Members to better represent their constituents and enrich local debate) without this affecting participation in the Licensing and/or Judicial Committee’s formal decision-making process, provided that Members go into the Committee meeting with an open mind, being prepared to listen to all of the facts, evidence and arguments presented before making a final decision.

4.7.1. In order to confirm this is the case the Chairman of the particular Committee meeting may ask a Member to confirm whether or not they still have an open mind in respect of any application to be considered.

4.7.2. If you do indicate that you are predisposed towards a particular outcome or state that based on what you have currently heard you are of a certain opinion, at any time before the Committee votes on a particular matter then you should always make it clear when doing so that you are still open to hearing all the evidence/arguments/debate before making a final decision.

4.7.3. If you are a Member of the Licensing and/or Judicial Committee it is permissible to speak on any item being heard 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.

4.7.4. If you have formed such a strong view on an item yourself that you feel unable to take part in the Committee decision then, subject to the rules on

Interests, you may stand down from the Committee and speak as a member of the public on behalf of residents.

4.8. Members are able to take part in any debate on a matter when acting as part of a consultee body outside of their duties for this Council (where you are also a member of a Parish Council, for example, or both the Borough and County Council), provided that:

- The matter does not substantially affect the well-being or financial standing of the consultee body; and
- 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 matter, 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 must hear all of the relevant information;
  - 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 Committee comes to consider the matter.

4.9. Do not speak or vote on a matter where you have openly and uncompromisingly limited your discretion for example by commenting in a newspaper or on social media that you will never support an application. You do not have to withdraw from the meeting room, but you may prefer to do so for the sake of appearances. You should explain that you do not intend to speak or vote because you have or you could reasonably be perceived as having predetermined the matter elsewhere, so that this may be recorded in the minutes.

4.10. In determining whether there is an appearance of predetermination 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?***

4.11. When applying this test it is important to remember that it is legitimate for a Member to be predisposed towards a specific outcome as long as the Member remains open minded and is prepared to consider all the arguments and points made before reaching a final decision, however you must not do or say anything that could appear to others as though you have a closed mind.

## **5. CONTACT WITH APPLICANTS, OBJECTORS AND OTHER INTERESTED PARTIES**

5.1. If any applicant, objector or other interested party approaches you as a Member of the Licensing and/or Judicial Committee you should, as far as is practicable, discourage them from speaking to you in relation to any individual application or any other matter which may give rise to a licensing application. You should always refer them to Council officers for licensing, procedural or technical advice.

5.2. Do not agree to any request (other than from the Council's Head of Licensing) to attend a meeting with applicants, objectors or other interested parties 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 ask the Head of Licensing to organise it.

5.2.1. A Council officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action. They will also ensure that the meeting is properly recorded on the relevant file and that the record of the meeting is disclosed when the matter is considered by the Committee.

5.3. Otherwise when contacted you should:

- follow the Council's guidance on lobbying (see section 6 below);
- take notes wherever possible,
- ask relevant questions for the purposes of clarifying your understanding but remember this is not part of the formal process of debate and determination of any subsequent application,
- do not express any strong view or state how you or other Members might vote, and;
- report to the Head of Licensing any significant contact with the applicant and any other interested parties, explaining the nature and purpose of the contact and your involvement in it, and ensure that this is recorded on the file.

## **6. LOBBYING OF COUNCILLORS**

6.1. Always 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 Licensing or



Judicial Committee's decision making process. In such cases it may be advisable to refer those lobbying you to another Ward Member.

- 6.2. 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, you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 6.3. Do not accept gifts or hospitality from any person involved in or affected by a licensing matter. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and register the gift or hospitality where its value is over £100 in accordance with the Members' Code of Conduct.
- 6.4. Always copy or pass on any lobbying correspondence that you receive to the Head of Licensing at the earliest opportunity, and you should promptly refer to the Head of Licensing any offers of any kind made to you.
- 6.5. If you believe that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) you should promptly inform the Monitoring Officer.
- 6.6. Unless you have a Disclosable Pecuniary Interest, you will not have compromised your discretion or breached this Licensing Code of Good Practice through:
  - listening to 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 predetermination of the issue and you make clear that you are keeping an open mind;
  - seeking information through the appropriate channels.

## **7. LOBBYING BY COUNCILLORS**

- 7.1. If you are a Member of the Licensing and/or Judicial 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 any licensing matters. If you do you will have restricted your discretion and will have a Personal Interest.
- 7.2. You may join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing matters, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should disclose a Personal Interest where that organisation has made representations on a particular matter 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 matter.

- 7.3. Be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.
- 7.4. Do not 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 licensing decision is to be taken.
- 7.5. Do not decide or discuss how to vote on any matter 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 licensing issue.
- 7.6 It is not permissible for your political party to expect you to follow any position it may have taken on an application prior to the Licensing or Judicial Committee. It is important that each Member of the Licensing and/or Judicial Committee forms their own view on applications after considering officer advice and any representations.

## **8. PUBLIC SPEAKING AT MEETINGS**

- 8.1. Do not allow members of the public to communicate with you during the Licensing and/or Judicial Committee's proceedings (orally or in writing including social media) other than through any official scheme for public speaking, as this may give the appearance of bias.
- 8.2 Do not participate in social media or exchanges by texting as a Member of the Committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias
- 8.3 Always ensure that you comply with the Council's procedures in respect of public speaking, and seek clarification from officers if you are unsure of these procedures.

## **9. OFFICERS**

- 9.1. Do not put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Head of Licensing which may be incorporated into any committee report.
- 9.2. You should recognise that officers are part of a management structure and only discuss a licensing matter, 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 matter at a Member level.

- 9.3. You should also recognise and respect that officers involved in the processing and determination of licensing matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct. As a result, licensing officers' views and recommendations will be presented on the basis of their professional opinion, which may on occasion be at odds with the views, opinions or decisions of the Licensing and/or Judicial Committee or its Members.

## **10. DECISION MAKING**

- 10.1 You must always come to Licensing and/or Judicial Committee meetings with an open mind and you should be able to demonstrate that you are open minded.

10.1.1 Questions should be asked only to ascertain facts to assist in the decision-making process and not to seek to enhance or reduce a point of view.

10.1.2 All parties concerned are provided with an opportunity to put their case to the Committee in accordance with Regulations and the Council's own policies and procedures. However, if a party does not attend Committee then a decision may be taken in their absence.

- 10.2 You must make decisions having regard to all of the relevant statutory criteria, policy and guidance relating to the determination of the application.

- 10.3 You should come to your decision only after due consideration of all of 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, you should request that further information be provided, or if necessary defer or refuse the application. The reason for deferring any item must be recorded.

- 10.4 Do not vote or take part in the meeting's discussion on a matter unless you have been present to hear the entire debate, any public speakers and the officers' introduction to the matter. If you come in to Licensing or Judicial Committee late and public speaking has already commenced on an item, or if you have to leave the room part way through an item being heard, you will not be able to vote on that item.

- 10.5 If any matter is adjourned when it is part heard then, save for exceptional circumstances, it must be heard by the same Members when it is next before the Committee.

- 10.6 You must make sure that if you are proposing, seconding or supporting a decision contrary to the licensing objectives, contrary to officer recommendations, contrary to any statutory guidance or contrary to any relevant policies adopted by the Council, that you clearly identify and understand the **licensing reasons** leading to this conclusion/decision. These reasons must be given prior to the vote and they must be recorded. Be aware that you may have to justify the resulting decision by giving evidence at an appeal, in the event of any legal challenge.
- 10.7 In order to reach a decision that is contrary to the licensing objectives, statutory guidance or any relevant policies adopted by the Council you must be satisfied that there are exceptional circumstances and justifiable reasons that are relevant to licensing to do so. Again, you must clearly identify and understand the licensing reasons and be able to explain why you have given them such weight so as to reach this conclusion/decision, and you should again be aware that you may have to justify the decision by giving evidence at an appeal, in the event of any legal challenge.
- 10.8 When Members of the Licensing and/or Judicial Committee move into private session to deliberate a matter before them they will only be accompanied by the Democratic Services Officer and the Legal Advisor, neither of whom will take any part in the debate nor in the decision making process.

## **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 licensing matters.
- 11.2 You should endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures etc. beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- 11.3 You should participate in any review of a sample of licensing decisions to ensure that Members' judgements have been based on proper licensing considerations.

## **12 GENERAL**

This Licensing 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.



## NOTICE OF MEETINGS 2025-2026

<u>Date</u>	<u>Meeting</u>	<u>Time</u>	<u>Venue</u>
<i>Monday, 5th May, 2025</i>	<i>Bank Holiday - May Day</i>		
<b>Thursday, 15th May, 2025</b>	<b>Council (AGM)</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
<i>Monday, 26th May, 2025</i>	<i>Bank Holiday - Spring</i>		
<b>Saturday, 31st May, 2025</b>	<b>Council (Mayor-Making)</b>	<b>10.00 a.m.</b>	<b>Council Chamber</b>
Wednesday, 11th June, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday, 18th June, 2025	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 23rd June, 2025	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Tuesday 8th July, 2025	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 9th July, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<b>Thursday, 10th July, 2025</b>	<b>Council</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
Monday, 14th July, 2025	Resources Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 16th July, 2025	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 30th July, 2025	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Wednesday, 20th August, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<i>Monday, 25th August, 2025</i>	<i>Bank Holiday - Summer</i>		
Wednesday, 3rd September, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday, 10th September, 2025	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 22nd September, 2025	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
<b>Thursday, 25th September, 2025</b>	<b>Council</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
Tuesday, 30th September, 2025	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 1st October, 2025	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Thursday, 16th October, 2025	Standards Committee	3.00 p.m.	QER, Scaitcliffe House
Monday, 13th October, 2025	Resources Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 15th October, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday, 22nd October, 2025	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Wednesday, 12th November, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<b>Thursday, 13th November, 2025</b>	<b>Council</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
Wednesday, 19th November, 2025	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Tuesday, 25th November, 2025	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Monday, 1st December, 2025	Resources Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 3rd December, 2025	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 8th December, 2025	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 17th December, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<i>Thursday, 25th December, 2025</i>	<i>Bank Holiday - Christmas Day</i>		
<i>Friday, 26th December, 2025</i>	<i>Bank Holiday - Boxing Day</i>		
<i>Thursday, 1st January, 2026</i>	<i>Bank Holiday - New Years Day</i>		
Wednesday, 14th January, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<b>Thursday, 15th January, 2026</b>	<b>Council</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
Wednesday, 21st January, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Wednesday, 11th February, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday 18th February, 2026	Cabinet (Draft Budget)	5.00 p.m.	QER, Scaitcliffe House
Monday, 23rd February, 2026	Resources Overview and Scrutiny Committee (Budget Meeting)	4.00 p.m.	QER, Scaitcliffe House
<b>Thursday, 26th February, 2026</b>	<b>Council (Budget)</b>	<b>7.30pm</b>	<b>Council Chamber</b>
Monday, 9th March, 2026	Resources, Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 11th March, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Tuesday, 17th March, 2026	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 18th March, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 23rd March, 2026	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 25th March, 2026	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
<b>Thursday, 26th March, 2026</b>	<b>Council</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
<i>Friday, 3rd April 2026</i>	<i>Bank Holiday - Good Friday</i>		
<i>Monday, 6th April, 2026</i>	<i>Bank Holiday - Easter Monday</i>		
Wedensday, 15th April, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<i>Monday, 4th May, 2026</i>	<i>Early May Bank Holiday</i>		
<i>Thursday, 7th May, 2026</i>	<i>Local Elections</i>		
<b>Thursday, 21st May, 2026</b>	<b>Council (AGM)</b>	<b>7.00 p.m.</b>	<b>Council Chamber</b>
<i>Monday 25th May, 2026</i>	<i>Bank Holiday - Spring</i>		
<b>Saturday, 6th June, 2026</b>	<b>Council (Mayor Making)</b>	<b>10.00 a.m.</b>	<b>Council Chamber</b>

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REPORT TO:		Annual Council Meeting	
DATE:			
REPORT AUTHOR:		Rachael Calvert, Senior Democratic Services Officer	
TITLE OF REPORT:		Record of Attendance at Council Meetings 2024/25	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	n/a

## 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 26<sup>th</sup> 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 26<sup>th</sup> 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 on the basis of its possible incompatibility with guidance and legislation – 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 2024/25.

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

- 4.1 Minutes of Council meetings 2024/25 and attendance data recorded in the modern.gov system.

**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 2024-2025

(Listed in alphabetical order)

There were a total of 8 Council meetings in the Municipal Year 2024/25 and the attendance record of each Councillor is as follows.

KEY:

Y= Attended, N= Non Attendance

Councillor x35	23 <sup>rd</sup> May AGM 2024	29 <sup>th</sup> June 2024	11 <sup>th</sup> July 2024	26 <sup>th</sup> Sept 2024	7 <sup>th</sup> Nov 2024	16 <sup>th</sup> Jan 2025	27 <sup>th</sup> Feb 2025	27 <sup>th</sup> Mar 2025	Total Max. = 8 Meetings	% for ALL Committees
Addison	Y	Y	Y	Y	Y	Y	Y	Y	8	100
Alexander	Y	Y	Y	Y	Y	Y	Y	Y	8	96
Allen	Y	Y	Y	Y	Y	N	Y	Y	7	86
Anderson	Y	Y	Y	Y	Y	Y	N	Y	7	79
Aziz	Y	Y	Y	Y	Y	Y	Y	Y	8	85
Booth	Y	Y	Y	Y	Y	Y	Y	Y	8	100
Brerton	Y	Y	Y	Y	N	Y	Y	Y	7	82
Button	Y	Y	Y	Y	N	Y	Y	N	6	79
Cassidy	Y	N	Y	Y	Y	Y	Y	Y	7	86
Clegg	Y	N	Y	Y	Y	Y	N	N	5	79
Clements	Y	Y	Y	Y	Y	Y	Y	Y	8	71
L. Cox	Y	N	Y	Y	Y	Y	Y	Y	7	82
P. Cox	N	N	Y	Y	Y	Y	N	Y	5	71
Dad	Y	Y	Y	Y	Y	Y	Y	Y	8	100
Dawson	Y	Y	Y	Y	Y	Y	N	Y	7	97
Eaves	Y	Y	Y	Y	Y	Y	Y	Y	8	100
Edwards	N	N	Y	Y	Y	Y	Y	Y	6	86
Fazal	Y	N	Y	Y	Y	Y	Y	N	6	78
Fisher	Y	Y	Y	Y	Y	Y	Y	Y	8	92
Gilbert	Y	Y	Y	N	Y	Y	Y	Y	7	89
Haworth	Y	N	Y	Y	Y	Y	Y	N	6	60
Heap	n/a	n/a	n/a	n/a	n/a	n/a	Y	Y	2	100
Khan	Y	N	Y	Y	Y	Y	Y	Y	7	89
McKenna	Y	Y	Y	Y	Y	Y	Y	N	7	67
Parkins	Y	Y	Y	Y	Y	Y	Y	Y	8	100
Plummer	Y	N	N	N	N	N	Y	Y	3	41
Pratt	Y	N	N	Y	Y	N	Y	Y	5	67
Pritchard	Y	N	Y	Y	N	Y	Y	Y	6	71
Rawcliffe	Y	Y	Y	N	Y	N	Y	Y	6	72
Smithson	Y	N	Y	Y	Y	Y	Y	Y	7	88
Walker	Y	N	Y	Y	Y	Y	Y	Y	7	73
Walsh	Y	Y	N	N	Y	Y	Y	Y	6	88
Whitehead	Y	Y	Y	Y	Y	Y	Y	Y	8	75
Yates	Y	N	Y	Y	Y	Y	Y	Y	7	71
Younis	Y	N	Y	Y	N	Y	N	Y	5	64

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