

Agenda



HYNDBURN

The place to be
an excellent council

Council

Thursday, 28 May 2026 at 7.00 pm,
Council Chamber, Town Hall, Accrington

Membership

Councillors Judith Addison, Vanessa Alexander, Josh Allen, Heather Anderson, Sohail Asghar, Noordad Aziz, Mike Booth, Paul Brown, Stephen Button, Jodi Clements, Loraine Cox, Paul Cox, Munsif Dad BEM JP, Stewart Eaves, Shabir Fazal OBE, Melissa Fisher, Jordan Fox, Andy Gilbert, Gaynor Hargreaves, David Heap, Ashley Joynes, Zak Khan, Clare McKenna, Anthony Mitchell, Dave Parkins, Lance Parkinson, Miles Parkinson OBE, Kath Pratt, Clare Pritchard, Ethan Rawcliffe, Steven Smithson, Joel Tetlow, Tina Walker, Kate Walsh, Clare Yates and Mohammed Younis

AGENDA

1. Election of Mayor 2026/27

To elect the Mayor of the Borough for the Municipal Year 2026/27.

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, 20th June 2026 at 10.30am in the Council Chamber

2. Election of Deputy Mayor 2026/27

To elect a Deputy Mayor of the Borough for 2026/27.

3. Apologies for absence



Telephone Enquiries: Democratic Services, Democratic Services (01254)

380116/380109/380184

Email: memberservices@hyndburnbc.gov.uk

Published on Tuesday, 19 May 2026

Page 1 of 3

4. Declarations of Interest and Dispensations

5. Announcements

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

6. Confirmation of Minutes *(Pages 5 - 18)*

To confirm as correct records the minutes of the Council meeting and Special Council meeting both held on 26th March 2026.

7. Appointment of the Council Leader 2026/27 *(Pages 19 - 22)*

Report attached.

8. Declaration of the Returning Officer for the Local Elections on 7th May 2026
(Pages 23 - 24)

Report attached.

9. Appointment of Committees, Sub-Committees, Panels and Working Groups
(Pages 25 - 28)

Report attached.

10. Appointments to Outside Bodies *(Pages 29 - 32)*

Report attached.

11. Scheme of Delegation to Officers 2026/27 *(Pages 33 - 86)*

Report attached.

12. Annual Review of the Constitution *(Pages 87 - 134)*

Report attached.

13. Timetable of Meetings 2026/27 *(Pages 135 - 136)*

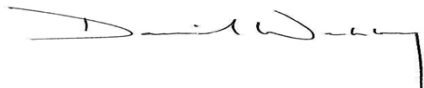
Schedule attached.

14. Record of Attendance at Council Meetings 2025/26 *(Pages 137 - 140)*

Report attached.

15. Non Attendance by Councillor for 6 Months *(Pages 141 - 142)*

Report attached.

A handwritten signature in black ink, appearing to read 'D. W. ...', with a long horizontal stroke and a vertical line at the end.

Chief Executive
Scaitcliffe House,
Ormerod Street,
ACCRINGTON BB5 OPF

Tuesday, 19 May 2026

This page is intentionally left blank

COUNCIL

Thursday, 26th March, 2026

Present: Councillor Josh Allen (Mayor), Councillors Judith Addison, Vanessa Alexander, Heather Anderson, Mike Booth, Scott Brerton, Danny Cassidy, Andrew Clegg, 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, Clare McKenna, Dave Parkins, Joyce Plummer, Clare Pritchard, Steven Smithson, Kate Walsh, Kimberley Whitehead, Clare Yates and Mohammed Younis

Apologies: Councillors Noordad Aziz, Stephen Button, Shabir Fazal OBE, Kath Pratt, Ethan Rawcliffe and Tina Walker

The Mayor welcomed everyone to the meeting. He remarked that time had flown by and that this would be his final full meeting as Chair. He also thanked everyone for their support and goodwill during his time in office.

A brief statement followed about the filming of proceedings and filming generally within the Town Hall, followed by a fire safety announcement.

The Mayor also highlighted the newly installed conference system and provided a brief introduction to the operation of the microphones.

365 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Stephen Button, Shabir Fazal OBE, Kath Pratt, Ethan Rawcliffe and Tina Walker. Apologies were also submitted on behalf of Councillor Noordad Aziz who was likely to miss the early part of the meeting due to travel issues. The meeting had, in fact, ended before the arrival of Councillor Aziz.

366 Declarations of Interest and Dispensations

There were no formal declarations of interest or declarations of dispensations submitted.

367 Announcements

The Mayor made the following announcements:

1) The Mayoral Year

Councillor Allen reiterated his thanks to members for their support during his mayoral year. He added that the task had not always been easy, but was grateful that his predecessor Councillor Booth had set the tone for respectful debate in the Council Chamber. He also thanked the officers for their guidance and confirmed that his year in the role had been memorable.

Looking towards the forthcoming local elections, the Mayor went on to thank those councillors who had decided not to stand for re-election in 2026 for their service and hard

work for the community. It was not easy to stand for public office and required heart, courage and passion.

The Mayor commented that he had planned a lengthy speech, but would find this very difficult to deliver. He referred to his deselection by the Conservative party in October, which he considered was due to a decision by two political colleagues present this evening. He had found this particularly hurtful, as he had been a party member for some 15 years, dedicating half of his life to the political cause. As a consequence, he announced his resignation from the Conservative political group on the Council with immediate effect. He also announced that he intended to stand as an independent candidate for the Immanuel ward at the local election.

The Mayor also placed on record his thanks to Councillors Zak Khan, Danny Cassidy and Judith Addison for their support throughout his time as a Conservative member and noted that it had been an honour to serve in that capacity. He finished by thanking the residents who had put their trust in a 20+ year old and joked that many had been kind enough to provide him with tea and biscuits when raising ward issues with him.

The Leader of the Council gave a message of support to the Mayor and noted that he had executed his role with courage and passion. He added that Councillor Allen's mother and grandfather (both now deceased) would have been proud to see him serve and to represent the Council as a whole at civic engagements. He wished him good fortune for the future.

Councillor Munsif Dad BEM JP then made the following announcements:

2) Diversity and Inclusivity

The Leader commented that these were difficult times for those in power, not just when shaping policy, but also around how people perceived each other. He believed that some political groups held views which were potentially divisive. Antisemitism and islamophobia seemed to be on the rise. One example of this was the criticism from some quarters about an open iftar event held in Trafalgar Square on 16th March 2026.

The UK was noted for welcoming all faiths. Citizens were encouraged not to let fear take over. Councillor Dad called for people to act with dignity and respect for others. Every person deserved to feel safe. It was important to challenge hateful rhetoric and to stand together.

3) Definition of Anti-Muslim Hostility

The Leader read out loud the Government's recent non-statutory definition of anti-Muslim hostility, which was as follows:

"Anti-Muslim hostility is intentionally engaging in, assisting or encouraging criminal acts – including acts of violence, vandalism, harassment, or intimidation, whether physical, verbal, written or electronically communicated – that are directed at Muslims because of their religion or at those who are perceived to be Muslim, including where that perception is based on assumptions about ethnicity, race or appearance.

It is also the prejudicial stereotyping of Muslims, or people perceived to be Muslim including because of their ethnic or racial backgrounds or their appearance, and treating them as a collective group defined by fixed and negative characteristics, with the intention of encouraging hatred against them, irrespective of their actual opinions, beliefs or actions as individuals.

It is engaging in unlawful discrimination where the relevant conduct – including the creation or use of practices and biases within institutions – is intended to disadvantage Muslims in public and economic life.”

The Government was committed to taking sustained action to keep Muslims safe. The Council welcomed the above approach, although considered that it did not go far enough. However, this was a good start.

4) Burtens Chambers and Accrington Market Hall

With the permission of the Mayor, the Leader of the Council invited Councillor Clare Pritchard, Portfolio Holder for Transformation and Town Centres to speak. Councillor Pritchard announced that the Council had recently awarded the contract for the fitting-out works at Burtens Chambers to Senator, which had its UK headquarters and local sites in Altham and Huncoat. This was a coup for the local economy and was potentially a greener solution.

The tender for the Accrington Market Hall refit would be out soon and it was equally hoped that local firms would apply.

5) Local Government Reorganisation

The Leader indicated that a press release had been issued by the Government yesterday about Local Government Reorganisation (LGR). The press release summarised the Government’s unitary proposals for each of the following areas who had submitted their various preferred options in 2025:

- East Sussex and Brighton and Hove (to be determined);
- Essex, Southend-on-Sea and Thurrock (5 unitary proposal);
- Hampshire, Isle of Wight, Portsmouth and Southampton (5 unitary proposal);
- Norfolk (3 unitary proposal);
- Suffolk (3 unitary proposal);
- West Sussex (to be determined).

Councillor Dad noted that the above outcomes were quite mixed. It was uncertain as to whether any predictions could be made in relation to the anticipated proposals for Lancashire, based on the decisions as outlined to date.

The Leader confirmed that he was continuing to work with the other Leaders and Chief Executives across Lancashire to drive LGR forward. The Leaders and senior officers from East Lancashire all attended frequent meetings and frank and constructive discussions were taking place.

6) Local Plan

The Leader indicated that the authority had submitted an expression of interest in January 2026 for additional Government grant funding to start the new Local Plan early under the new plan-making system. If successful, the Council would receive some £108k and would work proactively to deliver this.

7) Council Tax Arrears

With the permission of the Mayor, the Leader of the Council invited Councillor Clare Yates to speak on an initiative proposed by the Council's controlling group. Councillor Yates indicated that residents had brought some concerns to her attention around Council Tax and debt and had asked if councillors could look into the issue. The Labour group supported a position where:

- No resident should be pushed into deeper debt or distress because of how Council Tax arrears were managed.
- Enforcement measures should only ever be used as a genuine last resort.
- A compassionate, trauma informed, resident focused approach would improve communication, reduce long term debt, and increase sustainable repayment.
- The Council should explore all options to strengthen support for low-income residents, including examining the feasibility of moving towards a 100% Council Tax Support scheme, acknowledging the financial challenges but recognising the need for long term solutions.

Councillor Yates commenced reading a list of proposals developed by the Labour group. However, the Mayor ruled that the points proposed were, in fact, asking the Council to commit to a particular course of action and that the information provided did not, therefore, constitute an announcement. Councillor Khan enquired if the comments had been taken from a draft motion, which had had not met the eligibility criteria. The Leader acknowledged that the intention had been to bring a motion on this matter, however, given that the suggestions had come initially from residents, he had now asked officers to look directly into the issues raised.

8) Playgrounds Grant Funding

Councillor Dad announced that the Council had been allocated up to £270k in additional funding from the Government's £18m Playgrounds Fund, aimed at improving play areas for local communities. Hyndburn was one of 66 local authorities in the country to receive a share of this funding. The allocation was in addition to £250k Pride In Place Impact funding already committed within the Council's 2026/27 budget for improvements to play areas, with sites in Rishton and Accrington currently identified. Recent and current projects included the following:

- completed improvements at Rhyddings Park in Oswaldtwistle;
- works underway at Knuzden Play Area; and
- planned upgrades at Gatty Park in Accrington to commence imminently.

9) Retiring Councillors

The Leader thanked all councillors whose terms of office were due to expire following the forthcoming elections, including those who were seeking re-election and those who were retiring. He noted that Councillors Danny Cassidy, Andrew Clegg, Peter Edwards and Kimberley Whitehead had already made public their intention to stand down in May. He commented that all had served their resident well. For those who were seeking re-election he wished them good luck.

The Mayor also offered his thanks to those councillors seeking re-election, as it was not known if they would be successful. He indicated that whatever the outcome of the elections, members could be proud to have played a vital role in setting up Hyndburn for a positive future. David Welsby, Chief Executive, added his thanks to all councillors for their service. The role of a councillor was a difficult one and was becoming more difficult each day. He also thanked the Mayor and wished him well for the future.

With the agreement of the Mayor the following Councillors were given permission to speak:

- Councillor Zak Khan paid tribute to the Mayor and to his colleagues, Councillors Peter Edwards and Danny Cassidy.
- Councillor Kimberley Whitehead thanked the Mayor, the Leader of the Council, all other councillors and officers. She spoke about her increasing focus on her role as Deputy Police and Crime Commissioner for Lancashire and her personal history, which had led her to take a particular interest in that role. She paid tribute to Councillors Edward Blake and Marlene Haworth, who had sadly passed away during their terms of office. She also mentioned, the positive influence of her step-grandmother, Councillor Pam Barton (deceased). She recalled some of her own achievements, particularly around sporting matters, and shared some thoughts about what personal qualities were needed to be an effective councillor.
- Councillors Heather Anderson, Melissa Fisher, Clare Pritchard and Mohammed Younis all indicated their thanks to the Mayor and paid tribute to Councillors Cassidy, Clegg, Edwards, and Whitehead, as appropriate.
- Councillor Paul Cox wish all the retiring councillors well and paid tribute, in particular, to fellow ward councillor and close friend Andy Clegg.

368 Confirmation of Minutes

The Minutes of the Council meeting held on 26th February 2026 were provided.

Resolved - **That the Minutes of the meeting of the Council held on 26th February 2026 be approved as a correct record.**

369 Question Time

Two eligible questions had been received, which were set out in the report. The Mayor read out the questions as submitted.

1) Council Complaints Procedure

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor Scott Brerton on behalf of Mr Peter Shaw

“The Council’s complaints procedure is designed to refer a complaint to the Local Government Ombudsman if it is rejected at stage two. This effectively creates a third stage to the process.

The Ombudsman will only deal with cases which directly affect an individual or a group of people. This prevents complaints relating to Council practices and procedures being referred to a third stage.

Will the Council modify the complaints procedure to provide a third stage independent review that doesn’t need the Ombudsman to rule?”

Response: The Leader thanked Mr Shaw for his question. He stated that the Council took all complaints seriously and that the authority actively monitored them, with reports to both the Cabinet and Standards Committee and via the Local Government and Social Care Ombudsman (LGSCO) Annual Report. Generally, the number of formal complaints was low and the LGSCO had not raised any concerns with the authority

The complaints procedure had been reviewed a few years ago and a decision had been taken to reduce the number of internal stages from three to two. For most complaints a right of appeal to the LGSCO was available, effectively providing a third and final stage. To introduce a third stage for those limited complaints which were not within the remit of the LGSCO did not appear to be proportionate and could be particularly burdensome as staff planned for Local Government Reorganisation. The current approach was sound. However, a much larger successor unitary authority might have a more comprehensive complaints procedure and the additional resource to address the issue raised by Mr Shaw.

2) State of the Roads

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor Noordad Aziz on behalf of Rubina Kauser

“What can the Leader of the Council do about the state of the roads in Great Harwood and Hyndburn as they are just deteriorating with my car requiring constant repair?”

Response: The Leader indicated that for most councillors in Hyndburn the biggest area of case work was around potholes on the highway and other road related issues. Councillors were frequently asked why Lancashire County Council was not repairing them.

The County Council had millions of pounds available for highways works. Councillor Dad pondered why the roads were worse now than at any other time previously? He called upon the controlling Reform group to act to repair the roads. The Government had provided an extra £20m to Lancashire County Council, making some £64m available in total for highways maintenance. That Council had also raised its Council Tax for 2026/27. Reform claimed to be improving roads, however repairs were not being carried out and lack of illumination on the M65 from Blackburn to Colne was also a concern. In short, Lancashire’s roads were deteriorating. The Leader undertook to send a letter to the County Council setting out this Council’s views.

370 Draft Pay Policy 2026/27

Members considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, which presented a draft Pay Policy for 2026/27.

Councillor Alexander provided a brief introduction to the policy, which was a statutory requirement and provided a transparent approach to the setting of the pay of the Council’s employees.

The report noted that the Localism Act 2011 (Chapter 8 - Pay Accountability) required all local authorities to set out their position on a range of issues relating to the remuneration of their 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 be agreed and published on the Council’s website.**

371 Minutes of Cabinet

The minutes of the Cabinet meetings held on 21st January and 18th February 2026 were submitted.

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

372 Minutes of Committees

The Minutes of the following meetings were submitted:

Meeting (Municipal Year 2025/26)	Date
Special Scrutiny Committee	18 th November 2025
Communities and Wellbeing Overview and Scrutiny Committee	1 st December 2025
Resources Overview and Scrutiny Committee	10 th December 2025
Planning Committee	11 th February 2026
Audit Committee	16 th February 2026
Planning Committee	11 th March 2026

In respect of Minute 256 of the Resources Overview and Scrutiny Committee on 10th December 2026, Councillor Paul Cox commented that he and Councillor Andrew Clegg had asked when Milnshaw ward would be brought within the scope of an Article 4 direction. He was very pleased to see that this decision had now been implemented and thanked members of the Cabinet for their positive action.

The Leader thanked Councillor Cox for highlighting this matter and reminded members that 12 months ago an Article 4 direction had been agreed for 9 wards, to be implemented after a twelve months lead in period. At that time the controlling group had promised to review the case for extending Article 4 to other wards in the Borough. The Cabinet had kept this promise and had introduced an immediate Article 4 Direction at its last meeting on 18th March 2026.

In respect of Minute 337 of the Planning Committee on 11th March 2026, Councillor Dave Parkins apologised that he had not been able to attend that meeting due to his admission to hospital.

In respect of Minute 340 of the Planning Committee on 11th March 2026, Councillor Zak Khan commented that he had spoken against the application for a housing development on land off Blackburn Road, Oswaldtwistle. The Committee had subsequently decided to refuse that application, contrary to the officer recommendations. He noted that comments made after the meeting had levelled a criticism that his objection might have adverse financial consequences for the Council. Councillor Khan was of the view that this case illustrated that councillors had the ultimate responsibility locally for determining planning applications.

The Leader endorsed the above view that councillors made the final decision. However, he acknowledged that officers had a duty to outline potential risks, which they did by means of written recommendations. Councillors were elected and had a mandate to take decisions as appropriate, which included listening to the views of residents. The Planning Committee exercised its responsibilities based upon the evidence presented and was non-political in its approach.

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

373 Motion(s) submitted on Notice

No eligible Motions had been received on this occasion.

The Mayor asked members to remain seated, as he would proceed directly to the Special Meeting of the Council, which would follow immediately on the rising of this meeting.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

COUNCIL

Thursday, 26th March, 2026

Present: Councillor Josh Allen (Mayor), Councillors Judith Addison, Vanessa Alexander, Heather Anderson, Mike Booth, Scott Brerton, Danny Cassidy, Andrew Clegg, 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, Clare McKenna, Dave Parkins, Joyce Plummer, Clare Pritchard, Steven Smithson, Kate Walsh, Kimberley Whitehead, Clare Yates and Mohammed Younis

Apologies: Councillors Stephen Button, Shabir Fazal OBE, Kath Pratt, Ethan Rawcliffe and Tina Walker

374 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Stephen Button, Shabir Fazal OBE, Kath Pratt, Ethan Rawcliffe and Tina Walker. It was also reported that Councillor Noordad Aziz would miss the start of the meeting due to travel issues. Councillor Aziz arrived shortly thereafter.

375 Declarations of Interest and Dispensations

Councillors Judith Addison and Dave Parkins indicated a potential conflict of interest in respect of Recommendation 2.1 of the report at Agenda Item 3 in relation to the appointment of Freeman, in the light of their own nominations for this award. They undertook not to vote on this Recommendation.

There were no formal declarations of interest or declarations of dispensations submitted.

376 Appointment of Honorary Aldermen and Freeman

Members considered a report of Jane Ellis, Executive Director (Legal and Democratic Services), seeking approval to the appointment of new Aldermen and Freeman of the Borough for 2026 in respect of the following individuals:

Freemen

- Judith Addison
- Pam Barton (*deceased*)
- Anne Ellwood
- Saeeda Farooq
- Barbara Fielding
- Marlene Haworth (*deceased*)
- Gwen Mayor (*deceased*)
- Dave Parkins
- Tracy Simmonds
- Mohammed Yaseen

Aldermen

- June Harrison
- Susan Haworth
- Dorothy Westell

The report set out the following information

Freemen Appointments

To qualify for appointment as a Freeman the proposed recipient would have to be:

- (a) persons of distinction, or
- (b) persons who have, in the opinion of the authority, rendered eminent services to that place or area.

The individuals proposed were notable as follows:

Judith Addison

Judith had served Hyndburn Council for many years, first as a Local Land Charges Officer for over 28 years and then in her role as councillor, in which she was in her 16th year of service. Judith had served as Mayor in 2013 to 2014 and Mayoress in 2021 and 2022. In addition, Judith had served as a trustee of numerous charities, was a school governor and was a Licenced Lay Reader in Oswaldtwistle.

Judith had a wealth of knowledge, which she was always happy to share with those in need and consistently sought to help others with problems big and small.

Pam Barton (Deceased – May 2015)

Pam had served as a councillor for the Spring Hill ward for nearly 2 decades and had been passionate about serving her residents. Pam had been a friend to all and an ambassador for her community, fighting for local services such as the Accrington Victoria Walk-In Centre.

Pam had been appointed as the Mayor of Hyndburn in 2008 – 2009 and had raised a total of £23,275.00 during her mayoral year, which had been donated to MacMillan Cancer Support, Derian House and East Lancs Hospice.

Anne Ellwood

Anne had been a trustee for the Accrington Stanley Community Trust for 9 years and was now an Ambassador of the Trust. With 30 years working in sports, community development and leadership, Anne had played a key role in establishing major initiatives including Cancer Research UK's Race for Life, with the first 5k event held at Witton Country Park.

Anne had been the first woman in the North West to qualify as a Level 2 football coach, helping to break down barriers within the game and she continued to advocate for women's and girls' football.

Saeeda Farooq

Saeeda had established Aawaz in 1998. Located in Central Ward, Saeeda's vision had been to support women in her local community to feel valued and recognise their vital role in the lives of their families.

Aawaz, meaning Voice in Urdu, now supported Asian women across Lancashire and Nationally. Aawaz engaged with over 300 women every week and had subgroups in Preston, Lancaster and Pendle.

Saeeda's work through Aawaz had resulted in numerous successful projects such as Young Aawaz, which aimed to empower young women, and Mothering Earth which worked with Prospects to emphasise the importance of growing local food.

Barbara Fielding

Barbara had won World, European and British titles in archery and had broken countless records over the years.

Barbara was a passionate teacher and mentor to the next generation of archers and had supported many into the world of archery, including British Champions. Dedicating her own time and resources, Barbara's passion could be seen through her commitments to the sport.

Marlene Haworth (Deceased – February 2026)

Marlene had dedicated nearly 2 decades to serving St Oswald's Ward as a councillor. She had been the Leader of the Conservative party from 2020 – 2024 and the first Female Leader of the Council in 2023 – 2024. Marlene had been appointed as the Mayor of Hyndburn in 2015 – 2016.

Marlene dedicated herself to her residents and had left a lasting legacy.

Gwen Mayor (Deceased – March 1996)

Teacher Gwen had given her life trying to protect the children under her care during the Dunblane Massacre. The Gwen Mayor Memorial Trust now continued to recognise her bravery and carried on her work with children, by providing financial support for projects in connection with the arts, culture, music or sport. Gwen had been a passionate and dedicated educator, who had truly been committed to providing the very best for the pupils with whom she worked.

Gwen had also received the Elizabeth Emblem in 2025, recognising her heroic public service.

Dave Parkins

Dave had served as a councillor for more than 27 years. First elected in 1994, he had served Huncoat continuously for 2 decades, before returning for additional terms in 2018 and 2023. He had been appointed as the Mayor of Hyndburn in 2001 – 2002. Dave was a dedicated community representative who went above and beyond for his residents.

Tracy Simmonds

Tracy had launched Acorn Community News in 2011, showcasing local businesses, promoting charities and bringing awareness to local organisations.

Tracy had been one of the founders of the Hyndburn Heritage Museum, had been the President of Accrington Lions Charity twice and had taken an active role in helping local organisations to fundraise and secure sponsorships.

Mohammed Yaseen

Mohammed had worked to improve the health and wellbeing of Hyndburn Residents for over 40 years, working with numerous voluntary and community groups. A founding member and chairperson of the Hyndburn Black and Minority Ethnic Forum (BMEF), Mohammed had helped to build better community relations across the Borough.

Mohammed was a Chairperson of Scaitcliffe Community Centre, which had been serving local residents since 2001.

Aldermen Appointments

To qualify for appointment as an Aldermen the proposed recipient must have rendered eminent services to the Council as a past member of the Council, but must not currently be a member of the Council (section 249(1) Local Government Act 1972).

Additional guidance as to eligibility was provided in the Civic Protocol, including the following:

- 12 years' service.
- Consideration would be given to members not having 12 years' service but who had, during their years of office, held the title of Mayor, Mayoress, Consort, Leader of the Council or Leader of an Opposition group (providing the latter office had been held for three years or more).

The proposed recipients June Harrison, Susan Haworth and Dorothy Westell, all had lengthy and distinguished former service with the Council and/or were former Mayors or Mayoresses of the Borough. As such, they were all considered to meet the eligibility criteria.

Voting Requirements

The legislation required that a principal council might, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the honours as set out above.

The Mayor and Councillors Zak Khan, Noordad Aziz, Clare Pritchard, Andy Gilbert, Melissa Fisher, Mohammed Younis spoke in support of various nominees for the honour of Freeman of the Borough.

Councillors Munsif Dad, Zak Khan, Joyce Plummer, Clare Pritchard, spoke in support of various nominees for the honour of Aldermen.

Resolved

- (1) That in accordance with Section 249(5) of the Local Government Act 1972: Judith Addison, Pam Barton, Anne Ellwood, Saeeda Farooq, Barbara Fielding, Marlene Haworth, Gwen Mayor, Dave Parkins, Tracy Simmonds and Mohammed Yaseen be conferred with the title of Honorary Freeman of the Borough and be presented with the award at the**

Mayor Making Council on the 20th June 2026, or should that not prove possible due to the unavailability of the recipients or their representative, at some stage during the remainder of the Municipal Year 2026/27.

- (2) That in accordance with Section 249(1) of the Local Government Act 1972, the Council appoints the following as Aldermen: June Harrison, Susan Haworth and Dorothy Westell with the formal presentation to be made at the Mayor Making Council on 20th June 2026, or should that not prove possible due to the unavailability of the recipient, at some stage during the remainder of the Municipal Year 2026/27.**
- (3) That the Chief Executive, in consultation with the Leader of the Council, be authorised to make the necessary arrangements.**

The Mayor reminded members that the next meeting would be the Annual Council Meeting and that the date of the meeting had recently been altered from that published in the Schedule of Meetings and would now take place on Thursday 28th May 2026.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

This page is intentionally left blank

Agenda Item 7.

REPORT TO:		Council	
DATE:		28 May 2026	
REPORT AUTHOR:		Executive Director (Legal and Democratic Services)	
TITLE OF REPORT:		APPOINTMENT OF COUNCIL LEADER FOR 2026/27	
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 2027, 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 9th May 2011.
- 2.2 Under this arrangement, Council elected the Leader for a four-year term. The Localism Act 2011 subsequently took out the requirement 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 2026/27.
- 2.3 The Leader is responsible for –
- determining the size of the Cabinet (which must be a minimum of 3 councillors, up to a maximum of 10, including the Leader);
 - appointing the members of the Cabinet and appointing one of the Cabinet to be the statutory deputy leader of the Council;
 - allocating portfolios or areas of responsibility to the various Cabinet Members;
 - allocating decision-making powers to the Cabinet and to individual Cabinet Members; (although in Hyndburn the Cabinet makes all decisions collectively) 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 nominates a statutory Deputy Leader, who will exercise the Leader’s powers if the Leader is unable to act, or the post of leader 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 in turn and 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 as it operates leader and cabinet executive arrangements.

4. Consultations

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

5. Implications

Financial implications (including any future financial commitments for the Council)	None identified
Legal and human rights implications	This process complies with the Localism Act 2011 and Schedule A1 Local Government Act 2000.
Assessment of risk	There would be a risk to the Council if it failed to appoint a leader, as this would cause uncertainty, and potential delays, in the exercise of the Council’s executive functions.
Equality and diversity implications <i>A Customer First Analysis 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 The Council's Constitution
Localism Act 2011 / Local Government Act 2000
Report to Annual Council on 24th 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.

This page is intentionally left blank

Agenda Item 8.

Hyndburn Borough Council Elections 2026

Persons elected at the Borough Council Elections on 7th May 2026

Electoral Ward	Name and Address of Elected Councillor	Party
Clayton-le-Moors	Councillor Miles PARKINSON	Reform UK
Huncoat	Councillor Anthony David MITCHELL	Reform UK
Immanuel	Councillor Steven SMITHSON	Conservative
Milnshaw	Councillor Joel Michael TETLOW	Reform UK
Netherton	Councillor Jodi CLEMENTS	Labour & Co-operative
Overton	Councillor Jordan John FOX	Reform UK
Peel	Councillor Ashley JOYNES	Reform UK
Rishton	Councillor Lance Miles Lee PARKINSON	Reform UK
Spring Hill	Councillor Sohail ASGHAR	Independent
St Andrews	Councillor Gaynor Louise HARGREAVES	Reform UK
St Oswalds	Councillor Paul BROWN	Reform UK

This page is intentionally left blank

Agenda Item 9.

REPORT TO:	Annual Council Meeting		
DATE:	28 May 2026		
REPORT AUTHOR:	Julian Joinson, Member Services Manager		
TITLE OF REPORT:	Appointment of Committees, Sub-Committees, Panels and Working Groups 2026/27		
EXEMPT REPORT:	No		
KEY DECISION:	No	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 2026/27; 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, to be circulated separately, be approved.
- 2.3 That the membership of those Committees and Sub-Committees and the proposed Chairs and Vice-Chairs, to be circulated separately, be approved, 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 the Green and Independent members in consultation with those members directly.
- 2.4 That the membership of Panels and Working Groups, together with the proposed Chairs, 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 the Green and 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 2026/27**

- 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 current terms of reference for the various constituted bodies are set out in Part 3 of the Constitution - Responsibility for Functions. However, as there may be proposed amendments to the existing committees etc., 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, any 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. Section 15(1)(b) of the Act requires the Council to review the representation of different political groups on those bodies at the Annual Council meeting (or as soon as practicable after that meeting).

4.2 The overall political balance on the Council has changed following the local elections on 7th May 2026. The number of seats held by each political group and others for the 2026/27 Municipal Year is:-

Labour and Co-operative Group	17
Conservative Group	8
Reform UK	8
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: 51.52% (Labour and Co-operative), 24.24% (Conservative) and 24.24% (Reform UK). 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 councillors and other councillors who are not able to form a political group on the Council, as it has done on previous occasions.

4.4 It should be noted that some adjustment to the ratios shown above 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 (ie. Committee, sub-committee etc) must be proportionate (subject to (a) to (c)).

4.5 Details of the Council's proposed committees and sub-committees, the number of seats available and allocation of seats will be made available prior to the Council meeting, as Appendix 3(a). The proposed membership of each committee etc will be circulated before the meeting, if possible. Where this is not possible a delegated authority to the Chief Executive to make the appointments in consultation with the relevant political group leaders will 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 proposed terms of reference and composition of the Panels and Working Groups will follow as Appendix 2.

5.3 The proposed membership will be circulated before the meeting, if possible. Where this is not possible a delegated authority to the Chief Executive to make the appointments in consultation with the relevant political group leaders will be required.

6. Cabinet

6.1 Cabinet membership and allocation of portfolio responsibilities is within the power of the Leader. The Cabinet membership and positions for 2026/27 will be determined as soon as practicable and circulated for information. If possible, this information will be made available at the Annual Council meeting.

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

7.1 All appointments of co-opted members were reviewed during 2025 and successful applicants were appointed until the Annual Council Meeting in 2026. Co-optees are normally appointed for a two year period. A report on any nominations received for 2026 to 2028 will be provided to a future Council meeting.

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

Financial implications (including mainstreaming)	None
Legal and human rights implications	The report meets the statutory requirements in relation to appointment of members to Committees and the political balance rules.
Assessment of risk	There would be a risk to the Council if it failed to appoint committees and sub-committees, as there would be uncertainty and delay in respect of the exercise of the Council's non-executive functions.
Equality and diversity implications <i>A Customer First Analysis 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.

Agenda Item 10.

REPORT TO:	Annual Council Meeting		
DATE:	28 May 2026		
PORTFOLIO:	Leader of the Council		
REPORT AUTHOR:	Julian Joinson, Member Services Manager		
TITLE OF REPORT:	Appointments to Outside Bodies and Organisations 2026/27		
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 2026/27. 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 2026/27 and as set out in Appendix A to this report.

3. **Reasons for Recommendations and Background**

- 3.1 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 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 Any changes proposed to the list of outside bodies for 2026/27, will be circulated prior to the Council meeting

4. Alternative Options considered and Reasons for Rejection

4.1 The Council could choose not to make appointments to some or all of the bodies listed if it so wished.

5. Consultations

5.1 Consultations will be undertaken with the political groups, as appropriate.

6. Implications

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	The recommendation complies with the requirements of the Council’s constitution, but there is no legal obligation on the Council to make the proposed appointments.
Assessment of risk	None.
Equality and diversity implications <i>A Customer First Analysis 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
Political Groups’ Lists of Appointments to Outside Bodies and Organisations
Files: Appointments to Outside Bodies and Organisations

8. Freedom of Information

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

This page is intentionally left blank

[REPORT TO:		Annual General Meeting	
DATE:		28th May 2026	
PORTFOLIO:			
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Scheme Of Delegation To Officers 2026/27	
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 to officers for the 2026/27 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 Council’s scheme of delegation to officers 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 scheme of delegation sets out both the executive and non-executive functions that are delegated to chief officers. The non-executive delegations relate to the legal functions of the full Council and its various committees, and these are the delegations that legally require approval by the Council. As a matter of law, the delegations relating to the functions of the Council’s Cabinet will be delegated to chief officers by the Leader of the Council and this will formally be done in writing and as soon as possible after this meeting.

3.3 The proposed scheme of delegation for 2026/27 is set out in Schedule 1 to this report. There have been no changes that increase or decrease the delegations to chief officers. Instead, the scheme has been updated as follows:

- to reflect the outcome of the recent organisational review, which led to changes to the responsibilities of some chief officers and some changes to job titles;

- the layout of the scheme has been changed to make it easier to use and, in particular, the executive and non-executive delegations to each chief officer have been grouped together rather than set out in different sections of the scheme as previously;
- the delegations to the Head of Environmental Health have been simplified to refer to the various environmental health functions in more general terms, rather than including a very long list of environmental health legislation as previously. This is considered to be easier to understand and more comprehensive, as it avoids the risk of specific pieces of legislation or regulations being omitted by accident.

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 the draft scheme of delegation.

6. **Implications**

Financial implications (including mainstreaming)	None.
Legal and human rights implications	None, other than those set out in paragraph 3 of this report. The scheme of delegation forms part of the Council's written constitution and the updated scheme for 2026/27 will be published on the Council's website. Keeping the scheme under regular review helps the Council to demonstrate good practice in respect of its governance arrangements.
Assessment of risk	None
Equality and diversity implications <i>A Customer First Analysis 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.

This page is intentionally left blank

Appendix 4

This document is split into three parts:

- | | |
|---------------|---|
| Part 1 | requirements applying to all delegations |
| Part 2 | delegations of executive (i.e. Cabinet) and non-executive functions to chief officers |
| Part 3 | 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 - requirements applying to all delegations

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.

1 of 50

- (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 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; or (ii) the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; and the decision is not authorised by the Council's constitution as being something that can be decided by the Leader and Cabinet.
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 to 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 Associate Director (People and Communities) and the Head of Planning & Transportation

DELEGATIONS TO ALL CHIEF OFFICERS

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>To perform and / or carry out those executive 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"> a. incur, vary and discontinue expenditure b. manage the staffing, property, financial and other resources within the Chief Officers’ control c) procure works, goods and services, including accepting tenders and signing contracts/agreements, subject to all necessary approvals being received d) terminate contracts e) exercise virement within the limits set out in the Finance Procedure Rules f) serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions and make orders in the exercise of the Council’s powers and duties g) set, vary and waive fees and charges for the delivery of services and for the issue of any licence, permit, consent or approval subject to any statutory 	<p>In exercising their delegated powers Chief Officers must:</p> <ul style="list-style-type: none"> i) act within the law and in accordance with any statutory requirements and procedures ii) comply with the Council’s constitution, paying particular regard to the Financial Procedure Rules and the Contracts Procedure Rules iii) comply with the Council’s other policies and procedures iv) act within the budget for the relevant service area v) consult the relevant portfolio holder at the

<p>requirements and following consultation with the relevant portfolio holder</p> <p>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</p> <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 external 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 & Management) Regulations 2015 (“CDM”) for all relevant projects undertaken by the Council within their service areas, including ensuring that health and safety management arrangements are in place and that the principal designer and principal contractor are competent and fulfilling their roles effectively</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>Chief Officer’s discretion and, if requested by the portfolio holder, refer the matter to Cabinet for decision</p> <p>vi) consult appropriate colleagues if the proposed decision may have significant financial, legal, property or staffing implications</p> <p>v) keep a written record of the decision taken and the reasons for it</p> <p>vi) consider the need to take specialist advice in respect of CDM compliance</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 and must be satisfied that the person authorised is 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>In exercising their delegated powers Chief Officers must:</p> <p>i) comply with relevant statutory requirements and procedures</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>iii) comply with the Council's policies and procedures</p> <p>iv) act within the budget for the relevant service area</p>
--	--

NON-EXECUTIVE FUNCTIONS

Summary of delegation	Comments
<p>To perform and / or carry out those non-executive 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> <p>a. incur, vary and discontinue expenditure</p> <p>b. manage the staffing, property, financial and other resources within the Chief Officers' control</p> <p>c) procure works, goods and services, including accepting tenders and signing contracts/agreements, subject to all necessary approvals being received</p> <p>d) terminate contracts</p> <p>e) exercise virement within the limits set out in the Finance Procedure Rules</p> <p>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</p> <p>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</p> <p>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</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>ii) comply with the Council's constitution, paying particular regard to the Financial Procedure Rules and the Contracts Procedure Rules</p> <p>iii) comply with the Council's other policies and procedures</p> <p>iv) act within the budget for the relevant service area</p> <p>v) consult the relevant portfolio holder at the Chief Officer's discretion</p> <p>vi) consult appropriate</p>

<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 external 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 & Management) Regulations 2015 (“CDM”) for all relevant projects undertaken by the Council within their service areas, including ensuring that health and safety management arrangements are in place and that the principal designer and principal contractor are competent and fulfilling their roles effectively</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>colleagues if the proposed decision may have significant financial, legal, property or staffing implications</p> <p>v) keep a written record of the decision taken and the reasons for it</p> <p>vi) consider the need to take specialist advice in respect of CDM compliance</p>
<p>In so far as they are non-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 and must be satisfied that the person authorised is 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 refuse applications for early retirement / voluntary redundancy including under the Local Government Pension Scheme 85 year rule having regard to the relevant Council policy</p>	<p>Final approval of such applications is delegated to the Chief Executive</p> <p>A Chief Officer wishing to recommend approval of such an application must make a report to the Chief Executive</p>
<p>To determine appeals against cautions under the Council’s capability procedures</p>	<p>An officer determining an appeal must have had no previous</p>

	involvement with the relevant capability process
To determine 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 Associate Director (People and Communities) 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"> i) engage, suspend, dismiss and deploy staff ii) take disciplinary action against staff iii) apply conditions of service iv) regrade posts in accordance with the Council's job evaluation scheme v) approve honoraria payments not exceeding £2000 vi) award car / telephone allowances vii) amend job descriptions of staff within his/her department 	<p>In exercising their delegated powers Chief Officers must:</p> <ul style="list-style-type: none"> i) act within the law and in accordance with any statutory requirements and procedures iii) comply with the Council's policies and procedures iv) act within the budget for the relevant service area

DELEGATIONS TO THE CHIEF EXECUTIVE
EXECUTIVE FUNCTIONS

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
To designate reserve delegated officers in absence of the relevant Chief Officer	
To attest the Council's common seal and authorisation of other officers for this purpose in connection with the exercise of executive functions	
To appoint officers(s) to act as deputy in respect of delegated functions in this constitution	
To make exceptions to the Council's Flying the Flag policy	In consultation with Mayor, Leader of the Council and Group Leaders
To deal with applications for marches under Public Order Act 1936	
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	

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 Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011	
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
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	

NON-EXECUTIVE FUNCTIONS

Summary of delegation	Comments
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 the service	Having regard to the relevant Council policy
To keep under review the terms and conditions of the Executive Director (Resources), the Executive Director (Legal & Democratic Services) and the Executive Director (Environment) and make such revisions as considered appropriate within the resources available	
To designate approved duties for the purpose of the Council's members allowances scheme	
<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>
To agree to second Council employees to another local authority	
To approve changes to any document forming part of the Council's policy	

framework provided the proposed change: a) is prescribed by legislation or statutory instrument; or b) merely corrects a typographical error or errors; or c) is of a minor nature (i.e. the proposed change does not affect the substance of the document or change Council policy)	
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	

DELEGATIONS TO EXECUTIVE DIRECTOR (LEGAL & DEMOCRATIC SERVICES)

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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 on behalf of the Council	
To settle legal documents relating to or affecting the functions of the Council and to sign documents on behalf of the Council, including any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings	
To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements	
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	

<p>To take action to enforce a sale of property in the following circumstances:-</p> <ol style="list-style-type: none"> 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 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. <p>and 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>In consultation with the Executive Director (Resources) and the relevant Portfolio Holder (re 1)</p> <p>In consultation with the Head of Department which raised the debt and the relevant Portfolio Holder (re 2)</p>
<p>To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</p>	<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 Section</p>
<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</p>	<p>In consultation with the portfolio holder and relevant ward councillors</p>
<p>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</p>	
<p>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</p>	

To agree amendments to the allotment guidelines and to publish the same	In consultation with the portfolio holder and the Head of Planning & Transportation
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	
In respect of the MOT and supplementary testing of hackney carriages and private hire vehicles: <ul style="list-style-type: none"> to select and designate approved testing stations within the Borough provided there are no more than 5 approved testing stations at any one time; to remove designation as an approved testing station in accordance with the criteria in the Council's taxi and private hire licensing policy; to suspend designation as an approved testing station to enable an investigation to be carried out if there are reasonable grounds to consider that one of more of the grounds for removal of designation as an approved testing station has been met. 	Following consultation with the Portfolio Holder
To exercise the powers conferred by section 68 Local Government (Miscellaneous Provisions) Act 1976 and to appoint and authorise others to exercise such powers	

NON-EXECUTIVE FUNCTIONS

Summary of delegation	Comments
To act as returning officer for elections to the Council 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 settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration up to a maximum of £1,000 per claim, pursuant to section 92 Local Government Act 2000	

<p>To exercise the statutory powers and obligations of the returning officer and electoral registration officer pursuant to:</p> <ul style="list-style-type: none"> - Elections Act 2022; - 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; - All regulations and rules issued pursuant to or amended by the Elections Act 2022) 	
<p>To approve changes to the Council's written constitution provided the proposed change:</p> <ul style="list-style-type: none"> a) is prescribed by legislation or statutory instrument; or b) merely corrects a typographical error or errors 	
<p>To appoint Independent Members to the Standards Committee</p>	<p>In consultation with the Chair of the Standards Committee</p>
<p>To appoint Members of the Independent Remuneration Panel</p>	
<p>To agree and enter into agreements pursuant to section 106 Town and Country Planning Act 1990</p>	<p>In consultation with the Head of Planning and Transportation</p>
<p>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</p>	
<p>In respect of community governance reviews under Chapter 3 Part 4 Local Government and Public Involvement in Health Act 2007: To exercise the functions and obligations of the Council in respect of the conduct of community governance reviews To comply with the notification and publicity requirements in sections 80, 96 and 98; and To make agreements about incidental matters under section 99</p>	
<p>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</p>	
<p>Power to advertise and seek applications for the position of independent member of the audit panel pursuant to the Local Audit & Accountability Act 2014</p>	
<p>Licensing Functions</p>	

<p>To exercise the powers conferred by the following legislation (including, without limitation, the determination of fees and the granting, suspension and revocation of licences) 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>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 Late Night Refreshment Houses Act 1969 Public Health Act 1875 Betting Gaming & Lotteries Act 1963 Gambling (Premises Licence Fees) (England & Wales) Regulations 2007 Cinemas Act 1985 Theatres Act 1968 Police Reform & Social Responsibility Act 2011</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	
<p>To update the Council's taxi licensing policy and procedure where such changes are necessary give effect to changes in the law relating to the licensing of hackney carriages and private hire vehicles</p>	<p>In consultation with the Portfolio Holder</p>
<p>To exercise the Council's functions under the Licensing Act 2003</p>	<p>In accordance with the Council's Licensing Policy</p>
<p>To authorise officers pursuant to section 304 Gambling Act 2005</p>	<p>In accordance with the Council's Gambling Policy</p>
<p>To determine applications for premises licenses under the Gambling Act 2005 where no representations received or representations have been withdrawn</p>	
<p>To determine applications for variation of premises licenses under the</p>	

Gambling Act 2005 where no representations received or representations have been 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:: <ul style="list-style-type: none"> • to exchange information; • to provide information to the Gambling Commission • 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"> • determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received; • cancellation of licence • determining license fees • enforcement of the provisions of Part II and Schedule 3 of the said 1982 Act 	

DELEGATIONS TO THE EXECUTIVE DIRECTOR (RESOURCES)

EXECUTIVE FUNCTIONS

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	
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 under any confirmed compulsory purchase order	
To award, cancel and recover discretionary housing payments under the Discretionary Financial Assistance Regulations 2001	
To write off debts up to a value of £5,000 each	
To write off debts of any value if: <ul style="list-style-type: none"> • The debtor is bankrupt or in liquidation and there is no likelihood of the debt being paid; or • The debtor has absconded and all reasonable enquiries have failed to locate them; or • The debtor is in prison and has no means to pay; or • The debtor has died and there is no estate 	
To write off debts of council tax and non-domestic rates of any value if: <ul style="list-style-type: none"> • The debt has been remitted by the magistrates court; or • The debtor has been imprisoned in respect of the debt 	

To maintain an adequate and effective system of internal audit	
To ensure 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	
CORPORATE PROPERTY	
To make appropriate planning applications on behalf of the Council for any Council owned land and property 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.	
(i) To agree terms for the granting, acquisition, variation or extinguishment of easements and wayleaves and where necessary to enter into Licences to enter third party land for the purposes of carrying out works; and (ii) To negotiate and agree terms for the granting of leases, licences and tenancy agreements to statutory undertakers for the implementation of infrastructure in accordance with their statutory obligations.	
In connection with general vesting declarations, to agree further occupation periods of up to six months for occupiers of business premises.	
(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: - the term exceeds twenty-five years - the annual rent or fee until the first rent or fee review (if applicable) exceeds £30,000 (twenty thousand pounds) per annum; or - the letting is at less than best consideration (ii) To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council	

<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"> - the unexpired residue of the term does not exceed ten years; and - the annual rent payable at the time of surrender does not exceed £30,000 (twenty thousand pounds) per annum; 	<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 & 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 & 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 Section 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</p>	<p>(i) In consultation with the Leader, Deputy Leader and</p>

<p>(seventy five thousand pounds) per transaction (exclusive of fees) and where the disposal sale or transfer is not at less than best consideration ;and (ii) To agree terms for the purchase of ground rents that it is considered beneficial for the Council to purchase provided that the total expenditure on such transactions does not exceed £50,000 (ten thousand pounds) (exclusive of fees) in any one financial year.</p>	<p>appropriate portfolio holder</p> <p>(ii) In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>
<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</p>	<p>In consultation with the Leader, Deputy Leader and appropriate portfolio holder</p>
<p>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</p>	
<p>To agree to disposals of public open space provided:</p> <ul style="list-style-type: none"> • notice of the proposed disposal has been given under section 123 Local Government Act 1972; and • all responses to the notice referred to above have been considered; and • the disposal it at market value or better; and • the consideration for the disposal does not exceed £75,000 (excluding fees) 	
<p>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</p>	

DELEGATIONS TO THE EXECUTIVE DIRECTOR (ENVIRONMENT)

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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 implement rubbish amnesty's, skip days, 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
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 also to confirmation of the approval of the Executive Director (Legal & Democratic Services) the Legal Services Manager or a solicitor within the Council's Legal Section
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 or social purposes Provided permission isn't given to any individual or organisation for same	

location more than once in any 3 month period	
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 made under the above and any enactments amending or replacing the same</p>	
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	
LEISURE	
To grant use of Council managed 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 determine Christmas closure arrangements in respect of leisure facilities managed by the Council	In consultation with the relevant Portfolio Holder

DELEGATIONS TO HEAD OF REGENERATION AND HOUSING

EXECUTIVE FUNCTIONS

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"> • grant aid up to a maximum of £50,000 • equity loan for refurbishment up to a maximum of £30,000 • equity loan for relocation up to a maximum of £40,000 • grant aid / equity loan for conversions of 2 or more dwellings to 1 to provide satisfactory accommodation up to a maximum of £50,000 • energy efficiency grants / affordable warmth grants up to a maximum of £30,000 • emergency works grants up to a maximum of £7,000 • home security assistance grants up to a maximum of £3,000 • hospital discharge grants up to a maximum of £3,000 	
To make grants towards the cost of separate water connection	
<p>In respect of the Pride In Place programme:</p> <ul style="list-style-type: none"> - to approve projects with a total value of £50,000 or less; and - To approve other expenditure from the programme up to value of £50,000 or less. 	In consultation with the portfolio holder and the leader of the Council
To award grants for adaptations for the disabled – to 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	In consultation with the Executive Director (Resources) and the Executive Director (Legal & Democratic Services)
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 registered social landlords 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 to acquire properties by agreement in areas designated for redevelopment or authorise the payment for properties to be purchased under any proposed or confirmed CPO	In consultation with the Executive Director (Resources) and the Executive Director (Legal & Democratic Services)
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)
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: Acquisition of Land Act 1981 Land Compensation Act 1972 Housing Grants Construction & Regeneration Act 1989 Regulatory Reform Order 2002 Homelessness Act 2002 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 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	
To vire between HIP expenditure blocks and between yearly	In consultation with the Executive Director

programmes	(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 Executive Director (Resources) and the relevant portfolio holder
To award assistance, including grants, up to a maximum of £30,000 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	
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 confirmation of the approval by the Executive Director (Legal & Democratic Services), the Legal Services Manager or a solicitor within the Council's Legal Section

DELEGATIONS TO CHIEF PLANNING & TRANSPORTATION OFFICER

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To make directions under Article 4 of the Town and Country Planning General Development Procedure Order 1995	
Following consultation with the relevant portfolio holder, to respond on behalf of the Council to consultation by other local authorities on proposed or amended development plans, policies, strategies and supplementary planning guidance	
Following consultation with the relevant portfolio holder, 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 under section 330 of Town and Country Planning Act 1990 or by Planning Contravention Notice and section 16 Local Government (Miscellaneous Provisions) Act 1976	
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 make 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	
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	
ENGINEERING	
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	

NON-EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
DEVELOPMENT CONTROL FUNCTIONS	
DETERMINATION OF PLANNING APPLICATIONS	
<p>To determine factual or technical applications as follows:</p> <ul style="list-style-type: none"> 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. ii. Determination of applications for a Certificate of Lawfulness of 	

Summary of Delegation	Comments
<p>proposed use or development under Section 192 of the Town and Country Planning Act 1990.</p> <ul style="list-style-type: none"> 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 iv. Applications to discharge conditions attached to approvals. v. Determination of requests for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 vi. Determination of Prior Notifications/Approvals Applications <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> <ol style="list-style-type: none"> 1. the Chief Planning and Transportation Officer considers that the application should be considered by the Planning Committee 2. the application would constitute a significant departure from the policies of the statutory development plan and it is intended to approve the application 3. the application is for a significant proposal by the Council or the County Council and is not of a minor nature 4. the applicant is a member of the Council 5. the applicant is an employee of the Planning & Transportation Section or is a senior manager of the Council 6. 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. 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 <p>This includes legislation relating to listed buildings, conservation areas and hazardous substances.</p>	
DEVELOPMENT CONTROL	
To obtain additional information in connection with planning purposes under section 171C(2) and (3) of the Town and Country Planning Act 1990	
To serve Building Preservation Notices	

Summary of Delegation	Comments
To serve discontinuance notices under the Advertisement Regulations for advertisements which seriously conflict with adopted policies, taking into account possible compensation liability	Consult the Executive Director (Legal & Democratic Services)
To secure removal of an advertisement displayed in contravention of Regulations or use of any site	Consult Executive Director (Legal & Democratic Services)
To remove or obliterate placards and posters	
To operate the Hedgerow Regulations 1997 on land in the Borough including issuing a Hedgerow Retention Notice	
To issue enforcement notices for breach of planning control under the Town & Country Planning legislation	To be reported to Planning Committee every six months.
<p>In relation to listed buildings to:</p> <p>Issue listed building enforcement notices</p> <p>Issue repairs notices</p> <p>Execute urgent works</p>	Consultation required with the Executive Director (Legal and Democratic Services)
<p>To issue stop notices and temporary stop notices</p> <p>To issue breach of conditions notices or planning contravention notices</p> <p>To issue completion notices</p>	Consultation required with the Executive Director (Legal and Democratic Services)
To 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	
To assess interim development order submissions relating to mineral extraction and give observations to Lancashire County Council	
To take action on dangerous trees	
<p>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:</p> <p>(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,</p>	

Summary of Delegation	Comments
<p>save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place;</p> <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 Head of Planning and Transportation;</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"> i. The trees are causing structural damage to property, retaining walls, services or similar; or 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 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 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 <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>	

Summary of Delegation	Comments
<p>(h) Operate the Hedgerow Regulations 1997 on land in ownership other than Hyndburn Borough Council including the issue of hedgerow retention notices;</p> <p>(i) Obtain an ecological or archaeological survey on a hedgerow once a hedgerow removal notice has been received;</p> <p>(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.</p>	
<p>To apply for an injunction pursuant to section 214A of the Town and Country Planning Act 1990 (as amended) in cases determined to be urgent; and</p> <p>To 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);</p>	
<p>To 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);</p>	
<p>To make structural appraisal of building regulation applications. This includes making arrangements for outside specialist appraisal, if necessary</p>	
<p>To determine all applications for building regulation approval/rejection</p>	
<p>To process all applications for determination of building regulations</p>	
<p>To secure deposited plans providing access and other safety for the fire brigade</p>	
<p>To 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</p>	
<p>To 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</p>	
<p>To exercise the powers of the Council re ruinous, dilapidated and neglected sites</p>	
<p>To exercise the powers of the Council re dangerous buildings and structures</p>	
<p>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</p>	
<p>To exercise the powers of the Council relating to the listing of buildings</p>	

Summary of Delegation	Comments
To take action pursuant to the Anti-social Behaviour Act 2003 in connection with high hedges, including the service of remedial notices and action in default of remedial notices	In consultation with the Executive Director (Legal & 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)
Local Plan	
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 Plan Timetable and Monitoring Reports	

DELEGATIONS TO THE HEAD OF AUDIT & INVESTIGATIONS

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To authorise directed surveillance and the conduct of covert intelligence sources pursuant to section 28 and 29 Regulation of	

33 of 50

Municipal Year 2026/27

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 the Regulation of Investigatory Powers Act 2000 Subject to confirmation of the approval by the Executive Director (Legal & Democratic Services), the Legal Services Manager or a solicitor within the Council's Legal Section
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

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To write off debts relating to housing benefit overpayments, non-domestic rates and council tax up to a value of £10,000 each.	

DELEGATIONS TO ASSOCIATE DIRECTOR (PEOPLE AND COMMUNITIES)

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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	
To determine the Council's events programme and the terms of conditions of engagement of artistes / performers	Subject to consultation with the Portfolio Holder
To authorise disposal of items from the Howarth Art Gallery collection up to a value of £30,000 per disposal provided: <ul style="list-style-type: none"> the disposal is in accordance with the Museum Association's Code of Ethics; and the Associate Director (People and Communities) is satisfied that the Council has legal power to dispose of the item following a proper due diligence exercise being carried out 	Subject to consultation with the Leader of the Council and the Portfolio Holder
To administer the Council's payroll function	
To take action in respect of the Council's market franchise rights	In consultation with the Executive Director (Legal & Democratic Services)
To manage the Council's markets, including power to: <ul style="list-style-type: none"> grant, and terminate, market tenancies vary, and accept surrenders of, market tenancies set, implement and amend the market regulations 	In consultation with the Executive Director (Legal & Democratic Services)

NON- EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To make changes to the terms and conditions of the Chief Executive, Executive Director (Resources), the 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 THE HEAD OF ENVIRONMENTAL SERVICES

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
To manage the cemeteries and crematoria	
To appoint 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"> • sections 149 – 151 Environmental Protection Act 1990 • The Microchipping Of Cats And Dogs (England) Regulations 2023 	
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. Applicable to:- Environmental Protection Act 1990 Clean Neighbourhoods & Environment Act 2005 Local Authorities Cemeteries Order 1977 Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same	
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	

NON-EXECUTIVE FUNCTIONS

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 & Safety at Work etc. Act 1974 Local Government (Miscellaneous Provisions) Act 1976</p> <p>Also any Regulations, Orders, Byelaws or other subsidiary legislation made under the above and any enactments amending or replacing the same</p>	

DELEGATIONS TO HEAD OF ENVIRONMENTAL HEALTH

EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
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	
In so far as they are executive functions, to implement and exercise the powers of the Council in respect of public protection and environmental health under all current legislation relating to anti-social behaviour, occupational health and safety, control of disease, control of pollution, air quality, contaminated land, public health, drainage, statutory nuisance, verminous persons and property,	

Summary of Delegation	Comments
<p>animal health and welfare, private sector housing, Sunday trading, food and water supply, food safety, environmental protection, health protection, unlawful encampments, smoking and the regulation and deregulation of businesses, whether such powers are contained in primary legislation or any regulations, orders, byelaws or other subsidiary legislation made under the same and any enactments amending or replacing the same</p> <p>And in pursuance of the above to:</p> <ul style="list-style-type: none"> • authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person to exercise any power or function of the Council • issues notices and take other enforcement action • undertake inspections and exercise powers of entry • set fees and charges 	
<p>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</p>	
<p>To review and update the Council's annual food service plan</p>	
<p>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</p>	
<p>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</p>	<p>In consultation with the Executive Director (Resources)</p>
<p>To award assistance, including grants, up to a maximum of £20,000 to help bring empty properties back into use</p>	<p>Subject to the availability of resources</p>
<p>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</p>	<p>In consultation with the Executive Director (Legal & Democratic Services)</p>
<p>To exercise the powers of the Council under the Renters Rights Act 2025, including (without limitation) the following:</p> <ul style="list-style-type: none"> • imposition of financial penalties under section 40 for breach of anti-discrimination provisions; • imposition of financial penalties under section 57 for breach of requirement to state rent and avoid rental bidding provisions; 	

Summary of Delegation	Comments
<ul style="list-style-type: none"> • imposition of financial penalties under section 91 in respect of offences under section 92 and for breach of provisions in section 82 re restrictions on marketing, advertising and letting dwellings; • exercise of the Council's investigatory powers under sections 114 – 132 • exercise of the Council's duty in section 107 to enforce landlord legislation in the Borough • exercise of the Council's duty to notify in section 108 • exercise of the Council's duty to report to the Secretary of State in section 110. 	
<p>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>	
<p>To authorise surveillance which is not governed by the Regulation of Investigatory Powers Act 2000</p>	<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 & Democratic Services), the Legal Services Manager or a solicitor within the Council's Legal Section</p>

NON-EXECUTIVE FUNCTIONS

Summary of Delegation	Comments
<p>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</p>	

<p style="text-align: center;">under section 215</p> <p>In so far as they are non-executive functions, to implement and exercise the powers of the Council in respect of public protection and environmental health under all current legislation relating to anti-social behaviour, occupational health and safety, control of disease, control of pollution, air quality, scrap metal, houses in multiple occupation, mobile homes and camp sites, skin piercing and massage, pleasure boats and vessels, contaminated land, public health, drainage, statutory nuisance, verminous persons and property, animal health and welfare, private sector housing, Sunday trading, food and water supply, food safety, environmental protection, health protection, unlawful encampments, smoking and the regulation and deregulation of businesses, whether such powers are contained in primary legislation or any regulations, orders, byelaws or other subsidiary legislation made under the same and any enactments amending or replacing the same</p> <p>And in pursuance of the above to:</p> <ul style="list-style-type: none"> • authorise in accordance with any legal requirements or restrictions any officer or other suitably qualified and / or experienced person to exercise any power or function of the Council • issues notices and take other enforcement action • undertake inspections and exercise powers of entry • set fees and charges 	
<p>To authorise rights of entry on land under section 196 Town and Country Planning Act 1990 for appropriate staff within the Section</p>	
<p>In the exercise of the Council's powers relating to anti-social behaviour, to issue community protection notices and fixed penalty notices</p>	
<p>To act as an authorised officer under the Food Safety Act 1990</p>	
<p>In respect of the Council's powers in respect of scrap metal: (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</p>	<p style="text-align: center;">In consultation with the portfolio holder</p>
<p>Without prejudice to the general delegation above, 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</p>	

ii) the suspension or variation of licences iii) the annual review and adjustment of fees and charges	
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	

Part 3 - 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	S5	Monitoring Officer	Executive Director (Legal

and Housing Act 1989			& 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 th 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.			Chief Executive
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
Local Government Act 1972	S83	Accepting declarations of acceptance of office	Executive Director (Legal & Democratic Services)
	S84	Receiving resignations from office	Executive Director (Legal & Democratic Services)
	S86	Declaring vacancy in 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)
	S100(B)(2)	Circulation of reports and agendas	Executive Director
	S100(B)(7)	Supply of papers to press	(Legal & Democratic Services)

	S100(C)(2)	Summary of minutes in respect of exempt information	Executive Director
	S100(D)(1)(a)	Compilation of background papers	(Legal & Democratic Services)
	S100(D)(5)(a)	Identification of background papers	Executive Director
	S100(F)	Identification of exempt documents not open to Members	(Legal & Democratic Services)
	S115(2)	Receipt of money due from Officers	Executive Director (Resources)
	S137A	Receipt on deposit of accounts or reports from a body or fund	Executive Director (Resources)
	S146(1)(a)&(b)	Declarations and certificates with regard to securities	Executive Director (Resources)
	S191	Ordnance Survey requests for assistance	Executive Director (Resources)
Local Government Act 1972	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)
	S223	Authorising officers to appear in court	Executive Director (Legal & Democratic Services)
	S225(1) and (2)	Deposit of documents	Executive Director (Legal & Democratic Services)
	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 (1) and (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 Para 4(2)(b)	Signature of summons to Council	Chief Executive
	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	Executive Director (Resources)

		Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	
	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 th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Executive Director (Resources)
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	All	Officer of the burial authority	Executive Director (Environment)

1977	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)
Local Authorities Cemeteries Order 1977	Article 12	Responsibility for storage of cemetery records	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,	Executive Director (Legal & Democratic Services)

		walls etc. To order the demolition of buildings rendered dangerous by damage, without prior authorisation of the Council	
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Chief Executive
Local Elections (Principal Areas) Rules 2006 Local Elections (Parishes) Rules 2006	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 53 - 54	Retention of election documents and making them available for public inspection	Executive Director (Legal & Democratic Services)
Elections	Representation of the People Act 1982 s8	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Council	Executive Director (Legal & Democratic Services)
	Local Government Act 1972	Returning Officer for the election of councillors for the Borough or Altham Parish Council	Executive Director (Legal & Democratic Services)
	Representation of the People Act 1982 s8 and s52(2)	Officer who may do acts in respect of Registration in the event of the Executive Director	Executive Director (Environment)

		(Legal & Democratic Services) incapacity	
		Custody of declarations of acceptance of office	Executive Director (Legal & Democratic Services)
Representation of the People Act 1983	S18A, 18B, 18 C and 31	Designation and re-designation of polling districts and polling places	Executive Director (Legal & Democratic Services)
	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 Local Government (Committees and Political Groups) Regulations 1990	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)
	Para's 9, 10, 13 and 14		
	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 – 151	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
	Reg 5	Compiling list of background papers	
	Regs 12 and 13	Recording executive decisions made at committee or by individual member	
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)
Food Safety Act 1990	S49	Signing of documents	Head of Environmental Health
Housing Act 2004	S4 and s239	Condition of residential premises – official complaints and powers of entry	Head of Environmental Health
	S 249	Signing certificate of designation	Head of Environmental Health
Local Government	S81	Maintaining a register	Executive Director

Act 2000		of members financial and other interests	(Legal & Democratic Services)
Local Authorities (Referendums) (Petitions)(England) Regulations 2011	Reg 4, 7, 8, 11, 13, 14 and 19		Executive Director (Legal & Democratic Services)
Local Authorities (Conduct of Referendums) (England) Regulations 2012	Reg 4 Schedule 5, para 41 - 43	Publicity Receiving declaration of result	Executive Director (Legal & Democratic Services)
Land Registration Act 2002 Local Land Charges Act 1975		Land registrar in respect of matters specified affecting land in Borough	Executive Director (Legal & Democratic Services)

Agenda Item 12.

[REPORT TO:		Annual General Meeting	
DATE:		28th May 2026	
PORTFOLIO:		Leader of the Council	
REPORT AUTHOR:		Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		Annual Constitution Review	
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 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;
- 2.2 The Council agrees to review and update the member officer relations protocol and requests that a further report be presented to Council as soon as possible in respect of the same, following consultation with the Leaders Policy Board in respect of the updated protocol;
- 2.3 That Council approves the updated Anti-fraud And Corruption Policy attached at Appendix 1 to this report;
- 2.4 That Council approves the updated Anti-Money Laundering Policy attached as Appendix 2 to this report;

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. The constitution sets out the following:

- the terms of reference and size of each committee and working group;
- the rules that apply to Council meetings (e.g. re quorum, motions, ways of voting, length of speeches etc);
- the rules that apply to Cabinet meetings
- the rules that apply to overview and scrutiny committee's (e.g. call-in of Cabinet decisions, appointment of co-optees, formation of annual work programme, calling officers and members to give account);
- the Council's code of conduct for councillors, plus the code of conduct for members of the Planning Committee and Licensing Committee, and the member / officer relations protocol;
- the rules relating to procurement by the Council (i.e. the purchase of works, goods and services), the Council's financial procedures and the rules relating to access to meetings, reports and background papers.

3.2 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;

Member Training

3.3 Members will shortly be offered training on the Council's decision-making processes. This will cover constitutional requirements (such as the rules for voting, motions, call-in etc), as well as legal requirements for sound and lawful decision making. This training is especially useful for newly or recently elected councillors.

3.4 Officers will also offer training to any newly appointed committee chairs and vice chairs, to assist them in their new role.

3.5 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 Council's Planning and Licensing codes of practice 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. 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. It is therefore 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 in the new municipal year. 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.

Updated policies re fraud, corruption and money laundering

3.6 Minor amendments have been made to the Anti-Fraud, Corruption and Bribery Policy. These principally relate to the appointment of a new external audit partner for the Council. The substance of the policy remains the same.

Similarly, minor changes have been made to the Anti-Money Laundering Policy and Guidance Notes. The changes principally relate to changes in personnel and job roles with the Council since the policy was last updated. The substance of the policy remains the same.

Member Officer Relations Protocol

3.7 This policy has not been reviewed or updated for some years, and has become out of date. An updated version has been prepared, although best practice suggests that members are consulted about the draft before it is presented to Council for approval.

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 None

6. Implications

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

<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>None identified.</p>

**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.



Anti-Fraud & Corruption and Bribery Policy

Policy and Guidance Document

Policy Version: **12**
Revised: **March 2026**
Checked / Reviewed: **March 2026**

Last Policy Approval: Council AGM – May 2026

POLICY STATEMENT

Hyndburn Borough Council is committed to ensuring that quality services are developed and delivered for the benefit of the Community of Hyndburn.

To assist in this goal, the Council will take all necessary steps to ensure that the public's assets and interests are protected. The public is entitled to expect conduct of the highest standards from members and employees of the Council. The Council therefore recognises the need for the highest standards of probity in dealing with public money and expects its members and employees to demonstrate the highest standards of integrity at all times.

The Council will:-

- promote a fair, equitable and honest approach to service delivery with those providing and receiving those services;
- actively seek out instances of fraudulent and corrupt practices and pursue the perpetrators to the full extent of the Law;
- encourage people with concerns about potential fraud & corruption to inform the Council of their suspicions;
- treat complaints of potential fraud & corruption or bribery fairly and equitably; and
- regularly review its own procedures to ensure they offer effective protection of the Council's interests and reputation.

The Council expects that individuals and organisations (e.g. suppliers, contractors and service providers) that it deals with will act with integrity and without thought or actions involving fraud & corruption or bribery. Where relevant, the Council will include appropriate clauses in its contracts about the consequences of fraud & corruption or bribery and evidence of such acts are most likely to lead to the termination of the particular contract and may lead to prosecution.

AIMS OF THE POLICY

In order to achieve the aims in the policy it is necessary to develop a robust approach on fraud & corruption or bribery and how the Council will react to it. This will encourage an anti-fraud culture throughout the authority. This policy sets out the various measures that have been put in place to combat fraud & corruption and bribery.

This policy should also be read in conjunction with the Council's Criminal Facilitation of Tax Evasion (CFTE) Policy. Bribery is often something which can be associated with Fraud & Corruption.

Fraud & corruption or bribery cannot be dealt with in isolation and the Council will work with the police and other external agencies in order to investigate and prosecute cases of fraud or corruption and bribery.

Fraud and corruption can be defined as follows: -

- **FRAUD** is the intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain.
- **CORRUPTION** is the offering, giving, soliciting or acceptance of an inducement or reward that may improperly influence the action of any person.

This Policy applies to elected members, co-opted members of committees and all officers (full time, part time, temporary and casual) who work for the Council. The term 'officer' includes all types of employees of the Council.

BRIBERY

As part of the culture of Anti-Fraud & Corruption it is necessary to consider the implications of bribery as this is closely linked to the pursuit of a culture which is against both Fraud and Corruption. Bribery falls within the Bribery Act 2010.

Bribery applies to all employees, whether permanent, temporary, agency, fixed term contracts, paid or unpaid. It also applies to all elected Members and to all contractors, organisations who do business with the Council and partner agencies/organisations. The general public can also be included especially where they attempt to bribe a Council employee or Elected Member.

It is necessary to be aware of how, when and what constitutes bribery. The 2 sections of the Bribery Act 2010 shown below detail some key points and potential offences that could arise:-

SECTION 1 – OFFENCES OF BRIBING ANOTHER PERSON

Someone who offers, promises or gives financial or another advantage to another and intends the advantage to:

- i.) induce a person to perform improperly a relevant function or activity or
- ii.) rewards a person for such improper performance of such function or activity

SECTION 2 – OFFENCES RELATING TO BEING BRIBED

Someone who agrees to or accepts a financial or other advantage intending that as a consequence, a relevant function or activity should be performed improperly.

In both sections 1 and 2 the offence still occurs even if the person who performs the improper function or activity is not the person who received the bribe. This could occur if a senior officer was the person who was bribed and then they instructed a more junior member of staff to carry out a function or activity in a specific way which was in connection with the bribe. The junior member of staff could also commit an offence if it can be proven they knew what they were doing was wrong.

Allegations of bribery are treated very seriously by the Council and will be investigated and dealt with in accordance with Council policies and where evidence exists in accordance with the relevant legislation applicable at that time.

What to do if you suspect bribery

If you believe that bribery is or has taken place **DO NOT** try investigating the issue yourself as your actions could result in the collapse of a case and could also result in you getting into trouble.

Employees:-

If you work for the council then you should immediately inform any of the people listed in the “Raising Concerns” section of this Policy on page 11.

Elected Members:-

If you are an Elected Member you should immediately inform the Monitoring Officer, who is also the Executive Director (Legal & Democratic Services) on 01254 380146. If the Monitoring Officer is not available then you should contact one of the other people listed in the “Raising Concerns” section of this Policy on page 11.

Contractors / Partners / Members of the Public:-

If you are a contractor, partner organisation with the Council or a Member of the Public **DO NOT** try and investigate the issue yourself. Please contact one of the people listed in the “Raising Concerns” section of this Policy on page 11.

CORPORATE FRAMEWORK

The Corporate Framework supports Anti-Fraud & Corruption through a whole range of high level component parts, some of the key ones include: -

- Anti-Fraud & Corruption and Bribery Policy that emphasises the importance of probity to all concerned
- Criminal Facilitation of Tax Evasion (CFTE) Policy
- Codes of conduct for Members and Officers
- Whistleblowing Policy
- Anti-Money Laundering & Proceeds of Crime Policy
- Complaints Procedure
- Council Constitution & associated rules and regulations
- Sound internal control systems, procedures and reliable records
- Effective internal audit
- Effective recruitment procedures
- Council's Disciplinary Procedure
- Induction and training
- IT Security Policy
- Gifts & Hospitality Registers for Officers and Members
- Members Register of Interests

PREVENTION & DETERRENCE

Within the overall Corporate Framework there are a number of key people and measures which can help in the prevention of fraud and corruption:-

- Officers of the Council
- Members
- Internal Control Systems
- Combining with others to prevent and fight fraud

Officers of the Council

A key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential officers, in terms of their propriety and integrity. In this regard, temporary staff should be treated in the same manner as permanent officers.

Written references should be obtained with specific assurances regarding the known honesty and integrity of potential officers before formal employment offers are made.

All officers must abide by the Council's Code of Conduct for Employees, which sets out the Council's requirement on personal conduct. This Code is issued with the Employee Handbook and is referred to in all Contracts of Employment. Officers of the Council are

expected to follow any code of conduct related to their personal Professional Institute or other governing body, where the employee is a member of such an Institute.

Breaches of the Code of Conduct are likely to be subject to the Council's Disciplinary Procedures and may result in dismissal.

The Executive Director (Legal & Democratic Services) is the appointed Monitoring Officer and in that capacity has overall responsibility for the maintenance and operation of the Authority's Whistleblowing policy.

Members

Members are required to operate within:-

- The Council's Code of Conduct for Members
- The Council's Member / Officer Relations Protocol (also applies to Officers)
- The Council's codes of conduct for the Planning Committee and Judicial Committee
- Sections 94-96 of the Local Government Act 1972
- The Council's Constitution (also applies to Officers)

These matters together with other guidance are brought to the attention of members as part of their induction programme. Specific training is given at the annual induction day and at annual code of conduct training sessions.

The Council has in place a Standards Committee, which promotes and maintains high standards of member conduct and assists members to observe the code of conduct.

Internal Control Systems

The Council has a Constitution, which includes various rules and codes of conduct, which require officers to act in accordance with best practice when dealing with the Council's affairs, including:-

- Employee Code of Conduct
- Member / Officer Relations Protocol
- Anti-Money Laundering & Proceeds of Crime Policy

The Deputy Chief Executive has a statutory responsibility under Section 151 of Local Government Act 1972 to ensure that proper arrangements are made for the Council's financial affairs. This includes: -

- Measures to enable the prevention and detection of inaccuracies and fraud;
- Identification of the duties of officers dealing with financial transactions and the separation of duties of those officers in relation to significant transactions

The latter requirement is a key control in the prevention of impropriety.

The Council's aim is to have sound financial systems and procedures, which incorporate efficient and effective internal controls. As part of this, the 'separation of duties' should be considered as a fundamental control in systems especially where significant transactions are involved.

The Council has an obligation to ensure adequate controls are in place in order to comply with the S.151 responsibilities attributed to the Deputy Chief Executive in accordance with the Local Government Finance Act 1972. The existence, appropriateness, and effectiveness of these internal controls is independently monitored and reported upon by the Council's Internal Audit Section. The Council also has an Audit Committee, which plays a key role in the monitoring of the Council's controls and risks with particular emphasis on the effectiveness of these controls.

Combining with Others to Prevent and Fight Fraud

The Council is committed to exchanging information with other local and national agencies in order to identify and prevent fraud using data matching techniques. Such activity is carried out in full compliance of the Data Protection Act 2018, General Data Protection Regulation (GDPR), Code of Data Matching Practice for National Fraud Initiative Data Matching Exercises as directed by the Local Audit & Accountability Act 2014 and any other such data matching exercises as necessary in accordance with the law / relevant legislation. Any employee found to be perpetrating a fraud on another local or national agency is likely to face disciplinary action where this has implications for the Council's trust and confidence in the employee. In certain cases disciplinary action could lead to dismissal.

With the rapid increase in recent years of frauds perpetrated against a variety of local authorities and benefits agencies, which usually involve fraudsters having multiple identities and addresses or using malicious software / hacked and stolen data to perpetrate a fraud, the necessity for liaison with other organisations has become paramount and some of these include: -

- Police
- External Auditors
- National Fraud Initiative
- National Anti-Fraud Network (NAFN)
- Action Fraud UK (Part of the National Fraud Investigation Bureau operated by City of London Police)
- Department for Work & Pensions
- Other Government agencies and public bodies

There are a number of ways to deter potential fraudsters from committing or attempting fraudulent, bribery or corrupt acts, whether they are inside or outside the Council. These include:-

- Publicising the fact that the Council is firmly set against fraud and corruption and states this at every opportunity e.g. clauses in contracts, statements on benefit claim forms, statements on forms that request personal data, publications etc.;
- Acting robustly and decisively when fraud, bribery and corruption are suspected and proven e.g. termination of contracts, dismissal, prosecution etc.;
- Taking action to effect the maximum recoveries for the Council e.g. through agreement, court action, penalties, insurance etc.;
- Having sound internal control systems that still allow for innovation but at the same time does not provide the opportunity for fraud, bribery and corruption.

DETECTION & INVESTIGATION

It is the responsibility of all the Council's Management to prevent and detect fraud, corruption and bribery.

In addition, Internal Audit and External Audit will liaise closely and implement an annual programme of audits that will test for fraud and corruption. However, despite the best efforts of managers and auditors, many frauds are discovered by chance or "tip off". It is often the alertness of employees and the public that enables detection to occur.

The Council's Anti-Fraud & Corruption and Bribery Policy provides officers and members with a clear path for raising concerns and facilitating "tip offs", and the fraud response arrangements outlined in this Policy, enable such information or allegations to be properly dealt with. The Council's Whistleblowing Policy also gives advice on how to raise a concern and the safeguards and support that are available to those who raise concerns.

Where an officer, Member, contractor or a member of the public has belief that a fraud is or has been committed, or that corruption is or has taken, or that bribery has place then they **MUST NEVER** attempt to investigate the situation no matter how easy it may seem. Such 'unofficial' investigations are likely to render the evidence unusable within the Council's disciplinary procedures or inadmissible in court due to it being gathered outside the procedures laid down by the Police & Criminal Evidence Act 1984 and Regulation of Investigatory Powers Act 2000 if unauthorised directed surveillance has taken place. It could also leave the Council open to criticism and in some cases potential legal proceedings could be made against the Council and / or the person who carried out the 'unofficial' investigation.

Council employees who are authorised to carry out investigations are bound by various Council policies, acts of law and are trained to carry out such investigations.

Senior management are responsible for following up any allegation of fraud, corruption or bribery that they receive and are required to inform the Internal Audit Section of **all** suspected irregularities, irrespective of whether they are ultimately proven. Internal Audit **must** be informed to ensure that procedures and controls can be re-assessed to ensure further similar irregularities should not arise.

The investigating officer will: -

- Deal promptly with the matter
- Record all evidence that has been received
- Ensure that evidence is sound and adequately supported
- Make secure all of the evidence that has been collected
- Carry out internal investigations of the allegation(s) to determine whether there is prime facie evidence of fraud and if so whether this requires the involvement of external agencies as part of that investigation
- Where appropriate, contact other agencies e.g. Police
- When appropriate, arrange for the notification of the Council's insurers
- Report to senior management, and where appropriate, present management with a report to allow consideration of whether to take disciplinary action in accordance with the Council's Disciplinary Policy and procedures
- Seek advice and assistance from Internal Audit and Legal & Democratic Services, also Human Resources if employees are potentially involved

Reporting suspected irregularities is essential to the Anti-Fraud & Corruption and Bribery Policy and ensures:-

- Consistent treatment of information regarding fraud, corruption and bribery
- Proper investigation by an independent and experienced Internal Audit Team or other person(s) authorised to carry out such investigations
- The optimum protection of the Council's interests

Depending on the nature and anticipated extent of the allegations, Internal Audit will normally work closely with management, the Human Resources Section, and Legal Services etc. and if or when necessary other agencies, such as the Police or External Audit. This is to ensure that all allegations and evidence are properly investigated and reported upon, and where appropriate, maximum recoveries are made for the Council.

The Council's disciplinary procedures will be used where the outcome of the Audit Investigation indicates improper behaviour; "reasonable belief" of gross misconduct is sufficient grounds for dismissal, rather than the higher standard of proof as is required in a court of law.

Where financial impropriety is discovered or suspected and the prime facie evidence corroborates such allegations, the Council's policy is that the Police will be called in. The Crown Prosecution Service determines whether or not a prosecution will be pursued.

Referral to the Police is a matter for the Head of Audit & Investigations and the relevant Director / Chief Officer.

Various officers will be consulted during investigations and the Chief Executive will be kept informed of referrals to the Police. Referral to the Police may inhibit action under the Council's disciplinary procedure and managers must take advice from Human Resources before taking action under the disciplinary procedure.

The Council's External Auditor also has powers to independently investigate fraud and corruption, and the Council can use these services for this purpose too.

RAISING CONCERNS

Although the Policy specifically refers to fraud, corruption and bribery, it equally applies to all financial malpractice. Fraud and corruption includes a wide range of irregularities and criminal acts that are financial or finance related. It includes for example: -

- Theft of property, including assets and cash
- False accounting
- Obtaining property by deception
- Pecuniary advantage by deception
- Computer abuse and computer crime
- Bribery and corruption

Officers and Members can be exposed to a number of pressures from contractors, landlords, the public etc. to act in a particular way in a particular case. This may involve pressure to show "favouritism" regarding access to all kinds of services and benefits (e.g. grants, benefits, gaining contracts, planning permission etc.)

Members and Officers are an important element in the Council's stance on fraud, corruption and bribery, and they are positively encouraged and expected to raise any concerns that they may have on these issues where they are associated with the Council's activity.

Officers should normally raise concerns through their immediate manager, however it is recognised that they might feel inhibited in certain circumstances. In this case, officers should contact: -

David Welsby	Chief Executive	01254 380110 Internal Ext. 2110
Jane Ellis	Executive Director (Legal & Democratic Services) & Monitoring Officer	01254 380146 Internal Ext. 2146
Martin Dyson	Executive Director (Resources) & s151 Officer	01254 380973 Internal Ext. 2973
Mark Beard	Head of Audit & Investigations	01254 380634 Internal Ext. 2634
Karen Murray	Appointed External Auditor (Forvis Mazars LLP)	0161 238 9200 07721 234043

Officers

If Officers have a concern regarding a Member, then this **must** be brought to the attention of the Executive Director (Legal & Democratic Services) in her role as Monitoring Officer.

Elected Members

Members should address their concerns to the Chief Executive or Executive Director (Legal & Democratic Services) in the first instance.

Members of the Public & Other Non-Council Organisations

A member of the public, contractor, representative from any other partnership arrangement, or any other non-Council organisation must bring their concern to one of the 5 nominated officers described in the 'Raising Concerns' section of this policy.

All concerns raised will be treated in confidence, properly investigated and dealt with fairly. However, there is a need to ensure that any investigation process is not misused. For example, any internal abuse such as raising malicious or vexatious allegations is likely to be subject to the Council's disciplinary procedures.

The Council's Whistleblowing policy also gives further guidance on how to raise concerns and it gives details about the support and safeguards that are available to those that do raise concerns.

Internal Audit Awareness of any Concerns Raised

Following a concern being raised the manager or nominated officer / external auditor named above, you **must** make Internal Audit aware of the issue.

If the concern that has been raised is ultimately proven, this may highlight a serious system weakness in a given area or highlight risks that have arisen which have been exploited to allow the Fraud, Corruption or Bribery to occur. By informing Internal Audit, this ensures that the system controls can be checked or the risks can be analysed and steps can be put in place to rectify these issues to ensure that this does not arise again.

TRAINING

The Council recognises that the continuing success of its Anti-Fraud & Corruption and Bribery Policy and its general credibility will depend largely on the effectiveness of programmed training, communication and responsiveness of officers throughout the organisation.

To facilitate this, the Council supports the concept of full induction, training and follow-up training. This applies particularly to officers involved in internal control systems and financial and finance related systems, to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced. This also applies to casual, temporary and agency staff, who may not be aware of the standards of probity that are required in the public sector. Elected Members are supported through induction, training and follow-on training and are made aware of their roles and responsibilities in particular the need for honesty and probity in all areas that they are involved in.

Officers who work in areas where higher levels of fraud may occur will receive fraud awareness sessions in order to ensure that officers are made aware of any important issues and be given advice on what to look for in order to spot a potential fraud. In addition to this, briefings will also be held with employees who advise the public as to what advice to give to the public who may want to report a potential fraud.

The review of the Council's internal control systems and the investigation of fraud, corruption and bribery is the responsibility of the Internal Audit Team, apart from the investigation of Members, which is the responsibility of the Monitoring Officer. In addition, the investigation of fraudulent Housing Benefit claims now rests with the Department for Work & Pensions (DWP) with effect from 1st April 2015 and suspected housing benefit fraud must be reported direct to the DWP.

The officers involved in the review of internal control systems and investigative work should be properly and regularly trained.

CONCLUSIONS & FUTURE UPDATING OF THIS POLICY

The Council has in place a clear network of systems and procedures to assist it in the fight against fraud, corruption and bribery. It is determined that these arrangements will keep pace with any future developments, in both prevention and detection techniques, regarding fraudulent or corrupt activity that may affect its operation or related responsibilities.

To this end the Council maintains a continuous overview of such arrangements and, in particular, through the roles of the Monitoring Officer, Deputy Chief Executive, Internal Audit and the various codes and procedure rules.

The Anti-Fraud & Corruption and Bribery Policy is part of the Corporate Governance Policies Work Programme and will be reviewed annually by the Head of Audit & Investigations and updates or changes will be made as necessary. Where updates or changes are significant, the revised Policy will be re-approved by Standards Committee. The Head of Audit & Investigations will update the title page of the policy with the reviewed date, policy version and when it was last approved by Standards Committee or at the Council AGM.



HYNDBURN

The place to be
an excellent council

Anti-Money Laundering Policy Guidance & Procedure Notes

Policy Version: **16**
Revised: **March 2026**
Checked / Reviewed: **March 2026**

Last Policy Approval: **Council AGM – May 2026**

HYNDBURN BOROUGH COUNCIL
ANTI MONEY LAUNDERING POLICY

SUMMARY

1 Policy Objectives

Hyndburn Borough Council is committed to complying with the law relating to money laundering and to helping its members and staff to do the same. It is also committed to maintaining standards of financial management that reflect a high level of accountability and transparency. In pursuance of these objectives it has adopted an anti-money laundering policy.

2 Training

The Council will provide appropriate training for both members and staff. Training will relate to the law on money laundering and the procedures contained in the anti-money laundering policy. When major changes in the law impose new obligations on the Council, refresher training will be arranged.

3 Guidance

The Council's Money Laundering Reporting Officer (MLRO) will be available on an ongoing basis to give guidance to both members and staff. Where necessary the MLRO will seek legal advice. Staff should consult the MLRO whenever they have any doubts about anti money laundering law and/or procedures and must go straight to the MLRO and NOT discuss the matter with anybody else.

4 Updating

The Council will continue to maintain, update and publicise to staff and members its anti-money laundering policy and procedures.

5 Enforcement

The Council will carry out regular checks to ensure that the anti-money laundering policy and procedures are being adhered to and will take such disciplinary action as may be necessary in cases where breaches of the law and /or procedure occur.

6 Preventative Measures/Best Practice

The Council will observe all relevant codes of conduct relating to money laundering. It will not act in any circumstances where there may be concern that it will not comply with its anti-money laundering obligations. At all times the Council will take all possible steps to maintain its reputation and financial integrity.

HYNDBURN BOROUGH COUNCIL

ANTI MONEY LAUNDERING POLICY – GUIDANCE NOTE

1. INTRODUCTION

1.1 Some of the legal obligations relating to money laundering are to be found in: -

- **The Terrorism Act 2000 and**
- **The Proceeds of Crime Act 2002**

This legislation contains detailed definitions of the money laundering activities that are caught by the statutory control framework.

1.2 **The Money Laundering, Terrorist Financing, Transfer of Funds Regulations 2017** (The MLR 2017) encapsulate the obligations that were introduced by **The Money Laundering Regulations 2007** but these do not apply to the Council. The MLR 2017 sets out the additional obligations of private sector firms working in areas of higher money laundering risk. The MLR 2017 aims to stop criminals using professional services to launder money by requiring professionals to take a risk-based approach.

1.3 The Council has used these regulations as a guide to the establishment of procedures that have been designed to prevent the use of the Council's services for money laundering. These procedures are set out in the accompanying **Anti-Money Laundering Procedures** and all members and staff should be aware of the content.

1.3 Failure to comply with this Policy and these Procedures may constitute a disciplinary offence.

1.4 This Guidance Note aims to provide further detail regarding the legal requirements and practical help in implementing the procedures.

2 THE LAW

2.1 The Terrorism Act 2000

This makes it an offence for any person to enter into or be concerned in arrangements that facilitate the retention or control of property that has been or is likely to be used for the purposes of terrorism.

It is a defence if a person charged with this offence could prove that they did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

The Act also imposes obligations on everyone who acquires information in the course of a trade profession business or employment to inform the police of any suspicions that an offence has been committed under the Act. It is a defence for a person charged with this offence to prove that he had reasonable excuse for not making the disclosure.

This defence would be established if the person charged was able to demonstrate that they had made a disclosure in accordance with their employers established policy.

2.2 The Proceeds of Crime Act 2002

Sections 327 – 329 create several criminal offences in relation to the laundering of criminal property that can be committed by anyone

- **“Criminal Property”** is defined in the Act as being property that “constitutes a person’s benefit from criminal conduct...”(s 340)
- **“Property”** is defined as “all property wherever situated and includes
 - a) money
 - b) All forms of property, real or personal, heritable or moveable
 - c) Things in action and other intangible or incorporeal property”

Section 327 provides that a person commits an offence if they

Conceal, disguise, convert or transfer criminal property or remove criminal property from the UK and they know or suspect that it is criminal property

- Conceal - hides it or conceals its nature, source, location disposition, movement or ownership
- Disguises - alters its appearance e.g. by removing serial numbers or other identifying marks or disguises its nature source etc.
- Converts – changes it from one thing to another
- Transfers – uses it to buy things or simply gives it to someone else
- Removes – moves it physically or by electronic transfer from one jurisdiction to another

Section 328 provides that a person commits an offence if they

Enter into or become concerned in an arrangement which they know or suspect facilitates (by whatever means) the acquisition, retention, use or control of criminal property by or on behalf of another person.

This offence is committed when someone becomes actively involved in some arrangement, which helps someone else to get, keep, use or control the proceeds of crime.

An offence will not be committed under either section 327 or 328 if;-

- the alleged money laundering activity is reported to the MLRO before one of the acts mentioned in the two sections is done and the appropriate consent is obtained
- a person intended to make a disclosure but had a reasonable excuse for not doing so
- the person is carrying out a function relating to the enforcement of the Act or other criminal conduct

Section 329 provides that a person commits an offence if they, acquire, use or have possession criminal property providing they know or suspect that it represents the proceeds of crime

In addition to the defences provided for offences under sections 327 and 328 there is a further defence that the person used or had possession of the property for adequate consideration

The offences created by section 327 –329 are punishable by a maximum term of 14 years and/ or an unlimited fine if convicted in the Crown Court, or 6 months imprisonment and/ or a maximum fine of £5,000 if convicted in the Magistrates Court.

Knowledge and suspicion

Knowledge means actual knowledge or shutting one's mind to the obvious or wilfully shutting one's eyes to the truth

Suspicion is not specifically defined but can be said to be more than speculation but less than actual proof or certainty. It should not however be based on stereotypes

It is a subjective test i.e. that the defendant actually knew or had suspicions (not that a reasonable man would have been suspicious)

2.3 The Council's Policy and Procedures

As part of its commitment to prevent the use of its services for the purpose of money laundering the Council will:

- Implement a procedure to require the reporting of suspicions of money laundering,
- Appoint a Money Laundering Reporting Officer to receive disclosures from their staff of money laundering activity (their own or anyone else's);
- Maintain certain client identification procedures; and
- Maintain record keeping procedures.
- Train its staff in money laundering recognition and reporting procedures

2.4 MONEY LAUNDERING – HOW IT WORKS AND HOW TO REGONISE IT

How it works

In simple terms the process can be described as being broken down into three stages;

- Placement
- Layering
- Integration

In reality it may be difficult to make such clear-cut distinctions

Placement occurs when the property generated by crime is placed in the economic or financial system.

Layering is where the criminal property is distanced from its source by layers of transactions designed to disguise the audit trail and end up with the appearance of legitimacy

Integration is where the criminal property is successfully disguised and is integrated into the legitimate economy.

It is impossible to give a definitive list of ways in which to spot money laundering or how to decide whether to make a report to the MLRO. The following are types of risk factors which may, either alone or cumulatively with other factors, suggest the possibility of money laundering activity: (the list below is not exhaustive)

- A new customer with no previous 'history' with the Authority;
- A secretive customer: e.g. refuses to provide requested information without a reasonable explanation;
- Concerns about the honesty, integrity, identity or location of a customer;
- Illogical third party transactions: unnecessary routing or receipt of funds from third parties or through third party accounts;
- Involvement of an unconnected third party without logical reason or explanation;
- Payment of sums up to £3,000 in cash (approximately 3,570 €) or above this amount if in other payment forms e.g. cheque;
- Overpayments by a customer;
- Payment of deposits, which are, requested back (if a transaction is aborted or delayed).
- Absence of an obvious legitimate source of the funds;
- Movement of funds to and from overseas, particularly to and from a higher risk country or tax haven;
- Where, without reasonable explanation, the size, nature and frequency of transactions or requests (or the size, location or type of a client) is out of line with normal expectations;
- A transaction without obvious legitimate purpose or which appears uneconomic, inefficient or irrational;
- The cancellation or reversal of an earlier transaction;

- Requests for release of account details other than in the normal course of business;
- Companies and trusts: extensive use of corporate structures and trusts in circumstances where the customer's needs are inconsistent with the use of such structures;
- Poor business records or internal accounting controls;
- A previous transaction for the same client which has been, or should have been, reported to the MLRO;
- Unusual property investment transactions if there is no apparent investment purpose or rationale;
- Instructions to receive and pay out money where there is no linked substantive property transaction involved (surrogate banking);
- Re property transactions, funds received for deposits or prior to completion from an unexpected source or where instructions are given for settlement funds to be paid to an unexpected destination;

Facts, which tend to suggest that something odd is happening, may be sufficient for a reasonable suspicion of money laundering to arise.

In short, the money laundering offences apply to your own actions and to matters in which you become involved. If you become aware that your involvement in a matter may amount to money laundering then you must discuss it with the MLRO and not take any further action until you have received, through the MLRO, the consent of the National Crime Agency ("NCA"). The failure to report money-laundering obligations referred to below, relate also to your knowledge or suspicions of others, through your work.

2.5 Reporting Money Laundering Offences:

The Council's Anti-Money Laundering Policy makes it clear that all members of staff should report any concerns they may have of money laundering activity, irrespective of their area of work

If you know or suspect, through the course of your work, that anyone is involved in any sort of criminal conduct then it is highly likely, given the wide definition of money laundering, that the person is also engaged in money laundering and a report to the MLRO will be required. The value involved in the offence is irrelevant. If, for example, you reasonably suspect that someone has falsified his or her expenses claim, even if just by £1, then you would need to report that to the MLRO.

There are various defences, for example where you have a reasonable excuse for non-disclosure or you did not know or suspect that money was being laundered and you had not been provided by the Council with appropriate training.

You must still report your concerns, even if you believe someone else has already reported their suspicions of the same money laundering activity.

Such disclosures to the MLRO will be protected in that they will not be taken to breach any restriction on the disclosure of information.

If you are in any doubt as to whether or not to file a report with the MLRO then you should err on the side of caution and do so – remember, failure to report may render you liable to prosecution. The MLRO will not refer the matter on to the relevant authority if there is no need.

2.6 “Tipping Off” Offences

Proceeds of Crime Act 2002 section 333

A person commits an offence if they know or suspect that a disclosure (of suspected money laundering) has been made and they then make reveal information that is likely to prejudice any investigation in to the suspected money laundering.

The maximum penalty for “tipping off” money laundering suspects is 6 months imprisonment and/ or a fine of up to £5,000 in the Magistrates Court or 5 years imprisonment and / or an unlimited fine if convicted in the Crown Court

So if suspect a member or member of staff suspects money laundering and reports it to the MLRO, be very careful what you say to others afterwards: you may commit an offence

You CANNOT warn or infer to a suspect that they are under suspicion or they have been reported. In effect, the file or matter has to be discretely frozen until clearance is given. If the matter is reported to the police they may note the position and, if alerted, watch what goes on to catch the linked criminals. So, IF you don't report and somebody else elsewhere in a chain of transactions HAS, suspicion could fall on YOU.

Remember - absolute secrecy and discretion is required. No notes on active files are to be made and all reporting kept in confidential MLRO files.

2.7 Consideration of Disclosure Report by MLRO

Where the MLRO receives a disclosure from a member of staff and concludes that there is actual/suspected money laundering taking place, or there are reasonable grounds to suspect so, then he must make a report as soon as practicable to NCA on their standard report form and in the prescribed manner, unless he has a reasonable excuse for non-disclosure. Where relevant, the MLRO will also need to request appropriate consent from the NCA for any acts/transactions, which would otherwise amount to prohibited acts under section 327 – 329 of the 2002 Act, to proceed.

The MLRO may receive appropriate consent from the NCA in the following ways:

- specific consent;
- no refusal of consent during the notice period (seven working days starting with the first working day after the MLRO makes the disclosure); or

- refusal of consent during the notice period but the moratorium period has expired (31 days starting with the day on which the MLRO receives notice of refusal of consent).

The MLRO commits a criminal offence under section 331 of the Act if the MLRO knows or suspects (or has reasonable grounds to do so) through a disclosure being made to the MLRO, that another person is engaged in money laundering and this is not disclosed as soon as practicable to the NCA.

Relevant Guidance

When considering any offence under the legislation, the Court will consider whether you followed any relevant guidance approved by the Treasury, a supervisory authority, or any other appropriate body which includes, for example, the Law Society, the Financial Services Authority, the Institute of Chartered Accountants in England and Wales and other such bodies. Such guidance is available for lawyers, surveyors and accountants by their respective professional bodies.

HYNDBURN BOROUGH COUNCIL

ANTI MONEY LAUNDERING POLICY – PROCEDURE NOTES

These procedure notes give guidance on: -

- 1 Cash Handling & Receipting of Cash
- 2 Reporting Suspicions of Money Laundering to the MLRO
- 3 Consideration of Disclosure to NCA by the MLRO
- 4 Acceptable Customer/Client Identification
- 5 Record Keeping
- 6 Appointed Money Laundering Reporting Officer (MLRO) and Deputies

It is recognised that the procedure notes cannot cover every eventuality and should be used in conjunction with the Guidance Notes detailing the law and statutory obligations.

The provisions of the Act require that records are retained for at least 5 years, however, in some cases information must be kept for longer due to statutory requirements e.g. Income Receipting records – 6 years in accordance with HM Customs & Excise & HM Inland Revenue. Such differences are highlighted within the Procedure Notes as far as possible, but in the event that you are unsure please check before disposing of records.

In the event of a situation arising that you do not believe is explained by this policy, then you must discuss this in confidence with the MLRO and/or Hyndburn Borough Council's Legal Services.

At the end of these procedure notes you will find:-

- Checklist Flowchart to aid in decision process
- Verification of Customer ID Guidance & Form
- Appendix 1 – Report Template for Report to the MLRO
- Appendix 2 – List of Authorised Cash Handlers
- Guidance Note for Elected Members

Section 1

Cash Handling & Receipting of Cash

- 1.1 These cash handling and receipting of cash procedures are aimed at minimising the risk of potential money laundering activity.
- 1.2 Authorised cash handlers of the Council can accept an individual cash payment up to a maximum of £3,000 (approximately 3,570 €). This is providing you are satisfied as to the validity of the transaction and you do not suspect potential money laundering activity. In the event you do suspect a potential money laundering offence you must report the facts to the MLRO prior to taking and receipting the cash. Details of the reporting procedure are contained in Section 2 of these guidance notes.
- 1.3 Amounts greater than £3,000 (approximately 3,570 €) will not be accepted in cash and will only be acceptable by cheque, debit or credit card or direct UK bank transfer.

- 1.4 If customers offer payment by a cheque drawn from an overseas bank, the best practice is to ask for payment electronically or by a cheque through a UK Clearing Bank.
- 1.5 All payments will be receipted using one of the Council's official methods for cash receipting e.g. electronic cash receipting system or official Hyndburn Borough Council written receipts on official Hyndburn Stationery. Such records must be maintained for a period of at least 6 years to provide an audit trail and adequate history of the transaction. The 6 year period is a statutory requirement in line with the requirements of HM Customs & Excise and the HM Inland Revenue.
- 1.6 Income will also be banked in the normal way according to the location where the income is received and recorded. For example, income will either be banked using the Security Firm contracted by the Council at that time for that purpose. Alternatively in some cases employees of the Council will pay in this income directly at the Council's bank following receipting.
- 1.7 Only Officers of the Council nominated as Official Cash Handlers under this policy, may process cash and other forms of income e.g. cheques. Due to the need for the list of nominated Official Cash Handlers to be updated as and when people change jobs or leave the Council, this list has been attached as Appendix 2 to this policy and guidance notes to enable easy updating.

Section 2

Reporting Suspicions of Money Laundering to the MLRO

- 2.1 Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under sections 327 – 329 of the Act, you must disclose this as soon as practical to the MLRO. The disclosure should be within "hours" of the information coming to your attention, **NOT** weeks or months later. It is recognised that there may be circumstances where you can not report the suspicion immediately e.g. there is a long queue of customers. However, reporting your suspicion/concerns should be your first priority as soon as, in this example, the queue is cleared. **SHOULD YOU NOT DO SO, THEN YOU MAY BE LIABLE TO PROSECUTION.** You **MUST** report in confidence and in private. You must **NOT** 'tip off' anybody else or allow anybody else to see or hear what is happening. It is a secret between you and the MLRO. In the event that the MLRO is not available e.g. due to holiday, then you **MUST** report in confidence and in private to a Deputy Money Laundering Reporting Officer (DMLRO). The DMLRO is empowered to act in the absence of the MLRO and will liaise direct with the MLRO when it is appropriate.
- 2.2 Remember, if the matter is passed to NCA then they will want to be able to follow the trail of money laundering, so they need the chain of reports to be able to trace it from the beginning to the end.
- 2.3 Your disclosure should be made to the MLRO or a DMLRO in the MLRO's absence, using the pro-forma reporting form attached at Appendix 1. The report must include as much detail as possible. You should check **PRIOR** to sending the written report that the MLRO (or DMLRO) is NOT absent to prevent the report being left unattended for a period of time. If possible, you could telephone the MLRO (or DMLRO) to inform

them that a report is coming. The following list is given as examples of the type of information expected, but is not intended to cover all possible eventualities:-

- Full details of the people involved (including yourself, if relevant);
- Full details of the nature of their/your involvement;
 - If you are concerned that your involvement in the transaction would amount to a prohibited act under sections 327 – 329 of the Act. Then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take and further part in the transaction for the matter to proceed before such consent is given.
 - You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline;
- The types of money laundering activity involved:
 - If possible, cite the section number(s) under which the report is being made e.g. a principal money laundering offence under section 327 – 329 of the Act, or general reporting requirement under section 330 of the Act, or both;
- The dates of such activities, including:
- Whether the transactions have happened, are ongoing or are imminent;
- Where they took place;
- How they were undertaken;
- The (likely) amount of money/assets involved;
- Why, exactly, you are suspicious – the NCA will require full reasons;
- Any other relevant available information to enable the MLRO to make a sound judgement as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable the MLRO to prepare a report to the NCA, where appropriate.

- 2.4 Once you have reported the matter to the MLRO you must follow any directions that may be given to you. **You must NOT make any further enquiries into the matter yourself.** Any investigation will be undertaken by the NCA. Your obligation is to report your suspicions to the MLRO who will refer it to NCA if it is appropriate.
- 2.5 All members of staff will co-operate with the MLRO and the authorities during any subsequent money laundering investigation.
- 2.6 You must not discuss the matter with your work colleagues or other people known to you as to whether you should report an issue to the MLRO, you must make up your own mind and then **ONLY** share this with the MLRO or DMLRO in the MLRO's absence.
- 2.7 Under no circumstances and at no time should you voice your concerns or suspicions to the person(s) you suspect of money laundering, even if the NCA has given consent for a particular transaction to proceed without the specific consent of the MLRO. Otherwise you may commit a criminal offence of "tipping off".
- 2.8 In the event that a customer demands to know what is going on or becomes irate, you must not even hint what the problem might be. When the MLRO and/or NCA give clearance, proceed with the matter as though nothing had happened.
- 2.9 You must **NOT** start trying to investigate the matter yourself as you may compromise any potential investigation and you could inadvertently 'tip off' the person(s) you are suspicious about. This in turn could lead to you being prosecuted.

- 2.10 Doing nothing or ignoring the problem is **NOT** an option. You are duty bound to report any suspected potential money laundering issue to the MLRO or DMLRO in the MLRO's absence.

Section 3

Consideration of Disclosure to NCA by the MLRO

- 3.1 Upon receipt of a disclosure report, the MLRO must note the date of the receipt on the appropriate section of the report and acknowledge receipt of it. The MLRO should also advise you of the timescale within which it is expected to respond to you.
- 3.2 The MLRO will consider the report and any other available internal information considered relevant e.g.:
- reviewing other transaction patterns and volumes;
 - the length of any business relationship involved;
 - the number of any one-off transactions and linked one-off transactions;
 - any identification evidence held;
 - and undertake such reasonable inquiries it is thought appropriate in order to ensure that all available information is taken into account in deciding whether to report to NCA is required.
- 3.3 Such enquiries must be made in such a way as to avoid any appearance of tipping off those involved. The MLRO may also need to discuss the report with the person who made it.
- 3.4 Once the MLRO has evaluated the disclosure report and any other relevant information, a timely determination must be made as to whether:
- there is actual or suspected money laundering taking place; or
 - there are reasonable grounds to know or suspect that is the case; and
 - whether consent needs to be sought from NCA for a particular transaction to proceed.
- 3.5 If the MLRO concludes the matter must be disclosed to the NCA, then it must be done as soon as practicable i.e. within hours rather than weeks or months. The disclosure must be on NCA's standard report form and in the prescribed manner, unless there is a reasonable excuse for non-disclosure to NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information).
- 3.6 If the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then the MLRO must note the report accordingly. The MLRO can then immediately give consent for any imminent transactions to proceed.
- 3.7 In cases where legal professional privilege may apply, the MLRO must liaise with the Head of Legal Services to decide whether there is a reasonable excuse for not reporting the matter to NCA.
- 3.8 Where consent is required from NCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed or proceed until the NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from the NCA.

- 3.9 If the NCA gives express consent to the MLRO (or DMLRO) within 7 clear working days (not counting the day the disclosure is made) then the MLRO will instruct that you proceed normally with business. If consent is refused within 7 clear working days the MLRO will advise you that you must refuse to continue with the transaction. NCA can notify the MLRO within 7 clear working days that they are extending the time for a decision by 31 days, during that extension the MLRO will advise that you must do nothing with that transaction. If the NCA does this, they will be happy to discuss ways and means of explaining the delay to your business partner or customer with the MLRO. In the event that the MLRO hears nothing (consent, refusal or request for extension) within 7 clear working days the NCA are deemed to have consented to the transaction being completed and the MLRO will advise you of this.
- 3.10 Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then the report will be marked accordingly and consent given by the MLRO for any ongoing or imminent transaction(s) to proceed.
- 3.11 All disclosure reports referred to the MLRO and reports made by the MLRO to NCA must be retained by the MLRO in a separate, confidential file kept for that purpose, for a minimum of five years.
- 3.12 The MLRO commits a criminal offence if the MLRO knows or suspects, or has reasonable grounds to do so, through a disclosure being made to the MLRO, that another person is engaged in money laundering and it is not disclosed as soon as practicable to the NCA, i.e. within hours rather than weeks or months.
- 3.13 Doing nothing or ignoring the problem is **NOT** an option. The MLRO is duty bound to investigate an obvious potential money laundering issue that is reported.

Section 4 **Non-Council Organisation Identification**

- 4.1 Where the Council is carrying out “relevant business” e.g. Accountancy, Audit, Estates Work and some Legal Services and;
 - a.) forms an ongoing business relationship with an organisation or individual; or
 - b.) undertakes a one-off transaction involving payment by the organisation/individual of a maximum of £3,000 in cash (approximately 3,570 €); or
 - c.) undertakes a one-off transaction involving payment by or to the organisation/individual of 15,000 € (approximately £12,500) or more; or
 - d.) undertakes a series of linked one-off transactions involving total payment by or the organisation/individual of 15,000 € (approximately £12,500) or more; or
 - e.) it is known or suspected that a one-off transaction (or series of them) involves money laundering;

Then this Non-Council Organisation Identification Procedure must be followed **BEFORE** any business is undertaken for that customer/client. **Please note that unlike the reporting procedure, the identification procedure IS restricted to**

those operating relevant business, i.e. Financial Services, Legal Services, Auctioneers and Valuers.

- 4.2 In the above circumstances, staff in the relevant unit of the Council must obtain satisfactory evidence of the identity of the prospective client, as soon as practicable after instructions are received (unless evidence of the client has already been obtained). This applies to existing organisations/individuals as well as new ones, but identification evidence is not required for matters entered into/commenced prior to 1st March 2004.
- 4.3 Generally, we know most organisations/individuals conducting relevant business for the Council. We are not in private practice and are therefore subject to public sector controls. We are not large, city firms of lawyers and accountants, with international client bases.
- 4.4 A clear trail of events is key. Cheques whether large or small are easily traceable through the banking system providing they come in from UK clearing banks. Therefore a cheque for £100,000 from a known company on a UK clearing bank cheque is traceable as where a customer paying £3,000 in cash for a debt is not necessarily traceable.

Known Organisations/Individuals

- 4.5 Written instructions on headed paper should enable to us to have confidence in accepting instructions from a known client.

New Organisations/Individuals

- 4.6 If you are undertaking work on behalf of a new organisation/individual, then you may also wish to seek additional evidence, e.g.:
- checking the organisation's website to confirm the business address;
 - asking the key contact to provide evidence of their personal identity and position within the organisation; for example signed, written confirmation from their Head of Service or Chair of the relevant organisation.
 - If you are dealing with an individual you may ask for sight of their passport and one recent utility bill and keep photocopies on the file.
 - For limited companies you could request a copy of the last accounts and Certificate of Incorporation and for a new company, the passport details of two directors for example.
- 4.7 In all cases the evidence should be retained for 5 years from the end of the business relationship or one-off transaction(s).
- 4.8 If you are not satisfied with the evidence of identity at the outset of the matter, then the business relationship or one off transaction(s) cannot proceed any further.

Section 5

Record Keeping

- 5.1 Record Keeping is split into 2 sections:-
- a.) General Record Keeping
 - b.) Suspected Money Laundering Issues - Record Keeping

General Record Keeping

- 5.2 Each Service of the Council that conducts 'relevant business' **MUST** maintain records of:-
- o identification evidence obtained relating to organisations/individuals; and
 - o details of all relevant business transaction carried out for the organisation/individual
- 5.3 These records must be kept for at least 5 years. However, you should refer to the Council's Retention & Disposal of Documents Schedule to ensure that you are not statutorily bound to keep the information for longer than the 5 years stipulated by the Act. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.
- 5.4 Law does not prescribe the precise nature of the records. However, they must be capable of providing an audit trail during any subsequent investigation, for example distinguishing the customer/client and the relevant transaction and recording in what form any funds were received or paid. In practice, Council services should be routinely making such records of work carried out customers/clients in the course of normal business.

Suspected Money-Laundering Issues - Record Keeping

- 5.5 All disclosure reports referred to the MLRO and reports made by the MLRO to NCA **MUST** be retained by the MLRO in a separate confidential file kept purely for that purpose. These reports **MUST** be kept for a minimum of 5 years.
- 5.6 In the event that a referral is dealt with by a deputy MLRO (DMLRO) due to the unavoidable absence of the MLRO e.g. through holiday or sickness, then the DMLRO must act in accordance with policy in terms of notification. The DMLRO must also keep the reports safe until the return of the MLRO.
- 5.7 Upon the return to work of the MLRO, the DMLRO should arrange to meet with the MLRO at the earliest opportunity to brief the MLRO of what has happened and also pass the reports to the MLRO to be retained with all other such reports as described above.

Section 6

Appointed MLRO & Deputy MLROs

6.1 Hyndburn Borough Council's Appointed MLRO is:-

Mark Beard
Head of Audit & Investigations
Town Hall
Broadway Offices
Accrington
Lancashire
BB5 1LA

Telephone: 01254 380634
Internal Extension: 2634
E-Mail: mark.beard@hyndburnbc.gov.uk

6.2 In addition there are 2 appointed Deputy MLROs:-

Jane Ellis
Executive Director
Scaitcliffe House
Ormerod Street
Accrington
Lancashire
BB5 0PF

Telephone: 01254 380146
Internal Extension: 2146
E-Mail: jane.ellis@hyndburnbc.gov.uk

Kirsten Burnett
Head of Policy and Organisational Development
Scaitcliffe House
Ormerod Street
Accrington
Lancashire
BB5 0PF

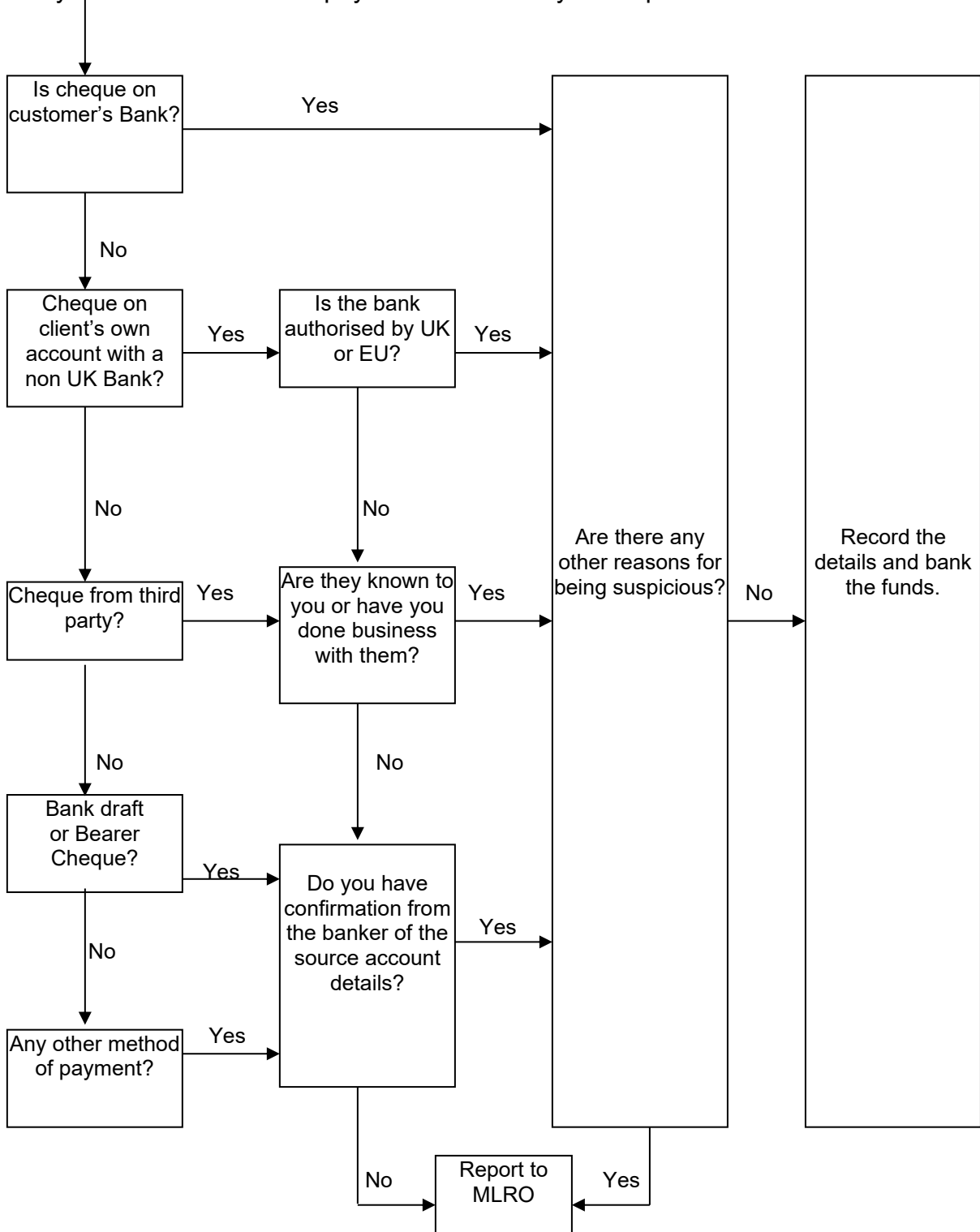
Telephone: 01254 380694
Internal Extension: 2694
E-Mail: kirsten.burnett@hyndburnbc.gov.uk

MONEY LAUNDERING CHECKLIST flowchart

- 1 Cash Payment - are you suspicious of a cash payment up to a maximum cash of £3,000? Do money laundering checks and verification procedures.

Where the payment exceeds €15,000 (approx. £12,500) whether by cheque or any other method of payment, checks etc. are MANDATORY.

- 2 Have you received non-cash payment and/or are you suspicious?



VERIFICATION OF ORGANISATION/INDIVIDUAL IDENTITY

Verification of Organisation/Individual Identity Checklist for client:

Name: _____

NB: If you are receiving funds from a new Organisation/Individual in any transaction up to £3,000 cash or above £12,500 (15,000 €) if another payment method, the identity of the customer must be checked. Otherwise, any suspicions will require you to go through this verification process for whatever level of transaction in any event. If there is still a problem, report to MLRO.

A. Evidence not obtained – reasons:

1. Customer previous identified in: Month _____ Year _____
(but not required if a consistent and regular 'customer' since prior to 1992)

2. Other – state reason fully _____

B. Evidence obtained to verify name and address:

(a) OK on their own

Full national passport	▶
Full national driving licence with photo	▶
Pension book	▶
Armed Forces ID Card	▶
Signed ID Card of employer known to you	▶

(b) OK with two of next group below

Young person NI card (under 18 only)	▶
Pensioner's travel pass	▶
Building Society passbook	▶
Credit Reference agency search	▶
National ID Card	▶
Copy Company Certificate of Incorporation if a limited company and 2 Directors personal identify as above	▶

(c) NB NOT suitable on their own

Gas, electricity, telephone bill	▶
Mortgage statement	▶
Council tax demand	▶
Bank/Building Society/credit card statement	▶
Young person's medical card (under 18 only)	▶
Home visit to applicants address*	▶
Check of telephone directory*	▶
Check voters roll*	▶
*Suitable for proof of address only	▶

NB BEST PRACTICE is to have one of Group (a) plus two of Group (c)

C. Evidence obtained for unquoted company or partnership:

- Certificate of Incorporation or equivalent ▶
- Certificate of Trade or equivalent ▶
- Latest report and audited accounts ▶
- Principal shareholder/partner) *NB Personal* ▶
- Principal director) *ID* ▶

D. Disadvantaged Customers:

e.g. Written Confirmation of identity from Social Worker or Bail Officer, Police, School, Courts etc. ▶

E. If evidence not obtained for the reasons in A, do you have any suspicions regarding identity? _____

I confirm that I have seen the originals of the documents indicated above and have identified the above Customer(s)

Signed _____ **Date** _____

NB Wherever possible TAKE PHOTOCOPIES of the identification evidence and PUT ON FILE.

CONFIDENTIAL

REPORT TO MONEY LAUNDERING REPORTING OFFICER

re Money Laundering Activity

To: Money Laundering Reporting Officer

From:
[insert name of employee]

Directorate: Ext/Tel No:.....
[insert post title and Business Unit]

DETAILS OF SUSPECTED OFFENCE

Name(s) and address(es) of person(s) involved:
[if a company/public body please include details of nature of business]

Nature, value and timing of activity involved:
[Please include full details e.g. what, when, where, how. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:

[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)? Yes No
[Please tick the relevant box]

If yes, please include details below:

Have you discussed your suspicions with anyone else?)? Yes No
[Please tick the relevant box]

If yes, please specify below, explaining why such discussion was necessary:

Have you consulted any supervisory body guidance re money laundering? (e.g. the Law Society) Yes No
[Please tick the relevant box]

If yes, please specify below:

Do you feel you have a reasonable excuse for not disclosing the matter to the NCA? (E.g. are you a lawyer and wish to claim legal professional privilege?) Yes No
[Please tick the relevant box]

If yes, please set out full details below:

Are you involved in a transaction which might be a prohibited act under sections 327- 329 of the Act and which requires appropriate consent from the NCA?

Yes No

[Please tick the relevant box]

If yes, please enclose details in the box below:

Please set out below any other information you feel is relevant:

Signed:..... **Dated:**.....

Please do not discuss the content of this report with anyone else and especially anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received:

Date receipt of report acknowledged:

CONSIDERATION OF DISCLOSURE:

Action Plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to the NCA, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

Other relevant information:

Signed:..... Dated:.....

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

ANTI-MONEY LAUNDERING POLICY AND PROCEDURES

AUTHORISED OFFICERS FOR CASH HANDLING / COLLECTION & RECEIPTING

Only the following Officers of the Council are authorised to accept cash (and other forms of income e.g. cheque and credit/debit transactions) at the various locations around Hyndburn Borough Council, in accordance with the provisions of the Anti-Money Laundering Policy & Procedures.

Surname	Forename	Department / Location
Berry	Gillian	Art Gallery & Museum
Bilham	Karina	Elections
Bullock	Peter	Legal & Democratic Services
DeSimone	Samantha	Art Gallery & Museum
Doran	Shaun	Pest Control
Earnshaw	Jayne	Elections
Ellis	Jane	Legal & Democratic Services
Harrison	Lisa	Cemetery Service
Harker	Suzanne	ICT
Hodgetts	Mimi	Art Gallery & Museum
Iddon	Alison	Art Gallery & Museum
Jassat	Farook	Customer Services
Lambert	Gillian	Parks & Open Spaces Income
Ma	Sarah	Directors PA
Martin	Amanda	Accountancy
McCann	Lisa	Administration
Middlehurst	Lee	Benefits, Revenues & Customer Contact
Paliga	Judith	Cemetery Service
Palmer	Julie	Administration
Proctor	Michael	Markets
Randall	Philip	Pest Control
Russell	Jennifer	Legal & Democratic Services
Studholme	Amelia	Art Gallery & Museum
Taylor	Lee	Pest Control
Trickett	Carol	Strategic Housing
Westwell	Karen	Licensing Administration
Williams	Emma	Regeneration
Yates	Chris	Customer Services
Yates	Louise	Building Control

ANTI MONEY LAUNDERING POLICY AND PROCEDURES

GUIDANCE NOTE FOR COUNCILLORS

Myth

The Anti Money Laundering provisions only apply to multi-million pound drug dealers and the Mafia.

Reality

The Proceeds of Crime Act 2002 (POCA)) have the gravest implications for all of us. There is NO upper or lower limit to the amounts relevant to POCA .

This legislation stems from EU Directives requiring member states to prohibit money laundering and to oblige institutions to identify their customers, keep appropriate records, train staff and report suspicious activities to the authorities. The purpose is clear - to stop major criminals profiting from the proceeds of crime, not only in terrorist and drug dealing areas of activity.

Part 7 POCA 2002 Sections 327-329 make it a criminal offence to conceal, disguise, convert or transfer criminal property derived from the benefit of a crime. Criminal conduct is defined in a very wide manner. POCA and MLR applies therefore not only to terrorist and drug dealing offences, but also, for example, to benefit frauds, tax evasion or even fiddling expenses claims or the knowledge thereof by a third and innocent party.

POCA applies to all UK citizens and legal entities, and therefore to local authorities as a body, its employees and Members. It is not only 'those who assist in the disposal of criminal property', but also by those who 'become concerned in an arrangement' including the gaining of knowledge thereof. A wide interpretation has to be given to the legislation.

Example

If two Councillors are driving together to a meeting, and the driver exceeds the speed limit. The passenger has no liability for that.

If, however, the driver deliberately fiddles the expenses claim for the journey and the passenger either knows of it and fails to report it, or connives in it, then that is a money laundering offence by both of them.

Scenario

A child abuse case conference decides to assist in a placement of the child with an aunt. The aunt however needs assistance to look after the child two days a week because she has 'a little job to bring a little extra in for the family'. The care professionals arrange nursery facilities for these two days. Whilst there may be perfectly legitimate reasons, it is also possible in the example for this to be a job not declared for either benefit or tax purposes. If such is the case, the aunt would be committing a criminal offence or offences. The care professionals and their employing bodies might also be regarded as committing the facilitation offence under POCA S328.

“Tipping Off”

POCA provides for a defence where disclosures are made to the appropriate authority. Importantly, however, it also makes it a crime to “tip off” the ‘criminal’ that a disclosure is to be made. The purpose is to enable the authorities to take action to secure the proceeds or to investigate before the criminal moves the funds and to ‘watch where the money goes’ so that they can pounce on the chain of criminal activity (end to end) when the time is right. Therefore careless talk could cost an imprisonment. The idea is to report the suspect activity to a Money Laundering Reporting Officer, but otherwise keep as silent as the grave and treat the information given to the MLRO as though given in a confessional. The problem is then passed on to MLRO, who decides whether to report to the National Crime Agency (NCA) or not.

Scenario Extended

One of the care professionals or a Councillor has a good relationship with the aunt and suggests that it would be best to stop working as there may need to be a disclosure report to the NCA and/or the Inland Revenue. That care professional/Councillor is then liable to an unlimited fine and up to five years imprisonment for ‘tipping off’. The employing body, at the very least, is at grave reputational risk!

Members will appreciate the possibility, say, of information coming to them at a Councillor’s Surgery or as a result of involvement in Planning, Housing Benefit or in many other scenarios to do with Housing or other matters, so must be aware of the potential risks of the anti-money laundering processes.

The Money Laundering Regulations 2003 have now been replaced by the Money Laundering Regulations 2007 which do not apply to the Council. However the requirements of the regulations have been used as a guide in the preparation of the Council’s internal anti money laundering policy. This policy includes procedures:

- To install internal systems of control and reporting
- To keep records for at least five years
- To train the staff in those sectors in how to recognise and deal with transactions which may be related to money laundering
- To appoint a nominated officer(s) to whom staff and Members may make confidential disclosures

What to do

It would seem that most local authority staff and Councillors will only need a low level of awareness training, whilst staff in the particular areas of activity mentioned need to be constantly ‘on their guard’. We are all obliged to act on a ‘reasonable suspicion’. Turning a blind eye and doing nothing is not an option and is liable to end up with you being prosecuted under the act with the possibility of a prison sentence in addition to a fine.

Policy and Procedures

Please refer to the Council approved Policy and Procedures for more detailed information as may be necessary or consult the Money Laundering Reporting Officer (the Head of Audit & Investigations Ext 2634), or the Deputy Money Laundering Officer (ext. 2299)

Effect on Local Authority Members

The POCA provisions apply to elected Members as well as others. Advice in Ward Surgeries may be the subject of investigation (how often are Councillors the focus of complaints from a disappointed constituent, e.g. "I told Councillor X about the (what turns out to be a benefit fiddle or whatever) and he/she said I should ..."). This possibility also links through to the Standards Board for England regarding complaints.

Conclusion

Local Government needs to be aware of these Statutory Obligations. At worst senior Members and officers may be committing offences through inaction, albeit unwittingly. At best a Council caught up in a money laundering investigation will suffer severe reputational damage.

Training will be given to Members as necessary in this subject on an ongoing basis.



NOTICE OF MEETINGS 2026-2027

Date	Meeting	Time	Venue
<i>Monday, 4th May, 2026</i>	<i>Bank Holiday - May Day</i>		
<i>Thursday, 7th May, 2026</i>	<i>Local Elections</i>		
Thursday, 28th May, 2026	Council (AGM)	7.00 p.m.	Council Chamber
<i>Monday 25th May, 2026</i>	<i>Bank Holiday - Spring</i>		
Wednesday, 17th June, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Saturday, 20th June, 2026	Council (Mayor Making)	10.00 a.m.	Council Chamber
Wednesday, 24th June, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Monday, 29th June, 2026	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Thursday, 9th July, 2026	Council	7.00 p.m.	Council Chamber
Tuesday, 21st July, 2026	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 22nd July, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Monday, 27th July, 2026	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 29th July, 2026	Resources Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 5th August, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Wednesday, 19th August, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<i>Monday, 31st August, 2026</i>	<i>Bank Holiday - Summer</i>		
Wednesday, 2nd September, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Wednesday, 16th September, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Monday, 21st September, 2026	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Thursday, 24th September, 2026	Council	7.00 p.m.	Council Chamber
Wednesday, 7th October, 2025	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Monday, 12th October, 2026	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday 14th October, 2026	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 21st October, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Wednesday, 4th November, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday, 11th November, 2026	Resources Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Thursday, 12th November, 2026	Council	7.00 p.m.	Council Chamber
Wednesday, 18th November, 2026	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 25th November, 2026	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 30th November, 2026	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 9th December, 2026	Resources Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 16th December, 2026	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<i>Friday, 25th December, 2026</i>	<i>Bank Holiday - Christmas Day</i>		
<i>Saturday, 26th December, 2026</i>	<i>Bank Holiday - Boxing Day</i>		
<i>Friday, 1st January, 2027</i>	<i>Bank Holiday - New Years Day</i>		
Wednesday, 13th January, 2027	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Thursday, 14th January, 2027	Council	7.00 p.m.	Council Chamber
Wednesday, 20th January, 2027	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 25th January, 2026	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 10th February, 2027	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday 17th February, 2027	Cabinet (Draft Budget)	4.00 p.m.	QER, Scaitcliffe House
Monday, 22nd February, 2027	Resources Overview and Scrutiny Committee (Budget Meeting)	2.30 p.m.	QER, Scaitcliffe House
Thursday, 25th February, 2027	Council (Budget)	7.00pm	Council Chamber
Wednesday, 3rd March, 2027	Resources, Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Monday, 8th March, 2027	Communities and Wellbeing Overview and Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 10th March, 2027	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
Wednesday, 17th March, 2027	Cabinet	5.00 p.m.	QER, Scaitcliffe House
Monday, 22nd March, 2027	Audit Committee	4.00 p.m.	QER, Scaitcliffe House
Wednesday, 24th March, 2027	Special Scrutiny Committee	4.00 p.m.	QER, Scaitcliffe House
Thursday, 25th March, 2027	Council	7.00 p.m.	Council Chamber
<i>Friday, 26th March 2027</i>	<i>Bank Holiday - Good Friday</i>		
<i>Monday, 29th March, 2027</i>	<i>Bank Holiday - Easter Monday</i>		
Wednesday, 14th April, 2027	Planning Committee	3.00 p.m.	QER, Scaitcliffe House
<i>Monday, 3rd May, 2027</i>	<i>Early May Bank Holiday</i>		
<i>Thursday, 6th May, 2027</i>	<i>Local Elections</i>		
Thursday, 20th May, 2027	Council (AGM)	7.00 p.m.	Council Chamber
<i>Monday 31st May, 2027</i>	<i>Bank Holiday - Spring</i>		
Saturday, 19th June, 2027	Council (Mayor Making)	10.00 a.m.	Council Chamber

This page is intentionally left blank

Agenda Item 14.

REPORT TO:	Annual Council Meeting		
DATE:	28 th May 2026		
REPORT AUTHOR:	Julian Joinson, Member Services Manager		
TITLE OF REPORT:	Record of Attendance at Council Meetings 2025/26		
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 26th July 2005 (see paragraph 3 below).

2. **Recommendations**

- 2.1 Council is requested to note the report.

3. **Background**

- 3.1 At the Council meeting on 26th July 2005, the Council approved revisions to the Members' Allowances Scheme.
- 3.2 Council accepted a recommendation of the Independent Remuneration Panel that the "75% rule" be removed 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 2025/26.

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

- 4.1 Minutes of Council meetings 2025/26 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 2025-2026

(Listed in alphabetical order)

There were a total of 10 Council meetings in the Municipal Year 2025/26 and the attendance record of each Councillor is as follows.

KEY:

Y= Attended, N= Non Attendance

Councillor x35	15 th May AGM 2025	15 th May Special 2025	31 st May 2025	10 th July 2025	25 th Sept 2025	13 th Nov 2025	15 th Jan 2026	26 th Feb 2026	26 th Mar 2026	26 th Mar Special 2026	Total Max. = 10 Meeti ngs	% for ALL Commit tees
Addison	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Alexander	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	9	90
Allen	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Anderson	Y	Y	N	Y	Y	N	N	N	Y	Y	6	60
Aziz	Y	Y	Y	Y	Y	N	Y	Y	N	Y	8	80
Booth	N	N	Y	N	N	Y	Y	Y	Y	Y	6	60
Brerton	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Button	Y	Y	Y	Y	N	Y	Y	Y	N	N	7	70
Cassidy	N	N	Y	Y	Y	Y	Y	Y	Y	Y	8	80
Clegg	Y	Y	N	Y	Y	N	Y	N	Y	Y	7	70
Clements	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
L. Cox	N	N	N	Y	Y	N	N	Y	Y	Y	5	50
P. Cox	Y	Y	N	Y	Y	Y	N	Y	Y	Y	8	80
Dad	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Dawson	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Eaves	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Edwards	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	9	90
Fazal	Y	Y	N	Y	Y	Y	Y	Y	N	N	7	70
Fisher	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Gilbert	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	9	90
Haworth	N	N	Y	Y	Y	N	N				3	43
Heap	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	9	90
Khan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
McKenna	Y	Y	N	Y	Y	Y	N	Y	Y	Y	8	80
Parkins	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Plummer	N	N	N	Y	Y	N	N	Y	Y	Y	5	50
Pratt	Y	Y	Y	N	Y	Y	N	Y	N	N	6	60
Pritchard	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	9	90
Rawcliffe	Y	Y	Y	Y	Y	N	N	N	N	N	5	50
Smithson	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	9	90
Walker	Y	Y	N	N	Y	Y	Y	Y	N	N	6	60
Walsh	N	Y	Y	Y	N	N	Y	Y	Y	Y	7	70
Whitehead	Y	Y	Y	N	Y	Y	N	Y	Y	Y	8	80
Yates	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	10	100
Younis	Y	Y	N	N	Y	Y	Y	Y	Y	Y	8	80

This page is intentionally left blank

Agenda Item 15.

REPORT TO:	Council		
DATE:	28 May 2026		
REPORT AUTHOR:	Jane Ellis, Executive Director		
TITLE OF REPORT:	Non Attendance by Councillor for 6 Months		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	N/A	

1. Purpose of Report

- 1.1 For Council to consider agreeing that Councillor Ethan Rawcliffe continue to be a member of the Council if he remains unable to attend any relevant meeting of the Council on or before 3rd June 2026.

2. Recommendations

- 2.1 That Council agrees that Councillor Ethan Rawcliffe continues to be a member of the Council if, due to illness, he is unable to attend any relevant meeting of the Council on or before 3rd June 2026, such approval to extend until 3rd December 2026.

3. Reasons for Recommendations and Background

- 3.1 Records show that Councillor Ethan Rawcliffe last attended a meeting of the local authority on 3rd December 2025 (this was a meeting of the Cabinet). He has been unable to attend any relevant meetings since then due to illness.
- 3.2 Section 85 of the Local Government Act 1972 provides that where a Councillor fails to attend any meeting of the authority for a period of six consecutive months from the date of the last attendance, subject to certain exceptions, he or she automatically ceases to be a member of the authority. The exceptions do not apply in this instance as they relate to military service or service of the King at a time of war or any emergency related to that service.
- 3.3 Council may agree that an absent councillor remain a member of the Council despite their absence, but this decision must be made before the end of the 6 month period and the decision cannot by law be made retrospectively. Unless otherwise stated in the decision, the approval will permit an indefinite further absence, but it is generally

regarded as good practice to specify both the reason for which the approval is given and to put a time limit on the period for which it will run. The 3rd December 2026 is suggested as a time limit in this instance as it allows a significant period for recovery, whilst setting a date within which Cllr Rawcliffe's position must be reviewed again. If Council does not agree to authorise Cllr Rawcliffe's absence, and he does not attend a meeting before 3rd June 2026, he will automatically cease to be a member of the Council on 4th June 2026 and the Council would be under a duty to declare his office vacant under Section 86 of the Local Government Act 1972.

- 3.4 If the requested approval is given, and Councillor Rawcliffe does not then attend a relevant meeting of the Council before 3rd December 2026, he would automatically cease to be a councillor on 4th December 2026 unless the Council has given another approval for absence before that date.

4. Implications

Financial implications (including any future financial commitments for the Council)	None arising from this report
Legal and human rights implications	These are set out in section 3 above.
Assessment of risk	<p>If the Council does not authorise Cllr Rawcliffe's absence on or before the 3rd June 2026, approval cannot be given retrospectively and the Council will need to declare a vacancy under Section 86 of the Local Government Act 1972.</p> <p>Council should note that there are no other Council meetings before this date at which this decision can be taken.</p>
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable in relation to this report.

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

- 5.1 None