

Terms of reference for:

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

FULL COUNCIL

MEMBERSHIP: 35 councillors

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

TERMS OF REFERENCE:

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

- To receive reports from the monitoring officer or chief finance officer in exercise of their statutory functions.
- To receive reports from committees on the discharge of their functions.
- To undertake any other matter that must, by law, be reserved to the Council.
- To approve and amend the Council's Petitions Scheme
- To approve and amend the Council's Pay Policy

Budget and Policy Framework

- To approve, amend and revoke the plans and strategies comprising the Council's policy framework.
- To agree the Council's financial strategy and annual budget, including the following:
 - the Council's revenue and capital budgets and plans
 - the Council Tax to be levied
 - the borrowing limits
- To make decisions on proposals for the exercise of executive functions which are not in accordance with the Council's budget and / or policy framework
- To determine the level and pensionability of members' allowances, subject to any regulations made under the Local Government Act 2000.
- To formulate a plan or strategy for the control of the Council's borrowing, investments and / or capital expenditure

LEADER AND CABINET

MEMBERSHIP: 8

councillors

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

TERMS OF REFERENCE

MAIN TERMS OF REFERENCE

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

DETAILED TERMS OF REFERENCE

- To formulate proposals for the Council's budget and policy framework and make recommendations to the Council.
- To formulate and approve all policies, plans and strategies not forming part of the Council's policy framework.
- To be responsible for the effective implementation of Council policy and for the delivery of Council services in line with those policies.
- To manage the budget determined annually by the Council.
- To report to the Council on projected variations to income and expenditure during the year.
- To monitor the delivery of policies, services, projects and budgets during each year and make such adjustments, additions or other decisions as appropriate to achieve the Council's overall objectives.
- To ensure the delivery of best value, the continuous improvement in Council services and the implementation of best practice within the Council.
- To develop appropriate consultation arrangements to enable the views of partner organisations, groups and the local community to be taken into account in decision-making.
- To develop and approve partnerships and joint venture arrangements involving public, private or voluntary agencies to promote the economic, social and environmental well being of the Borough.
- To make arrangements for the effective management of land and property in the Council's ownership.

- To submit recommendations to the Council in respect of decisions on executive functions where such decisions are not in accordance with the Council's budget and policy framework.
- To undertake the following local choice functions prescribed by regulations made under the Local Government Act 2000:
 - functions relating to contaminated land (Part IIA Environmental Protection Act 1990)
 - functions relating to control of pollution and management of air quality (Pollution Prevention and Control Act 1999, Environmental Protection Act 1990 and Clean Air Act 1993)
 - inspection and investigation of complaints of statutory nuisance (Environmental Protection Act 1990)
 - the service of abatement notices in respect of statutory nuisance (Environmental Protection Act 1990)
 - resolutions applying Schedule 2 Noise and Statutory Nuisance Act 1993 to the Borough
 - obtaining information as to interests in land or particulars of persons interested in land preliminary to the exercise of powers of compulsory purchase of land (Town & Country Planning Act 1990)
- To form policy development boards to assist with and make recommendations for the development of Council policy.
- To deal with matters relating to traffic regulation
- To delegate responsibility for executive functions to officers (see note below).

RESPONSIBILITIES OF THE LEADER

The Leader of the Council shall:

- determine the size of the executive and appoint, remove and replace the deputy leader and other cabinet members.
- allocate broad functional responsibilities and corporate themes to individual cabinet member (portfolios) and to adjust or reallocate those portfolios during the year.
- delegate executive functions to cabinet committee's, and officers of the Council
- object on behalf of the Council to any proposed decision by the Council on the budget and policy framework, subject to the Budget and Policy Framework Procedure Rules.

Note: this function has been delegated to the Cabinet by the Leader of the Council

CABINET COMMITTEE (SCRAP METAL DEALERS ACT 2013)

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

REPORTS TO: Cabinet

TERMS OF REFERENCE

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

CABINET COMMITTEE (STREET NAMING)

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

REPORTS TO: Cabinet

TERMS OF REFERENCE

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

COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

MEMBERSHIP: 8 councillors, plus up to 4 non-voting co-optees

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE:

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

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

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

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

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

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

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

To monitor progress in respect of safeguarding the environment

DETAILED TERMS OF REFERENCE:

- To scrutinise the work of the Cabinet falling within the committee's terms of reference
- To review and scrutinise the decisions made by and the performance of the Cabinet, committees and Council officers, both in relation to individual decisions and over time
- To conduct research and community and other consultation in respect of issues impacting upon the well-being of the Borough or particular area of the Borough.

- To question members of the Cabinet, committees and officers at service head level or above about their views on issues and proposals affecting the wellbeing of the Borough, including the implementation of the Community Strategy
- To liaise with external organisations operating in the Borough, whether national, regional or local, to:
 - ensure that the interests of local people and the wellbeing of the Borough are enhanced by collaborative working;
 - monitor the effectiveness and impact of the services provided by such organisations
- To review and scrutinise the performance of other public bodies in Hyndburn and invite reports from them by requesting them to address the committee about their activities and performance.
- Monitor the Council's contribution to the implementation of the Community Strategy
- To make recommendations to the Cabinet and/or committees and/or the Council arising from the outcome of the scrutiny process.
- To question and gather evidence from any person with their consent.
- To exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet (and/or area councils where these relate to executive functions) subject to the Overview and Scrutiny Procedure Rules.
- To discuss topics of neighbourhood concern in response to a “councillor call for action” subject to the requirements of the Scrutiny Procedure Rules

RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

MEMBERSHIP: 7 councillors, plus up to 4 non-voting co-optees

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE

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

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

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

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

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

DETAILED TERMS OF REFERENCE

- To scrutinise the work of the Cabinet falling within the Committee's terms of reference
- To review and scrutinise the decisions made by, and the performance of, the Cabinet, committees and Council officers, both in relation to individual decisions and over time.
- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- To question members of the Cabinet and/or committees and officers at service head level or above about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives and projects.
- To make recommendations to the Cabinet and/or committees and/or the Council arising from the outcome of the scrutiny process.
- To assist the Council and the Cabinet in the development of the Council's budget and policy framework by in depth analysis of policy issues.
- To conduct research, community and other consultation in the analysis of policy issues and possible options.
- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- To question members of the Cabinet, committees and officers at service head level or above about their views on issues and proposals affecting the Borough.
- To question and gather evidence from any person with their consent.

- To exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet (and/or area councils where these relate to executive functions) subject to the Overview and Scrutiny Procedure Rules.
- To discuss topics of neighbourhood concern in response to a “councillor call for action”, subject to the requirements of the Scrutiny Procedure Rules

SPECIAL OVERVIEW AND SCRUTINY COMMITTEE

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

REPORTS TO: Full Council

TERMS OF REFERENCE

In connection with the following:

- bids to the Levelling Up Fund;
- the County Deal
- devolution issues
- Accrington Town Centre
- Other town centres
- Leisure Transformation
- Local Plan

- to review and scrutinise decisions made by the Cabinet falling within the Committee's terms of reference; and
- to make recommendations to the Cabinet and/or committees and/or the Council arising from the outcome of the scrutiny process; and
- to consider mechanisms to encourage and enhance community participation in the development of policy options; and
- to question and gather evidence from any person with their consent; and
- to exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet (and/or area councils where these relate to executive functions) subject to the Overview and Scrutiny Procedure Rules;
- to consider opportunities to bid for (or otherwise obtain) external funding generally and, in particular, to support the regeneration of the Borough's townships.

STANDARDS COMMITTEE

MEMBERSHIP: 8 councillors

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE

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

DETAILED TERMS OF REFERENCE

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

STANDARDS COMMITTEE

HEARING SUB-COMMITTEE

MEMBERSHIP

For matters relating to Hyndburn Borough Council 5 members, plus 1 non-voting independent person

For matters relating to Altham Parish Council 5 members, plus 1 independent person and 1 parish representative

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

MAIN TERMS OF REFERENCE

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

DETAILED TERMS OF REFERENCE

1. To conduct the hearing of an allegation that a councillor or parish councillor is in breach of the relevant code of conduct and to do so in accordance with the law and the Council's procedures for dealing with such hearings .
2. To make one of the following findings at the conclusion of a hearing:
 - a. that the subject member has not failed to comply with the code of conduct; or
 - b. that the subject member has failed to comply with the code of conduct but that no action needs to be taken in respect of the matters considered at the hearing; or
 - c. that the subject member has failed to comply with the code of conduct and that a sanction should be imposed.
3. Following a determination in accordance with paragraph 3c above, to impose any one, or any combination of, the following sanctions:
 - Censure
 - Recommendation to Council that the subject member be removed a member from any committee or sub-committee
 - Recommendation to the Leader of the Council that the subject member be removed from Cabinet or their portfolio responsibilities changed
 - Recommendation to the subject member that he or she undergo training

- Recommendation to Council that the subject member be removed from outside appointments / bodies
- Withdrawal of Council facilities (provided this is proportionate and provided the member concerned is still allowed access to Council and committee meetings)
- Exclusion from Council premises (provided this is proportionate and provided the member concerned is still allowed access to Council and committee meetings)

PLANNING COMMITTEE

MEMBERSHIP: 12 councillors

REPORTS TO: full Council

TERMS OF REFERENCE

MAIN TERMS OF REFERENCE

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

DETAILED TERMS OF REFERENCE

PLANNING CONTROL

- To determine all applications for planning permission, listed building consent, conservation area consent, hazardous substances consent and advertisement consent which have not been delegated to the Chief Planning & Transportation Officer.
The applications referred to are those made pursuant to Part III Town and County Planning Act, Part I Chapter II Planning (Listed Buildings and Conservation Areas) Act 1990. The Planning (Hazardous Substances) Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1991 or any enactment or regulations which replace or amend them
- To enforce planning control (including advertisements and land which is detrimental to local amenity)
- To handle all matters relating to trees and hedgerows (including the matters referred to in the terms of reference of the Planning (Trees) Sub-Committee) which have not been delegated to the Chief Planning & Transportation Officer
- To consider and determine applications for certificates of lawful use and lawful development
- To exercise local planning authority powers relating to highways
- To consult with the Secretary of State and other planning authorities
- To advise the leader and cabinet on the content of the draft local and structure plans and the local transport plan

- To make any other non-executive decision within the responsibility of the local planning authority which has not been delegated to the Chief Planning & Transportation Officer
- To authorise agreements regulating the development or use of land.
- To revoke planning permissions.
- To register common land and town and village greens.
- To register the variation of rights of common.
- To discharge the Council's powers under Part 8 Anti-social Behaviour Act 2003 (relating to high hedges)
- To exercise the Council's powers and duties under sections 20-23, 25 and 26 Planning and Compulsory Purchase Act 2004 relating to local development documents which are development plan documents
- To decide whether to permit or refuse to permit the exercise of permitted development rights pursuant to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 where an objection has been received from the owner or occupier of adjoining land or premises.
- To exercise the Council's powers and duties under sections 150 and 151 of the Town and Country Planning Act 2016, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning Act 2016, the Town and Country Planning (Permission in Principle) Order 2017

RIGHTS OF WAY

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

BUILDING CONTROL

- To deal with all matters connected with the determination of applications under and enforcement of Building Regulations and the Building Acts not delegated to the Chief Planning & Transportation Officer
- To make decisions under local Acts concerning building work
- To set charges under the Building (Local Authority Charges) Regulations 2010

PLANNING (TREES) SUB-COMMITTEE

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

REPORTS TO: Planning Committee

TERMS OF REFERENCE

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

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

MEMBERSHIP: 6 councillors

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE:

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

DETAILED TERMS OF REFERENCE:

- To discharge the Council's licensing and regulatory functions as specified in Schedule 1 of the 2000 Regulations and in particular, to determine applications and proposals for the grant, renewal amendment, transfer, revocation or refusal of licences, permits and consents relating to the following, where the decision has not been delegated to the Council's Executive Director (Legal & Democratic Services):
 - Hackney carriages
 - Private hire vehicles
- To determine any other matter that falls within the general terms of reference above and which has not been delegated to any other committee of the Council
- To make delegations to officers within its terms of reference

LICENSING COMMITTEE

MEMBERSHIP: 14 councillors

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE

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

DETAILED TERMS OF REFERENCE

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

in accordance with the scheme of delegation contained in the Statement of Licensing Policy

- To appoint a chair, vice-chair and two sub-committee chairs
- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act
- To appoint from time to time a Licensing Sub-Committee to discharge its functions under the Licensing Act 2003, the Gambling Act 2005 and paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013 subject to the following provisions:
 - The Licensing Sub-Committee shall comprise 3 members of the Licensing Committee, one of whom must be the chair or vice chair of the Licensing Committee or one of the chairs of the Licensing Sub-Committee
 - The quorum of the Licensing Sub-Committee shall be 3
 - The membership of the Licensing Sub-Committee is not required to be proportionately representative of the political balance of the Council
- To discharge the Council's licensing and regulatory functions as specified in Schedule 1 of the 2000 Regulations and in particular to determine applications and proposals for the grant, renewal, amendment, transfer, revocation and refusal of licences, permits and consents relating to the following where the decision has not been delegated to the Council's officers:

Street and house-to-house collections

Sex establishments

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

AUDIT COMMITTEE

MEMBERSHIP: 6 councillors

REPORTS TO: Full Council

MAIN TERMS OF REFERENCE:

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

MANAGEMENT REVIEW COMMITTEE

MEMBERSHIP: 5 (Leader and Deputy Leader of the Council, plus an additional member of the Cabinet, the Leader and Deputy Leader of the Opposition Group).

REPORTS TO: Council

MAIN TERMS OF REFERENCE:

- To review the terms and conditions of employment of the Council's Chief Executive and Deputy Chief Executive and to agree any changes to the same deemed necessary following such review. In carrying out a review to obtain such internal or external support and advice that is required to enable a review to be fully and properly undertaken.
- To determine the collective terms and conditions of employment of employees of the Council
- To agree changes to staffing structures where these fall outside the scope of the scheme of delegation to officers
- To agree the regrading of posts where this falls outside the scope of the scheme of delegation to officers
- To consider and determine disciplinary appeals in respect of Chief Officers¹