



# Ribble Valley Borough Council

## Powers and Duties of the Council and its Committees

**Revised March 2012**

# RIBBLE VALLEY BOROUGH COUNCIL

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## **PART 1: INTRODUCTION**

- 1.1 This part of the Ribble Valley Borough Council's ("***the Council***") Constitution deals with delegations from the Council to its committees and subcommittees. Delegations from the Council and its committees to officers of the Council are set out in Part 3(2) of the Council's Constitution.
- 1.2 Matters which are reserved to meetings of the full council are set out at **Part 2** of this document. The Local Authorities (Alternative Arrangements) (England) Regulations 2001 provide that certain matters must remain the responsibility of full council. Part 2 of this document takes account of these provisions.
- 1.3 Terms of reference of committees are set out at **Part 3** of this document. This part includes:
  - general provisions on delegation to committee;
  - terms of reference for each of the Council's policy committees; and
  - terms of reference for the Council's other committees.
- 1.4 **Part 4** of this document contains the Constitution of the Parish Council Liaison Committee;
- 1.5 **Part 5** of this document contains the Constitution of the Standards Committee;
- 1.6 **Part 6** is a diagram showing the political structure of the Council and its committees.

## **PART 2: MATTERS RESERVED TO MEETINGS OF THE FULL COUNCIL**

1. Adopting and changing the Council's constitution.
2. Approving or adopting the following plans and strategies:
  - Corporate Strategy Document;
  - Sustainable Community Strategy
  - Community Safety Partnership Strategic Assessment and Partnership Plan
  - Local Development Framework
  - Treasury Management Strategy
3. Approving the budget.
4. Agreeing and/or amending the terms of reference for committees and their composition including any joint committees.
5. Appointing the Chairmen and Vice-Chairmen of committees.
6. Approving a scheme of members' allowances.
7. Changing the name of the area, conferring the title of honorary alderman or freedom of the borough.
8. Confirming the appointment of the Head of Paid Service.
9. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
10. All other matters which by law must be reserved to the Council.

## **PART 3: TERMS OF REFERENCE OF COMMITTEES**

### **1 Powers, duties and functions of Committees**

1.1 The powers, duties and functions (Terms of Reference) which are delegated to the specific committees are detailed in this Part.

1.2 Except where (i) the Council directs otherwise; or (ii) section 101 provides otherwise (e.g. in relation to functions under the Licensing Act 2003), the Committee to which a power, duty or function has been delegated may delegate such power, duty or function to a sub-committee or to an officer of the Council.

Deleted: "

1.3 This scheme of delegation to committees shall be confirmed at the Annual Meeting of the Council and may only be amended at any other time with the consent of the Council following a recommendation by the Policy & Finance Committee.

### **2 General duties and powers of all Committees**

2.1 To comply with the standing orders and financial regulations of the Council.

2.2 To manage any lands or property of the Council which are held for the purposes of the committee.

2.3 To operate within the budget allocated to the committee by the Council and monitor such budget on a regular basis.

### **3 General duties and powers of all Committees except Policy and Finance Committee**

3.1 To comply with any direction of the Policy and Finance Committee on matters of overall policy and priorities and to submit to that committee any proposed action which has major policy implications.

## **TERMS OF REFERENCE OF POLICY AND FINANCE COMMITTEE**

- 1 To guide the Council in formulating its policy objectives to provide high quality, affordable and responsive public services that develop the social and economic well being of the Borough whilst safeguarding the rural nature of the area.
- 2 To determine the priorities by which those policy objectives should be achieved and to make recommendations on the allocation and use of resources to achieve them including the production of relevant corporate policy documents and strategies including the Corporate Strategy Document.
- 3 To monitor and evaluate progress made towards achieving those objectives.
- 4 To maintain supervision of the Council's organisation to ensure its co-ordination and integration at member and officer level.
- 5 To consider the constitution and powers and duties of committees and to settle any dispute between any of the committees.
- 6 To lead & manage the Ribble Valley Strategic Partnership including publishing the Sustainable Community Strategy.
- 7 To formulate and implement the Council's regeneration and economic development.
- 8 To determine and carry out a policy of public relations so as to:
  - project a good corporate image;
  - provide a public information service on the Council's activities;
  - promote good relations with the media;
  - consult as necessary with the public and interested organisations on the provision of services.
- 9 To consider and approve actions relating to the introduction and management of the Lancashire Local Area Agreement.
- 10 To implement the relevant provisions of the Civil Contingencies Act 2004 which relate to Emergency Planning & Business Continuity.
- 11 To determine policy on elections within the Borough including:
  - the division of the Borough into polling districts;
  - the alteration of ward boundaries.
- 12 To oversee the administration of elections and registration of electors.
- 13 To consider and co-ordinate the Council's capital and revenue estimates and to make recommendations to the Council on the levy of local taxes.
- 14 To formulate and implement the Council's communication strategy and the use of information technology to improve customer services.
- 15 To approve amendments to standing orders and financial regulations and to ensure compliance with financial regulations.
- 16 To exercise financial management over the affairs of the Council including:
  - the collection, recovery and remission of local taxes;
  - the receipt and payment of money by or to the Council;
  - the taking out of any necessary insurances;

Part 3(1) of the Constitution, New Version 3  
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- the review and monitoring of the Council's treasury policy statement;
  - the approval of the minutes of the meetings of the Budget Working Group.
- 17 To make recommendations to the Council for any scheme relating to members' allowances and expenses.
  - 18 To consider grants and subscriptions to outside bodies and organisations not dealt with by any other committee.
  - 19 To oversee the administration of the local land charges service.
  - 20 To promote the Council's role in the Community Safety Partnership.
  - 21 To consider any matters relating to the Mayoralty, civic functions and civic ceremonial.
  - 22 To oversee the administration of any charities for which the Council is responsible.
  - 23 To oversee the administration of the housing benefit and council tax benefit schemes.
  - 24 To manage any land and property owned by the Council and not specifically held for the purposes of another committee.
  - 25 To consider and approve relevant Service Plans.
  - 26 To consider corporate matters relating to the Equality Standard for Local Government.
  - 27 To exercise all powers, duties and functions of the Council except those which are delegated to any other committee or which by law are required to be exercised by the Council itself.

## **TERMS OF REFERENCE OF COMMUNITY COMMITTEE**

- 1 To formulate, implement and monitor the Council's strategies for:
  - recycling;
  - waste collection & disposal;
  - street and amenity cleansing;
  - the provision and maintenance of public conveniences and bus shelters.
2. To carry out the Council's responsibilities for sewers and drains.
3. To carry out the Council's responsibilities for contaminated land, land drainage, water courses or the prevention of flooding.
- 4 To carry out the Council's powers in relation to general engineering matters including reclamation works and the provision of street lighting and street signs.
5. To carry out the Council's advisory service on day to day highways matters including any road safety issues relating to the Lancashire County Council as the highway authority.
6. To manage the Depot and Waste Transfer facilities at Salthill Road, Clitheroe.
- 7 To manage and regulate off-street car parking in the Borough.
- 8 To consider any matters relating to footpaths and bridleways in the Borough.
- 9 To encourage the development of cultural, sporting, recreation and leisure activities throughout the borough.
- 10 To arrange for the management and maintenance of the Castle Museum and the heritage of the borough.
- 11 To control and manage parks, gardens, open spaces, playing fields, playgrounds and other sports facilities and caravan sites controlled by the Council.
- 12 To manage Ribblesdale Pool, the Platform Gallery and the Council's use of sports facilities.
- 13 To design, locate, provide, manage and maintain countryside recreation facilities throughout the Borough.
- 14 To determine and implement the Council's policies towards the granting of financial assistance for recreational, cultural, artistic and sporting purposes.  
  
[NB for the avoidance of doubt, applications for the provision of Christmas lights will be dealt with by this committee].
- 15 To encourage the development of tourist activities throughout the Borough.
- 16 To oversee the management of the Tourist Information Centre in Clitheroe.
- 17 To manage and maintain the Council's CCTV system.
18. To consider and approve relevant Service Plans.
19. To promote healthy lifestyles and to work with partner agencies to improve the health of people in the Ribble Valley.

**TERMS OF REFERENCE OF PLANNING &  
DEVELOPMENT COMMITTEE**

- 1 To consider applications for planning permission, consent under the Town and Country Planning (Control of Advertisements) Regulations, Certificates of Lawful Development, Certificates of Appropriate Alternative Development, listed building consent and other relevant applications for the use of land and buildings not more properly dealt with by other committees.
- 2 To enforce planning controls and matters concerned with the control of development.
- 3 To consider development control policies.
- 4 To consider matters relating to the countryside, bio diversification and the protection of all sites of natural history value.
- 5 To consider matters relating to conservation areas, tree preservation and high hedges.
- 6 To consider matters relating to the revocation or modification of planning permission.
- 7 To consider matters regulated by the Building Act 1984 and the Building Regulations.
- 8 To carry out the duties and powers of the Council relating to ruinous, dilapidated and dangerous buildings.
- 9 To consider matters relating to the provision of public transport in the Borough and its links with public transport generally.
- 10 To formulate the relevant parts of the Local Development Framework.
- 11 To consider and approve relevant Service Plans.

## **TERMS OF REFERENCE OF HEALTH AND HOUSING COMMITTEE**

- 1 To carry out the duties and powers of the Council under the Housing Acts and in particular, implement and monitor appropriate Housing Strategies.
- 2 To consider the housing conditions of the Borough including the inspection of dwellings to secure satisfactory standards and improvement of housing.
- 3 To consider the housing needs of the Borough including the provision of suitable housing throughout the Borough by working with Registered Social Landlords and private developers.
- 4 To consider any action necessary to secure the improvement or demolition of unsatisfactory dwellings.
- 5 To carry out the Council's duties relating to homelessness.
- 6 To carry out the Council's duties and powers in relation to disabled facilities grants, minor works grants, house renovation grants and the improvement of residential areas.
- 7 To provide a housing advisory service.
- 8 To monitor the housing benefit service.
- 9 To promote the conservation of home energy.
- 10 To monitor the performance of Ribble Valley Homes.
- 11 To continue to bring back into use empty properties throughout the Borough.
- 12 To consider matters affecting the environmental health of the community within the Borough and the development of the Council's environmental health services, and in particular:
  - the control of infections, diseases and food poisoning, personal health services and social services including liaison with the Primary Care Trusts;
  - duties under the Public Health Acts, Food Acts, Environmental Protection Acts, Caravan Sites & Control of Development Acts, Health & Safety Acts, Shops Acts and related legislation;
  - licensing and registration of persons and premises which affect public health;
  - duties and powers relating to the control of dogs;
  - the promotion of health education;
  - private water supplies.
- 13 To carry out the Council's duties and powers:
  - managing Clitheroe Market;
  - managing Clitheroe Cemetery and closed church yards;
  - managing common land.
14. To consider and approve relevant Service Plans.

**TERMS OF REFERENCE OF PERSONNEL COMMITTEE**

- 1 To consider matters relating to staffing levels, the terms and conditions of employment of all staff and all related matters.
- 2 To consider the Council's recruitment and training policies, including members' training.
- 3 To promote good industrial relations with all staff.
- 4 To consider matters concerning the health, safety and welfare of all staff.
- 5 To consider matters affecting the efficient use of the Council's staff resources and to make recommendations to the Policy and Finance Committee.
- 6 To be the local appeals committee under the National Scheme of Conditions of Service.
- 7 To consider matters relating to superannuation, pensions and gratuities.
- 8 To consider staffing issues relating to the Equality Standard for Local Government.
- 9 To consider and approve relevant Service Plans.

## **TERMS OF REFERENCE OF OVERVIEW & SCRUTINY COMMITTEE**

- 1 To prepare the annual overview and scrutiny work programme taking into account items put forward by members and the Corporate Management Team ensuring that such items relate to the Council's functions and corporate priorities.
2. To establish working groups to undertake the work programme, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 3 To receive reports and other evidence from organisations, individuals and partnerships which the Committee or working groups considers relevant to their work.
- 4 To co-ordinate and monitor the annual work programme.
- 5 To deal with those decisions that are subject to the Council's Call In Procedure for decisions made by policy committees.
- 6 To consider and review the Council's Performance Management Framework including the monitoring and evaluation of performance indicators.
- 7 To take a lead on specific improvement objectives and on the overall monitoring and review of the Council's performance.
- 8 To review the performance of specific Council functions concerned with the delivery of services and to make reports and recommendations to the relevant committee.
- 9 To review matters of local community concern including partnerships and services provided by 'other' organisations such as the National Health Service and Lancashire County Council.
- 10 To report annually to Full Council on the progress of the work programme and to make relevant recommendations.
11. To consider the evidence of senior council officers given in response to petitions which are covered by the Council's Petition Scheme and have: (i) been made in accordance with this Scheme; and (ii) met the threshold for officer evidence.
12. To consider requests by petition organisers for a review of the steps that the Council has taken in response to a petition which is covered by the Council's Petition Scheme and, if committee determines that the petition has not been dealt with adequately, to use any of its powers to deal with the matter.

**TERMS OF REFERENCE OF LICENSING COMMITTEE**

- 1 To discharge all of the Council's functions under the Licensing Act 2003 except for the function of the determination and publication of the statement of licensing policy.
- 2 To discharge any function of the Council which is related to the Council's functions under the Licensing Act 2003 subject to the provisions of section 7 of the Licensing Act 2003.
- 3 To discharge any function of the Council which is related to the Council's functions under the Gambling Act 2005.
- 4 To carry out the Council's duties and powers relating to the licensing of taxis and private hire vehicles.
5. To carry out the Council's duties and powers relating to the licensing of Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

## **TERMS OF REFERENCE OF ACCOUNTS AND AUDIT COMMITTEE**

- 1 To review all matters relating to Internal and External Audit. The Committee will have the right of access to all information it considers necessary and can consult directly with Internal and External Auditors.
- 2 To monitor arrangements for discharging the Council's responsibilities for efficient and effective financial and operational resource management. In pursuing this aim, it will consider:
  - the soundness, adequacy and application of controls;
  - compliance with policies, procedures and statutory requirements;
  - arrangements for safeguarding the Council's assets and interests;
  - the integrity and reliability of management information and financial records;
  - the economic, efficient and effective use of resources.
- 3 To approve the annual Statement of Accounts and receive the External Auditor's Annual Governance Report.
- 4 To approve the Annual Audit Plan of the External Auditor.
- 5 To monitor the External Auditor's progress with the Annual Audit Plan.
- 6 To approve the Annual Internal Audit Plan.
- 7 To monitor Internal Audit progress with the Annual Audit Plan, evaluating the effectiveness of Internal Audit and the use of Audit resources and where necessary recommending adjustments to the Internal Audit Plan.
- 8 To review and comment upon liaison arrangements between Internal and External Audit with a view to optimising the effective deployment of Audit resources.
- 9 To evaluate the adequacy and effectiveness of the Council's financial and operational policies and procedures including financial and accounting management through discussions with the External Auditors, Internal Auditors, and appropriate officers.
- 10 To receive and review the findings of both External and Internal audit examinations and to ensure that management takes appropriate action to implement agreed recommendations and to remedy any internal accounting, organisational and operational control weaknesses identified.
- 11 To receive and comment upon the annual Internal Audit Report and accept the Annual Governance Statement.
- 12 To annually monitor the effectiveness of the Code of Corporate Governance.
- 13 To refer directly to the Council any matters it shall see fit.
- 14 With the Council's Monitoring Officer, to monitor and review the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.
- 15 To consider and approve amendments to the Council's Financial Regulations and Contractual Standing Orders.
16. To oversee and then monitor the development and implementation of a comprehensive approach to Risk Management.

## **TERMS OF REFERENCE OF AND PROTOCOL FOR AN EMERGENCY COMMITTEE**

### **Protocol**

#### *Convening a meeting*

1. An Emergency Committee should only be called where its terms of reference apply and the matter is so urgent that the decision cannot wait for a scheduled meeting of the Council or one of its committees.
2. The Chief Executive or a deputy appointed by him/her for these purposes will convene the Emergency Committee when s/he feels that it is appropriate.
3. The committee clerk of the appropriate committee will arrange the meeting and produce an agenda. This and any reports prepared for the meeting will be circulated to all members of the committee.
4. The agenda will be posted on the Council's website together with any Part I reports.

#### *Composition of Emergency Committee*

5. The emergency committee will comprise of the Leader, the Deputy Leader and the Shadow Leader or their authorised representatives and one other councillor, or such other arrangements as are approved by the Annual Meeting of the Council. Where possible the fourth councillor should be the Chair of the appropriate committee.
6. The Emergency Meeting should be attended by the Corporate Management Team. Other appropriate officers should attend wherever possible.

#### *Decisions taken by the Emergency Committee*

7. The meeting will be minuted by a committee clerk and the minutes will be circulated to all members and placed on the Council's website.
8. The decision made by the Emergency Committee will be reported to the next meeting of the appropriate committee or to full council, as applicable.

### **Terms of Reference of Emergency Committee**

To exercise any of the Council's functions which are necessary:

- in the case of a major incident to fulfil the Council's role as determined in its Emergency Plan; or
- in other cases of urgency between meetings of the Council.

POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

**PART 4: CONSTITUTION OF THE PARISH COUNCIL  
LIAISON COMMITTEE**

- 1 The Ribble Valley Borough Council shall be represented by those members that it appoints at the Annual Council Meeting.
- 2 Each Parish Council Meeting may send such representatives as they think fit to meetings of the committee.
- 3 There shall be a chairman and a vice-chairman appointed at the Annual Meeting. The Chairman shall be a parish councillor who is not also a borough councillor. The vice-chairman shall be a borough councillor.
- 4 The Chief Executive of Ribble Valley Borough Council shall be Secretary to the committee.

***FUNCTIONS***

- 5 The committee shall have within its purview matters connected with the furthering of the cultural, economic, environmental and physical well-being of the inhabitants of the Borough insofar as those matters are within the competence of the Borough or Parish Councils, or Parish Meetings.
- 6 The functions of the committee shall include the following:
  - to promote good relations between Borough and Parish Councils;
  - to receive information about matters of interest to Parish Councils;
  - to enable Parish Councils to speak with one voice and to make decisions where appropriate on matters of common concern;
  - to question the Borough Council about its policies and raise matters of concern, particularly where these affect more than one Parish Council.

***PROCEDURES***

- 7 There shall be an Annual Meeting as soon as may be after the Annual Meeting of the Borough Council, and five other meetings during the year on dates agreed by the committee. On a matter of urgency the chairman or vice-chairman together shall be empowered to call a special meeting or one third of the members of the committee shall also be empowered to call a special meeting.
- 8 The Secretary to the committee shall give seven days notice of meetings and shall enclose an agenda with such notice.
- 9 Notice of items for the agenda must be received by the Secretary not later than 14 days before the meeting.
- 10 A quorum shall consist of no fewer than 4 representatives from the Borough Council and no fewer than 8 voting members from the Parish Councils/Meetings.
- 11 Decisions shall require a simple majority of those present at a meeting with each Borough Council representative having one vote and each Parish Council/Meeting representative having one vote.
- 12 The minutes of each meeting shall be sent out with the agenda for the next meeting of the committee and shall be submitted for confirmation and signature by the chairman at that next meeting.

***AMENDMENTS***

- 13 This constitution may be amended at any time by the committee by a simple majority in accordance with the provisions of clause 11.

POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES  
**PART 5: CONSTITUTION OF THE STANDARDS  
COMMITTEE**

The Annual Council Meeting will establish a Standards Committee.

**1 Composition**

1.1 *Membership*

The Standards Committee will compose of:

- four councillors;
- four persons who are not councillors or officers of the Council or any other body having a standards committee [independent members];
- four members of parish councils wholly or mainly in the Council's area [Parish Members];

1.2 *Independent Members*

Independent members will be entitled to vote at meetings;

1.3 *Parish Members*

At least one parish member must be present when matters relating to parish councils or their members are being considered;

**2 Role and Function**

- 2.1 promoting and maintaining high standards of conduct by councillors and co-opted members;
- 2.2 assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- 2.3 advising the Council on the adoption or revision of the Members' Code of Conduct;
- 2.4 monitoring the operation of the Members' Code of Conduct;
- 2.5 advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- 2.6 granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- 2.7 dealing with any reports from a case tribunal or interim case tribunal and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer.
- 2.8 the exercise of (2.1) to (2.7) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

**PART 6: POLITICAL STRUCTURE CHART**

In accordance with the provisions of the Local Government Act 2000 we have introduced a 'Streamlined Committee System' following public consultation. This was, by far, the most popular option for governance of the borough. The diagram below shows the current committee structure.

