

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COUNCIL

Agenda Item No. 4

meeting date: TUESDAY 13 MAY 2014
title: COMMITTEE ARRANGEMENTS FOR MUNICIPAL YEAR 2014/2015 AND
APPROVAL OF DOCUMENTS IN THE CONSTITUTION
submitted by: CHIEF EXECUTIVE
principal author: OLWEN HEAP

1 PURPOSE

- 1.1 To determine the Council's committee arrangements for the Municipal Year 2014/2015 and to approve the documents contained in the Council's Constitution.
- 1.2 Relevance to the Council's objectives and priorities –
 - Council's Objectives – whilst the Council's committee arrangements do not contribute directly to the achievement of the Council's objectives, they set the framework for the Council's decision making processes.
 - Other considerations – the Council decided under the provisions of the Local Government Act 2000, after consultation with the electorate, to retain its committee arrangements rather than opt for an executive form of governance. This decision has been reconsidered and confirmed by the Policy & Finance committee.

2 BACKGROUND

- 2.1 The basis of the Council's present committee structure was approved by the Policy and Finance Committee at its meeting on 3 April 2008.
- 2.2 The terms of reference of committees including the Emergency committee, and the call-in procedure are set out in Appendix A and B together with the Constitution of the Parish Council Liaison Committee.
- 2.3 A timetable of meetings for the Municipal Year 2014/2015 was provisionally approved by the Policy & Finance Committee at its meeting on 25 March 2014. The timetable for meetings is set out at Appendix 'C'.
- 2.4 As well as approving the number of committees and their terms of reference, the Council must also determine the number of seats on each committee. The number of seats on each committee was approved at Council on 10 September 2013 following the by-election at Littlemoor Ward, Clitheroe. The allocation of these seats will be in accordance with the political balance provisions of the Local Government and Housing Act 1989. Appendix 'D' shows the Allocation of Committee Seats if the present committee structure is approved.
- 2.5 The Council will also have to determine the allocation of Committee seats to Councillor Jim Rogerson who does not belong to a political group. Appendix 'E' recommends the allocation of seats to Councillor Jim Rogerson.
- 2.6 The Council appointed 13 councillors to represent the Council on the Parish Council Liaison Committee in 2013/2014. The representation was 11 Conservatives and 2 Liberal Democrats. It is suggested that the proportion of representatives for 2014/2015 remains the same.
- 2.7 Under Standing Order 20(8) it is necessary to appoint an Emergency Committee. The Emergency Committee will have power to take any necessary action when a need for urgent action arises between meetings of a committee. The Emergency

Committee for the Municipal Year 2013/2014 consisted of the Leader and Deputy Leader, a conservative councillor and the Shadow Leader. It is recommended that the membership of the Emergency Committee for 2014/2015 remains the same.

2.8 In order to reflect the changes to the Overview & Scrutiny and Standards committees and various staff changes it has been necessary to update the following documents contained in the Council's Constitution:

- The Articles;
- The Officer Delegation Scheme;
- The Corporate Management Structure; and
- The Protocol for Member / Officer Relations

2.9 These can be viewed on the Council's website. They are contained as part of the agenda package for the Annual Council meeting.

http://www.ribblevalley.gov.uk/meetings/committee/4/full_council

2.10 Members will also recall that a reviewed version of Standing Orders was approved at Council on 29 April 2014.

3 RISK ASSESSMENT

3.1 The approval of this report may have the following implications:-

- Resources – the estimated costs of administering the committee arrangements in 2014/2015 are included in the approved budget for 2014/2015.
- Technical, Environment and Legal – none.
- Political – none.
- Reputation – none.

4 **RECOMMENDED THAT THE COUNCIL**

4.1 approves the number of committees and their terms of reference set out in Appendix 'A';

4.2 approves the call-in procedure set out in Appendix 'B';

4.3 approves the timetable of meetings set out at Appendix 'C';

4.4 approves the number of seats on each committee and the allocation of those seats set out in paragraph 3 of Appendix 'D';

4.5 approves the allocation of committee seats to Councillor Jim Rogerson as set out in Appendix 'E';

4.6 agrees the representation on the Parish Council Liaison Committees set out in paragraph 2.6 above;

4.7 appoints an Emergency Committee as set out in paragraph 2.7 above.

4.8 approves the updated documents contained in the Council's Constitution as set out in paragraph 2.8 above.

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1 Agenda for Annual Meeting of Council 14 May 2013

For further information please ask for Olwen Heap on extension 4408.

ANNC130514/OMH



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

Powers and Duties of the Council and its Committees

Revised May 2013

RIBBLE VALLEY BOROUGH COUNCIL

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PART 1: INTRODUCTION

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.
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.
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.
4. **Part 4** of this document contains the Constitution of the Parish Council Liaison Committee.
5. **Part 5** of this document 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 (Local Plans);
 - 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. Reviewing and approving the Pay Policy Statement annually.
10. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
11. 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.
- 1.3 This scheme of delegation to committees shall be (amended if necessary and) 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 properties 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 the objectives of the Corporate Strategy Document.
- 4 To consider and review the Council's Performance Management Framework including the monitoring and evaluation of performance indicators.
- 5 To take a lead on specific improvement objectives and on the overall monitoring and review of the Council's performance.
- 6 To maintain supervision of the Council's organisation to ensure its co-ordination and integration at member and officer level.
- 7 To consider the constitution and powers and duties of committees and to settle any dispute between any of the committees.
- 8 To formulate and implement the Council's regeneration and economic development plans.
- 9 To implement the relevant provisions of the Civil Contingencies Act 2004 which relate to Emergency Planning & Business Continuity.
- 10 To determine policy on elections within the Borough including:
 - the division of the Borough into polling districts; and
 - the alteration of ward boundaries.
- 11 To oversee the administration of elections and registration of electors.
- 12 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.
- 13 To formulate and implement the Council's communication strategy and the use of information technology to improve customer services.
- 14 To approve amendments to standing orders and financial regulations and to ensure compliance with financial regulations.
- 15 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;
 - the review and monitoring of the Council's treasury policy statement; and
 - the approval of the minutes of the meetings of the Budget Working Group.

- 16 To make recommendations to the Council for any scheme relating to members' allowances and expenses.
- 17 To consider grants and subscriptions to outside bodies and organisations not dealt with by any other committee.
- 18 To oversee the administration of the local land charges service.
- 19 To promote and monitor the Council's role in the Community Safety Partnership.
- 20 To consider any matters relating to the Mayoralty, civic functions and civic ceremonial.
- 21 To oversee the administration of any charities for which the Council is responsible.
- 22 To oversee the administration of the housing benefit and council tax benefit and local council tax support schemes.
- 23 To manage any land and property owned by the Council and not specifically held for the purposes of another committee.
- 24 To consider and approve relevant Service Plans.
- 25 To consider corporate matters relating to the Equality Standard for Local Government.
- 26 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 27 To consider and approve the Council's Complaints procedure.
- 28 To make recommendations to the Council in relation to the Code of Conduct and governance arrangements.
- 29 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; and
 - the provision and maintenance of the Council's 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 and flood risk management.
- 4 To carry out the Council's powers in relation to general engineering matters including reclamation works, common land and the provision of street name 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 consider any matters relating to footpaths and bridleways and other works in designated areas of the Borough as defined within the agreement with Lancashire County Council.
- 7 To manage and regulate off-street car parking in the Borough.
- 8 To manage the Depot and Waste Transfer facilities at Salthill Road, Clitheroe.
- 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 Visitor Information Services.
- 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.

20. To oversee the Council's involvement in Children's Trust arrangements.
- 21 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups considers relevant to their work.
- 22 To evaluate and monitor performance information and approve annual targets.

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 management 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 (Local Plans).
- 11 To carry out Council functions relating to Public Footpaths under Planning legislation.
- 12 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 13 To evaluate and monitor performance information and approve annual targets.
- 14 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 and other Registered Social Landlords.
- 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 infectious, diseases and food poisoning, personal health services and social services including liaison with the Primary Care Trusts;
 - duties under the Public Health Acts, Food Safety Act, Clean Air Acts, Noise Act, Building Act, Clean Neighbourhoods and Environment Act, Environmental Protection Act, Caravan Sites & Control of Development Acts, Health & Safety At Work Act, 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;
 - duties and powers relating to pest control;
 - the promotion of health education;and
 - private water supplies.
- 13 To carry out the Council's duties and powers with regard to:
 - managing Clitheroe Market; and
 - managing Clitheroe Cemetery and closed church yards.

- 14 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 15 To evaluate and monitor performance information and approve annual targets.
16. 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 member development.
- 3 To promote good employment 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 Framework for Local Government.
- 9 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 10 To evaluate and monitor performance information and approve annual targets.
- 11 To consider and approve relevant Service Plans.

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.
6. To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
7. To formulate policies relating to the powers and duties of the Licensing committee save as set out at 1.
8. To carry out any function, duty or power of the Council relating to the Scrap Metal Dealers Act 2013.

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. 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.
14. To advise and assist the Council on the adoption and revision of the Members' Code of Conduct and monitor the operation of the Members' Code of Conduct.
15. To make arrangements to fulfill the Council's duty to promote and maintain high standards of conduct by councillors.

Part 3(1) of the Constitution, New Version 5
May 2013

16. To make arrangements to determine complaints relating to a breach of the Council's Code of Conduct or any matter which is referred by the monitoring officer.
17. To grant dispensations to Councillors from the requirements relating to interests set out in the Members' Code of Conduct;
18. To make arrangements to ensure Councillors receive training and advice relating to the Members' Code of Conduct;
19. To consider and approve any emergency variations from the Council's Financial Regulations and Contractual Standing Orders.
20. To oversee and then monitor the development and implementation of a comprehensive approach to Risk Management.
21. To review matters of local community concern including partnerships and services provided by 'other' organisations that do not fall within the remit of service committees.
22. To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
23. To evaluate and monitor performance information and approve annual targets.
24. To refer directly to the Council any matters it shall see fit.

The exercise of (15) (16) and (17) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

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.

To deal with those decisions that are subject to the Council's Call In Procedure.

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 four 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 10 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.

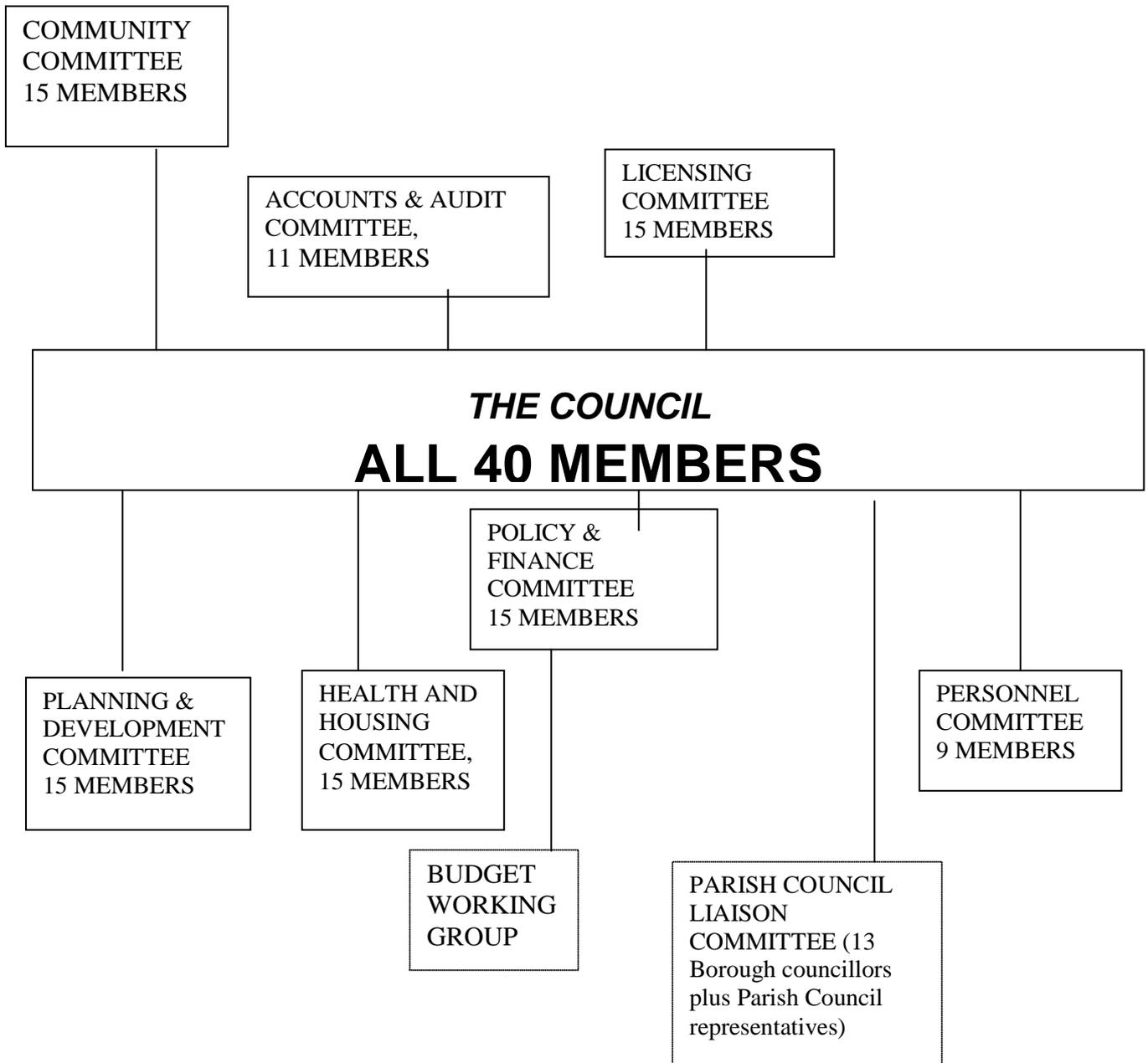
POWERS AND DUTIES OF THE COUNCIL AND ITS COMMITTEES

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: 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.



Ribble Valley Borough Council
CALL-IN PROCEDURE FOR DECISIONS
MADE BY COMMITTEES

- 1 All decisions made by committees should be sent to members within two working days of the committee having met.
- 2 A decision can be called-in within 5 working days of the decision being published.
- 3 If a decision is called-in, the implementation of that decision is suspended until the Council has met unless overridden by the Emergency committee.
- 4 Five members are needed to operate the call-in procedure.
- 5 The members operating the call-in procedure must give reasons in writing specifying why the decision has been called-in.
- 6 The call-in procedure does not apply to decisions on individual planning, licensing or grant applications, or to any matter arising out of the original decision on such an application including the conduct of any appeal. It should normally only apply to decisions which are considered to be contrary to policy or not in accordance with the budget. The Emergency committee will have power to override the call-in procedure and to rule that the original decision be implemented. This power can only be exercised by a unanimous decision of the four where in their view, it is necessary to protect the interests of the Council that the original decision be implemented without delay. In order for them to decide whether or not to exercise this power, the Chief Executive shall notify them immediately of any decisions that have been called-in.

MARSHAL SCOTT
CHIEF EXECUTIVE

MAY 2014

Ribble Valley Borough Council
Meeting Cycle 2014/15
(13 May 2014 – 19 May 2015)

MEETINGS	Day	TIME	1ST CYCLE 2014	2ND CYCLE 2014	3RDCYCLE 2014	4TH CYCLE 2015	5TH CYCLE 2015
Community Services	Tues	6.30pm	27 May	2 Sept	14 Oct	13 Jan	10 March
Planning and Development	Thurs	6.30pm	29 May	24 July / 21 Aug	16 Oct	15 Jan	12 March
Personnel	Wed	6.30pm	28 May	3 Sept	22 Oct	21 Jan	18 March
Health & Housing	Thurs	6.30pm	5 June	4 Sept	23 Oct	22 Jan	19 March
Policy & Finance	Tues	6.30pm	10 June	9 Sept	28 Oct	27Jan/10 Feb	24 March
Parish Liaison	Thurs	6.30pm	12 June	11 Sept	30 Oct	29 Jan	26 March
Licensing	Tues	6.30pm	17 June	16 Sept	4 Nov		17 March
Planning & Development	Thurs	6.30pm	26 June	18 Sept	13 Nov/18 Dec	12 Feb	16 April
Accounts & Audit	Wed	6.30pm	25 June	27 Aug	19 Nov		1 April
Full Council	Tues	6.30pm	15 July	7 Oct	16 Dec	3 Mar	28 April

2014
Offices Closed

Spring Bank : 26 May 2014
August Bank : 25 August 2014
Christmas : 25 - 31 December 2014

Annual Council : 13 May 2014
European Elections : 22 May 2014

2015
Offices Closed

New Year : 1 & 2 January 2015
Good Friday : 3 April 2015
Easter Monday : 6 April 2015
May Day : 4 May 2015

Borough Elections : 7 May 2015
Annual Council : 19 May 2015

Ribble Valley Borough Council

ALLOCATION OF COMMITTEE SEATS

- 1 The present political balance of the Council as follows:-

Conservatives	33
Liberal Democrats	6
Others	1
	<u>40</u>

- 2 A summary of the legal provisions relating to political balance together with the mathematical calculations required under the Local Government and Housing Act 1989 are attached.
- 3 The allocation of committee seats in accordance with the political balance provisions is as follows:-

<u>Committee</u>	<u>No of Seats</u>	<u>Conservative</u>	<u>Lib Dem</u>	<u>Other</u>
Community Services	15	13	2	0
Planning & Development	15	12	2	1
Licensing	15	13	2	0
Health & Housing	15	12	3	0
Personnel	9	8	1	0
Policy & Finance	15	12	2	1
Accounts & Audit	11	9	2	0
TOTAL	95	79	14	2

- 4 It is a matter for each political group how the seats allocated to that group are distributed. The Council will, however, have to determine the two seats to be allocated to Councillor Rogerson.
- 5 The Council also appoints representatives to the Parish Council Liaison Committee. As this Committee is a consultative committee and not a committee of the Borough Council the political balance provisions do not apply. For the municipal year 2013/2014 the Council appointed 13 representatives to the Parish Council Liaison Committee (9 Conservatives and 4 Liberal Democrats). It is suggested that the proportion for 2014/2015 remains the same.

MARSHAL SCOTT
CHIEF EXECUTIVE

May 2014

POLITICAL BALANCE ON COMMITTEES 2014/2015

MATHEMATICAL CALCULATION

1. The political balance of Council is:	Conservatives	33
	Liberal Democrats	6
	Councillor Rogerson	1
	Vacant seats	0
		<u>40</u>

2. The total number of committee seats:

Community Services	15
Planning & Development	15
Licensing	15
Health & Housing	15
Personnel	9
Policy & Finance	15
Accounts & Audit	11
	<u>95</u>

3. Seats per member is $95 \div 40 = 2.38$

4. TOTAL NUMBER OF SEATS PER GROUP IS :

Conservatives $33 \times 2.38 = 79$ (78.54)

Liberal Democrats $6 \times 2.38 = 14$ (14.28)

Remaining seats $(95 - 93) = 2$ must be allocated to Councillor Rogerson

5. ALLOCATION OF SEATS PER COMMITTEE:

Community Services

$(15 \div 40 = 0.38)$

Conservatives	$33 \times 0.38 = 12.54$	= 13
Liberal Democrats	$6 \times 0.38 = 2.28$	= 2
Others	$15 - (13+2)$	= 0

Planning & Development

$(15 \div 40 = 0.38)$

Conservatives	$33 \times 0.38 = 12.54$	= 13	(12)
Liberal Democrats	$6 \times 0.38 = 2.28$	= 2	
Others	$15 - (13+2)$	= 0	(1)

Licensing

$(15 \div 40 = 0.38)$

Conservatives	$33 \times 0.38 = 12.54$	= 13
Liberal Democrats	$6 \times 0.38 = 2.28$	= 2
Others	$15 - (13+2)$	= 0

Health & Housing

$(15 \div 40 = 0.38)$

Conservatives	$33 \times 0.38 = 12.54$	= 13
Liberal Democrats	$6 \times 0.38 = 2.28$	= 2
Others	$15 - (13+2)$	= 0

Personnel

$(9 \div 40 = 0.23)$

Conservatives	$33 \times 0.23 = 7.59$	= 8
Liberal Democrats	$6 \times 0.23 = 1.38$	= 1
Others	$9 - (8+1)$	= 0

Policy & Finance (15÷40 = 0.38)

Conservatives	$33 \times 0.38 = 12.54$	= 13 (12)
Liberal Democrats	$6 \times 0.38 = 2.28$	= 2
Others	$15 - (13+2)$	= 0 (1)

Accounts & Audit Committee (11÷40 = 0.28)

Conservatives	$33 \times 0.28 = 9.24$	= 9 (10)
Liberal Democrats	$6 \times 0.28 = 1.68$	= 2 (1)
Others	$11 - (9+2)$	= 0

6. Summary

	Cons	L. Dems	Others	
Community Services	13	2	0	
Planning & Development	13	2	0	
Licensing	13	2	0	
Health & Housing	13	2	0	
Personnel	8	1	0	
Policy & Finance	13	2	0	
Accounts & Audit	9	2	0	
TOTAL	82	13	0	=
95				

7. The totals of committee seats need to be adjusted to bring the totals in line with the overall allocation of seats ie. Conservatives **79**, Liberal Democrats **14** and Others **2 = 95**.

8. Therefore the adjustments to the overall allocation of seats are as follows :-

COMMITTEE OTHER	CONSERVATIVES	LIB	DEMS
Community Services	13	2	0
Planning & Dev (+1)	12 (-1)	2	1
Licensing	13	2	0
Health & Housing	12 (-1)	3 (+1)	0
Personnel	8	1	0
Policy & Finance (+1)	12 (-1)	2	1
Accounts & Audit	9	2	0
TOTALS	79 (-3)	14 (+1)	
2(+2) = 95			

SUMMARY OF THE LEGAL PROVISIONS RELATING TO POLITICAL BALANCE ON COMMITTEES ETC.

1 Sections 15-17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 contain detailed provisions designed to secure a political balance on the committees and sub-committees of local authorities. The provisions reflect recommendations made by the Widdicombe Committee of Inquiry into the Conduct of Local Authority Business.

2 Section 15 of the Act requires the Council to review at certain times (one of which is the Annual Meeting) the representation of different political groups on the bodies listed in Schedule 1 to the Act (so far as Ribble Valley is concerned the only relevant bodies are committees of the Council). The Council must then determine the allocation of seats between the different political groups and, in doing so, must apply the principles set out in paragraph 3 below.

The Council must then make appointments so as to give effect to the wishes of the political groups as to who is to be appointed.

3 The principles to be applied in the allocation of seats are as follows:-

- (a) Not all the seats on the body concerned are to be allocated to the same political group.
- (b) A group must have a majority of the seats on the body if it has a majority of the authority's membership.
- (c) Subject to (a) and (b) above, the number of seats on the ordinary committees of an authority allocated to each political group out of the total number of committee seats is to be in proportion to the group's membership of the authority as a whole.
- (d) Subject to (a), (b) and (c) above, the number of seats on each body allocated to each political group should be in proportion to the group's membership of the authority as a whole.

4 Section 16 of the Act provides that the requirement to give effect to group wishes as to the allocation to seats applies to vacancies which occur. The section also provides that authorities are to follow a group's wishes in determining whether and when to terminate appointments to seats allocated to the group. Finally, the section protects from legal challenge the decisions of a committee on the basis of alleged failure to comply with the allocation rules.

5 Section 17 together with the 1990 regulations allows an authority to apply different principles for the allocation of seats than those laid down in the Act but only if no member of the authority votes against the revised arrangements. The regulations require three days written notice to all members of any proposal for departure from the statutory principles.

6 The regulations define what is a political group, who are to be treated as members of a particular group and how the wishes of the group are to be expressed. A political group is not the same thing as a political party.

The regulations provide that a political group is constituted by two or more members signing and delivering, to the proper officer, a request in writing to be treated as a political group. The request has to state the name of the group and name one member as its leader. It may also name a member as authorised to act in the place of the leader when he/she is unable to act ("the deputy leader"). Any Council member who did not sign the original request in respect of a group may become a member of it by delivering to the proper officer a request signed by him/her and carrying the written consent of the leader or deputy leader of the group.

- 7 No member of the Council can be a member of more than one political group at the same time and a member ceases to be a member of a political group when he/she ceases to be a member of the Council, notifies the proper officer in writing that he/she is no longer a member of the group or gives the proper officer a further request asking to be treated as a member of another group.
- 8 The wishes of a political group are to be taken as the view expressed orally or in writing by the leader or the deputy leader of the group or the view expressed in writing signed by more than half of the members of the group. If there is any conflict between a view expressed by the leader or deputy leader, and a view expressed in writing by a majority of the members of the group the latter is to prevail.
- 9 The general principles require that the members of political groups be given a seat allocation which reflects the proportion of their membership of the Council. The Act does not say so, but this means in practice that independent or non-group members will similarly have to be given a seat allocation which reflects their proportion of the total membership. That does not, however, mean that each single member has to have his/her personal proportion of the total seats or that there is anyone whose wishes the Council will be required to follow in making the seat allocation, unless of course the non-group members decide to form themselves into a group for this purpose. The regulations nevertheless provide that in making appointments to seats which are not allocated to any political group the Council must only appoint from among those members who belong to no political group.
- 10 A High Court decision (*R [East Riding of Yorkshire Council] v Joint Committee for the purpose of making appointments to the Humberside Police Authority 2001*) (ACD44) has confirmed that the purpose of the Act is to regulate the political balance of the political groups and does not require independent members to be proportionally represented. This means that in carrying out the mathematical calculation, seats are allocated to the political groups according to their representation on the Council. Whatever seats are left over are then allocated between the independent members on the Council.
- 11 Guidance from the Department of the Environment suggests the following sequence for implementing the rules as to seat allocation:
- (a) determine the number of seats with votes on each ordinary committee and calculate the total;
 - (b) calculate the proportion that each political group forms of the total membership of the authority;
 - (c) apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group. Because the requirements are "so far as reasonably practicable", the Department of the Environment suggests that fractional entitlements of less than a half are rounded down and entitlements of a half or more are rounded up. If this results in a greater aggregate than the number of seats available, the fractional requirements closest to a half should be rounded in the other direction until entitlements balance the available seats;
 - (d) apply the proportions to the number of members on each ordinary committee to give a provisional entitlement to seats on that committee;
 - (e) where the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat;
 - (f) where one group has a majority of the membership of the Council but does not have a majority on any committee as a result of the provisional entitlement, increase its share on that committee so that it does have a majority;
 - (g) adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement while preserving the results reached at steps (d) and (e).

- 12 The regulations lay down machinery covering detailed arrangements to ensure that seats are allocated in the accordance with the wishes of political groups. When a seat has been allocated to a political group by the Council or a Committee, the proper officer is to give notice of the allocation to the leader of the group and must also notify the group leader when a seat allocated to this group becomes vacant. Groups then have three weeks to express their wishes as to the persons to be appointed, failing which the Council or the Committee may proceed to appoint such persons as they think fit. August, or any additional holiday period appointed by the Council, is not to count for this purpose. Any decision of a political group to terminate an appointment is to be communicated by notice in writing to the proper officer and the person currently holding the seat.

MAY 2014

Ribble Valley Borough Council

ALLOCATION OF COMMITTEE SEATS TO COUNCILLOR ROGERSON FOR 2014/2015

- 1 Councillor Rogerson does not form a political group as defined by the Local Government (Committees and Political Groups) Regulations 1990.
- 2 The calculations on the Political Balance on Committees for 2014/2015 as detailed in Appendix D provides for the allocation of 2 seats on Committees for Councillor Rogerson.
- 3 The proposed allocation of those 2 seats is as follows:-
 - Planning & Development Committee - 1 seat
 - Policy & Finance Committee - 1 seat
- 4 The Council are recommended to determine that the allocation of two committee seats to Councillor Rogerson are on Planning and Development Committee and Policy and Finance Committee.

MARSHAL SCOTT
CHIEF EXECUTIVE

MAY 2014



Ribble Valley Borough Council

Constitution of the Council

May 2014

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The Council's Constitution

Summary and Explanation

The Ribble Valley Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 14 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols within this document.

What's in the Constitution

Article 1 of the Constitution commits the Council to provide clear leadership to the community and improve the delivery of services. Articles 2 – 14 explain the rights of citizens and how the key parts of the Council operate. These are:

- members of the Council (Article 2)
- citizens and the Council (Article 3)
- the Council Meetings (Article 4)
- chairing the Council (Article 5)
- overview and scrutiny of decisions (Article 6)
- policy and other committees (Article 7)
- the Standards Committee (Article 8)
- joint arrangements (Article 9)
- officers (Article 10)
- decision-making (Article 11)
- finance, contracts and legal matters (Article 12)
- review and revision of the Constitution (Article 13)
- suspension, interpretation and publication of the Constitution (Article 14)

How the Council Operates

The Council is composed of 40 Councillors, elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to all their constituents.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints policy committees and overview and scrutiny committees. The Council operates a public participation scheme under which residents may ask questions or make comments on any matter affecting the borough. The Council also holds an Annual Public Meeting to deal solely with matters raised by electors.

Most day-to-day decisions are made by policy committees. The Council has 5 policy committees plus a Licensing Committee which deal with planning and development, community matters, health and housing, personnel and policy and finance. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Meetings of the Council's policy committees are open to the public except where personal or confidential matters or other exempt items are being discussed.

There is an Overview and Scrutiny Committee and an Accounts and Audit Committee which support the work of the policy committees and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committee also monitor the decisions of the policy committees and can 'call-in' a decision which has been made by a policy committee but not yet implemented. This enables the Committee to consider whether the decision is appropriate. They may recommend that the policy committee or full Council reconsider the decision. They may also be consulted by policy committees on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and Members of the Council.

Citizen's Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own process. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on mayoral form of executive;
- participate in the Council's public participation session and contribute to investigations by the Overview and Scrutiny Committee;
- complain to the Council about the standard of service, action or lack of action by the Council or its staff;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

Parts 1 and 2 of the Constitution, New Version 4, May 2014

- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Diane Rice, Head of Legal and Democratic Services on 01200 414418.

Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its appendices, is the Constitution of the Ribble Valley Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

Article 2 - Members of the Council

2.1 Composition and Eligibility

- (a) Composition. The Council will comprise 40 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) Eligibility. Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.2 Election and Terms of Councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and Functions of all Councillors

- (a) Key roles. All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision making process i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) Rights and Duties
 - (i) Councillors will have such rights or access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
 - (iii) For these purposes "confidential" and "exempt" information are defined in the "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in Part -5 of this Constitution.

2.4 Conduct

Councillors will at all times observe the Members' code of Conduct and the Protocol on Member/Officer Relations set out in Part 7 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 7 of this Constitution.

Article 3 - Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in Part 5 of this constitution:

- (a) Voting and petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (b) Information. Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) see reports and background papers and any records of decisions made by the Council; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) Participation. Citizens have the right to participate at meetings of the Council and its committees in accordance with the Council's scheme of public participation.
- (d) Complaints. Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (iii) the Accounts and Audit Committee about a breach of the Councillor's Code of Conduct.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 – The Council

4.1 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, and the budget.
- (c) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (d) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (e) adopting an allowances scheme under Article 2.5;
- (f) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (g) confirming the appointment of the Head of Paid Service;
- (h) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills; and
- (i) all other matters which by law must be reserved to Council.

4.3 Meanings

- (a) Policy framework. The policy framework means the following plans and strategies:
 - Corporate Strategy Document;
 - Sustainable Community Strategy;
 - Community Safety Partnership Strategic Assessment and Partnership Plan ;
 - East Lancashire Transport Master Plan;
 - Plans and strategies which together comprise the Development Plan;
 - Service Plans;
 - Asset Management Plan and Capital Strategy;
 - Procurement Strategy;
 - Food Law Enforcement Service Plan;
 - The Housing Strategy Action Plan;
 - Treasury Management Strategy.
- (b) Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Article 5 – Chairing the Council

5.1 Role and Function of the Mayor

The Mayor and in his/her absence the Deputy Mayor will have the following roles and functions:

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who do not sit on policy committees or hold committee chairs are able to hold the members of the policy committees and committee chairmen to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – Policy and Other Committees

6.1 Policy and Other Committees

The Council will appoint the committees set out in Part 3(1) of this Constitution to discharge the functions described in Part 3(1).

to vote at meetings.

Article 7 – Joint Arrangements

7.1 Arrangements to Promote Well Being

The Council in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

7.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations to committees and the terms of reference of committees in Part 3(1) of this Constitution.

7.3 Access to Information

- (a) The "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in accordance with the provisions of the Local Government Act 1972, as amended, in Part 5 of this Constitution apply.

- (b) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

7.4 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

7.5 Contracting Out

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 8 – Officers

8.1 Management Structure

- (a) General. The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) Chief Officers. The Full Council will engage persons for the following posts who will be designated chief officers:

Post	Functions and Areas of Responsibility
Chief Executive	Overall corporate management and operational responsibility including overall management responsibility for all officers. Provision of professional advice to all parties in the decision making process. Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council). Regeneration and housing, legal and democratic services and environmental health.
Director of Resources	Financial services, human resources and revenues and benefits.
Director of Community Services	Cultural and leisure services, engineering services and planning services.

- (c) Head of paid service, monitoring officer and chief financial officer. The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Director of Resources	Chief Finance Officer

Such posts will have the functions described in Article 8.2 – 8.4 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 3(2) of this Constitution.

8.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

8.3 Functions of the Monitoring Officer

- (a) **Maintaining the constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Council's governance arrangements.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Accounts and Audit Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will ensure that decisions, together with the reasons for those decisions

and relevant officer reports and background papers are made publicly available as soon as possible.

- (g) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors.
- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of the paid service.

8.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

8.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

8.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 7 of this Constitution.

8.7 Employment

Those parts of the Council's Standing Orders included in Part 4 of this Constitution which deal with the appointment of chief officers, appointments and disciplinary action regarding staff, and disciplinary action will be complied with.

Article 9 – Decision Making

9.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or

decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

9.2 Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

Before taking any decision the following matters must be taken into account where relevant:

- (i) the facts upon which the decision must be based;
- (ii) any legislative requirements, including the need to secure Best Value;
- (iii) the strategies and policies of the Council including any plans, objectives relating to their service or the Council;
- (iv) any relevant national or regional guidance;
- (v) the available options;
- (vi) the financial, staffing and legal implications following advice from the Director of Resources, and the Head of Legal and Democratic Services as appropriate.
- (vii) the views/advice of any appropriate statutory officer;
- (viii) any consultations undertaken, the views of any consultees and any other representations received;
- (ix) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place;
- (x) the need to inform the appropriate Members such as the Chairman or Vice-Chairman of the appropriate committee or the Leader or Deputy Leader or Ward Members;
- (xi) The Council's Constitution, including the Contract Standing Orders and Financial Regulations;
- (xii) the need to take account of any human rights issues including the principle of proportionality (i.e. the action taken must be proportionate to the desired outcome).

9.3 Decision Making by the Full Council

Subject to Article 9.5 the Council meeting will follow the Council's Standing Orders as set out in part 4 of this Constitution when considering any matter.

9.4 Decision making by Committees and Sub-Committees established by the Council

Subject to Article 9.5 other Council committees and sub-committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

9.5 Decision Making by Council Bodies Acting as Tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 10 – Finance, Contracts and Legal Matters

10.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 6 of this Constitution.

10.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 6 of this Constitution.

10.3 Legal Proceedings

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

10.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

10.5 Common Seal

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested to by the Head of Legal and Democratic Services or some other person authorised by him/her.

Article 11 – Review and Revision of the Constitution

11.1 Duty to Monitor and Review the Constitution

The monitoring officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

11.2 Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:

1. observe meetings of different parts of the member and officer structure;
2. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
3. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

11.3 Changes to the Constitution

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the monitoring officer. Minor changes, of a typographic nature only, may be made by the monitoring officer or on his/her direction.

Article 12 – Suspension, Interpretation & Publication of the Constitution

12.1 Suspension of the Constitution

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least one half of the whole numbers of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

12.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

12.3 Publication

- (a) The monitoring officer will provide a printed copy of this Constitution to each member of the authority, if so requested, upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The monitoring officer will ensure that copies are available for inspection at council offices, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The monitoring officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
- (d) The monitoring officer will ensure that this Constitution is published on the Council's website – www.ribblevalley.gov.uk

OFFICER DELEGATION SCHEME



Ribble Valley Borough Council's
Officer Delegation Scheme

Revised May 2014

RIBBLE VALLEY BOROUGH COUNCIL'S OFFICER DELEGATION SCHEME

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OFFICER DELEGATION SCHEME

PART 1: GUIDANCE AND BACKGROUND

1. INTRODUCTION

- 1.1 This scheme in Part 3(2) of the Ribble Valley Borough Council's ("**the Council**") Constitution deals with delegations from the Council and its committees to officers of the Council. Delegations to committees and subcommittees are set out in Part 3(1) of the Council's Constitution.
- 1.2 The scheme aims to provide evidence that the Council (or one of its committees) has authorised a particular officer of the Council to take an action or make a decision in given circumstances.
- 1.3 The scheme meets the requirement in section 100G(2) of the Local Government Act 1972 that the Council should maintain a list: (a) specifying those powers of the council which are exercisable by officers of the council in pursuance of arrangements made under the 1972 Act or any other enactment for their discharge by those officers; and (b) stating the title of the officer by whom each of the powers so specified is exercisable.
- 1.4 No part of this scheme is intended to be a job description or a summary of the work of any officer or his directorate.

Guidance notes, intended to assist officers to whom functions are delegated under this Scheme are included in text boxes, like this one.

2. LEGISLATIVE FRAMEWORK

- 2.1 Section 101(1) of the Local Government Act 1972 empowers the Council to delegate certain of its functions to a committee, sub-committee or officer of the Council, or to another local authority.
- 2.2 Only the body or officer on whom a statutory power has been conferred may exercise that power, unless sub-delegation has been expressly authorised by words or necessary implications. Section 101(2) of the Local Government Act 1972 contains such a (limited) express power to sub-delegate. It provides that committees are empowered to sub-delegate to sub-committees or to officers, and that sub-committees are empowered to sub-delegate to officers, unless the Council otherwise directs.
- 2.3 In general a delegation by the Council does not imply a parting with authority. The Council retains not only the power to revoke the grant but also the power to act concurrently on matters within the area of delegated authority (except in so far as the Council may already have become bound by an act of its delegate). Section 101(4) formalises this general position in respect of delegation arrangements made by the Council or one of its committees, by providing that such arrangements shall not prevent the authority or the committee by whom the arrangements are made from exercising those functions (i.e. they retain concurrent power to do so).
- 2.4 Legislative provisions prescribe that certain of the Council's functions may not be delegated. These include:
- levying, or issuing a precept for a rate (as per section 101(6) of the Local Government Act 1972); and
 - functions listed in paragraphs 2, 3 or 4 of Regulation 4 of the Local Authorities (Alternative Arrangements)(England) Regulations 2001.

3. DECISION MAKING

- 3.1 Article 11.2 of the Council's Constitution sets out principles in accordance with which decisions of the Council should be taken. It lists the factors, and the documents

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(such as the Contract Procedure Rules and the Financial Regulations), which must be taken into account before taking any such decision. **Where decisions are made or actions are taken by an officer under delegated powers, the officer must take each of these listed matters into account.**

- 3.2 Decisions are open to challenge and review in a number of ways. It is therefore important to be able to demonstrate that they have been taken in a manner that avoids challenge.

Decisions which are overturned will often have been successfully challenged not because they were 'wrong' but because they have been reached following a flawed process. Areas of action and decision-making by local authorities which typically give rise to challenge include: failure to take into account relevant considerations, either as required by law or such as would be taken into account by any reasonable person; taking into account irrelevant considerations; acting so unreasonably such that no reasonable body of persons could have so acted; failure to direct itself properly in law; exercising a power for a purpose for which it was not conferred; acting in bad faith or for an improper motive, fettering or failing to exercise discretion through improper delegation; failure to consult or to consult properly, either as a matter of statute or legitimate expectation; and failure to act fairly or observe procedural requirements.

- 3.3 Officers are accountable to the Council for any day-to-day decisions they make or for which they are responsible.
- 3.4 The significance of decisions taken under this scheme of delegation will vary. Those to whom functions are delegated under this scheme, and those they authorise to carry out tasks on their behalf, will need to exercise their discretion to decide whether day-to-day decisions are significant enough to require formally recording.
- 3.5 Officers are responsible for ensuring that sufficient evidence is kept about the decision and the reasons for it. Evidence may be required for a Judicial Review, Employment Tribunal, Ombudsman, District Audit, Court or other proceedings or investigation.

If an officer-made decision were challenged, the officer would wish to demonstrate that the proper processes were complied with. To be able to do this, the officer should keep adequate records so that s/he can refer to these and produce them if necessary. Records might include written notes of relevant meetings and discussions and copies of papers considered in making a decision. It is best practice to keep a clear note of all considerations taken into account with reasons why they were considered relevant and why matters not considered were thought not to be relevant. Generally, giving reasons is an accepted 'best practice' principle of good administration and the practice may be important in ensuring that controversial decisions are rooted in relevant considerations and with proper regard to available legal powers.

- 3.6 Officers are responsible for ensuring that all those who need to know are informed promptly of the decision.
- 3.7 Officers are responsible for ensuring that consultation is undertaken where appropriate and especially where they are aware that the decision is likely to be controversial. In particular, an officer should consult with:
- the Head of Legal and Democratic Services or the Council's Solicitors before making any decision which could attract to the Council legal liability;
 - the Director of Resources or the Head of Financial Services in relation to any decision which has financial implications; and

OFFICER DELEGATION SCHEME

- the Head of Legal and Democratic Services in relation to any decision which could involve the exercise by the Monitoring Officer of any of his or her powers.
- 3.8 It is important that where officers involved in making decisions have a registrable interest this is declared on the form to preserve the integrity of the process.

4. REFERRAL

- 4.1 Whilst the scheme is designed to encourage officers to take responsibility for day-to-day decisions, an officer *may* decide that a particular issue is such that it should be referred to the appropriate committee for a decision to be taken.
- 4.2 Such a referral *must* take place where the proposed decision is in conflict with existing Council Policy or the matter raises new issues of policy.

OFFICER DELEGATION SCHEME

PART 2: GENERAL DELEGATIONS

1. GENERAL DELEGATIONS

- 1.1 The Council delegates, subject to the requirements concerning the exercise of delegated powers set out in Parts 1 and 2 of this scheme:
 - 1.1.2 in respect of the officers, or the group of officers, named in paragraphs 1 to 8 of Part 2 of this scheme, the functions described in those paragraphs;
 - 1.1.2 in respect of the officers, or the group of officers, named in Part 3 of this scheme, the functions described in that part, subject to consultation with the officer named in that part, where applicable;
 - 1.1.3 in respect of the officers named in Part 4 of this Scheme, the authority to appear in court and/or to enter land or premises, as provided for; and
 - 1.1.4 in respect of the appointments as Proper Officer and Deputy Proper Officer in the second and third column of the table in Part 5 of this Scheme, the functions mentioned in the first column of that table.
- 1.2 Where the Council, a committee or a sub-committee gives authority for the doing of any thing the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- 1.3 Where a delegation is made without naming an officer the delegation shall be deemed to authorise the Chief Executive or the appropriate Director to take such steps.
- 1.4 The Chief Executive may exercise the powers delegated to any Head of Service and to any Proper Officer except in relation to those functions allocated to the Director of Resources as Chief Financial Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A).
- 1.5 The Chief Executive is the **Head of the Paid Service**.
- 1.6 The Director of Resources is the **Chief Finance Officer**.
- 1.7 The Head of Legal and Democratic Services is the **Monitoring Officer**.
- 1.8 **Table one** below, shows how the responsibility for service areas and service heads is divided amongst the three directorates. It also gives an indicative list of the types of function that each Head of Service will manage on a day-to-day basis on behalf of the Directors.

OFFICER DELEGATION SCHEME

TABLE ONE		
Service Head	Indicative list of areas which will be managed on a day-to-day basis by the Service Head	Director/Chief Executive with strategic responsibility for the service
Regeneration and Housing	Regeneration Community safety Local Strategic Partnership Housing	Chief Executive
Legal and Democratic Services	Legal services Local Land Charges Electoral Democratic Services Planning and Licensing Enforcement Licensing, including: <ul style="list-style-type: none"> o Alcohol and entertainment; o Hackney carriages and private hire vehicles; and o Sex Establishments o Scrap Metal Dealers 	Chief Executive
Environmental Health	Cemetery Market service Emergency planning Building control Environmental Health, including: <ul style="list-style-type: none"> o Food Safety; o Health & Safety; o Pollution; o Housing; o Pest control; and o Dog warden 	Chief Executive
Engineering Services	Waste management Refuse collection Engineering services CCTV Surveying General works	Director of Community Services
Cultural and Leisure Services	Arts and tourism Leisure and sports Health and fitness Amenity cleansing and grounds maintenance	Director of Community Services
Planning Services	Development control Forward planning	Director of Community Services
Financial Services	Accountancy Audit ICT	Director of Resources

OFFICER DELEGATION SCHEME

TABLE ONE		
Service Head	Indicative list of areas which will be managed on a day-to-day basis by the Service Head	Director/Chief Executive with strategic responsibility for the service
Human Resources	Personnel Typing Printing Corporate health and safety Communications Corporate policy	Director of Resources
Revenues and Benefits	Revenues Council tax Benefits Contact centre	Director of Resources

- 1.9 In the event that a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.10 Any reference in this Scheme or its Appendix to an Act of Parliament includes reference to subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.
- 1.11 This Scheme of Delegation shall come into effect on 30 August 2011.
- 1.12 Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by officers before 30 August 2011 under any previous scheme.

2. AUTHORISATIONS

- 2.1 Officers to whom functions are delegated under this scheme may not sub-delegate those functions. However, where it would be impracticable for all the powers and duties conferred on a named person to be performed by that individual, that person may **authorise** officers in their departments to perform tasks, or to carry out specific statutory functions under the provisions of relevant legislation, on their behalf.
- 2.2 Each Director will ensure that where s/he wishes to authorise officers within her/his department to sign documents or perform functions on her/his behalf s/he will:
- 2.2.1 where applicable, complete an entry in the "**Authorisation Signatures**" list, naming the officer, the tasks which that officer is authorised to perform, and including the signature of the officer, and provide the Director of Resources with a copy of that list; and
- 2.2.2 where applicable, comply with the requirements of the Council's Financial Regulations in terms of maintaining a written record and supplying copies of this to the Director of Resources.
- 2.3 An officer authorised by a Director will perform the tasks on behalf of the authorising Director. Any decisions taken under this, or any other similar authority, shall remain the responsibility of the relevant Director and must be taken in the name of that Director.

3. OTHER PROVISIONS REGARDING GENERAL DELEGATION

- 3.1 Many of the functions delegated under this scheme are delegated to the Chief Executive, a Director or to the Head of Legal and Democratic Services.

OFFICER DELEGATION SCHEME

- 3.2 References to Directors, unless expressly otherwise provided, include the Chief Executive.
- 3.3 Officers shall have delegated powers to make decisions on behalf of the Council in respect of those matters that are delegated to them within this scheme.
- 3.4 Where a delegation is made but without naming an officer, the delegation shall be deemed to be a delegation to the Chief Executive, or to the Director responsible for that service area.
- 3.5 Directors and Heads of Service delegated to under this scheme may authorise officers as explained in paragraph 2 of this Part, above.
- 3.6 Where a Director is to be absent for any period, that Director may nominate to the Chief Executive, in writing, another officer to act in that capacity during the period of absence.
- 3.7 The Chief Executive may appoint one or more deputies to exercise his or her functions owing to absence or illness and such deputy is or such deputies are authorised to exercise the functions of the Chief Executive pursuant to the Constitution, Financial Regulations and this Scheme of Delegation except in relation to those functions allocated to the Director of Resources as Chief Finance Officer (within the meaning of the Local Government Act 1972 Section 151 and the Local Government Finance Act 1988 Sections 112-114A (unless he or she is qualified under the Local Government Finance Act 1988 Section 113)) and to the Monitoring Officer (within the meaning of the Local Government and Housing Act 1989 Sections 5, 5A).
- 3.8 In cases of emergency, when Directors do not have delegated powers they shall refer matters to the Council's Emergency Committee.
- 3.9 Paragraphs 4-8 of this Part below set out how the Council has delegated its functions to officers in specific areas and more generally.

4. FINANCIAL MATTERS

- 4.1 Paragraph 3.1 of Part 1 of this scheme sets out the matters which must be taken into account when any decision is made or task undertaken by an officer under this scheme. These include compliance with the Financial Regulations. Section 4(5) of the Financial Regulations provides that directors may not enter into any new arrangements or other contractual commitments with long-term revenue consequences without the prior written consent of the Director of Resources. Directors should therefore ensure that they comply with this, and any other, provision of the Financial Regulations when making decisions on financial matters.
- 4.2 Subject to Parts 1 and 2 of this Scheme, Directors are authorised to:
 - 4.2.1 incur expenditure in respect of items included in approved revenue budgets; and
 - 4.2.2 incur expenditure on capital schemes that are included within an approved capital programme subject to the provisos set out in Section 5(6) of the Financial Regulations.
- 4.3 If a Director wishes to incur expenditure outside the approved budget head or capital programme provision, the procedures set out in Section 6(4) and (5) of the Financial Regulations shall apply. The Directors shall be authorised to act up to the limits set out in the scheme of virements set out in Section 6(4) of the Financial Regulations.
- 4.4 Directors are authorised to collect and receive income on behalf of the Council in accordance with Section 10 of the Financial Regulations.

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5. CONTRACT ISSUES

- 5.1 Directors have authority to conclude and sign contracts on behalf of the Authority up to the financial limits and subject to the provisos set out in the Financial Regulations and the Contract Procedure Rules.
- 5.2 Directors have authority to take any other action authorised by the Financial Regulations and the Contract Procedure Rules.

6. PERSONNEL ISSUES

	Function	Delegated to	In consultation with
6.1	Appointment of staff		
6.1.1	The selection, interview and appointment of Heads of Service and staff of PO level.	Directors	Head of HR Head of Service in area in which the staff member is being appointed
6.1.2	The selection, interview and appointment of staff below PO within the approved budgets of the Council	Head of Service in area in which the staff member is being appointed	Head of HR Director with responsibility for that service area
6.1.3	The temporary appointment of relief staff for all posts other than the Head of Paid Service, Chief Officers and other officers paid in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities, where essential during periods of absence through maternity, sickness or holidays or as a result of resignation.	Chief Executive	Head of HR and Director of Resources
6.2	Discipline and dismissal of staff		
6.2.1	The disciplining of Chief Officers in accordance with the Council's agreed personnel policies and practice.	Chief Executive	Head of HR
6.2.2	The disciplining of all employees, save for Chief Officers, in accordance with the Council's agreed personnel policies and procedures.	Director	Head of HR and Head of Service
6.2.3	The dismissal of any employee in accordance with the Council's disciplinary procedures.	Director	Head of HR and Head of Service

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6.2.4	The consideration of appeals made within the disciplinary procedure on disciplinary sanctions up to and including final written warning.	Any Director who did not undertake the initial disciplinary procedure.	Head of HR
6.2.5	The consideration of appeals made under the Council's grievance procedure.	Any Director who did not consider the initial grievance procedure.	Head of HR
6.2.6	The consideration of appeals made within the disciplinary procedure and relating to dismissal.	Authority panel	Head of HR
6.3	Overtime, leave, mileage etc		
6.3.1	The authorisation of overtime working and planned overtime payments to officers, subject to their being budgetary provision and to the agreed terms of employment	Head of Service	
6.3.2	The approval of the carrying over of more than the permitted amount of leave.	Chief Executive	Head of HR and appropriate Director
6.3.3	The granting of additional leave for personal and domestic reasons in circumstances set out in the Local Conditions of Service	Chief Executive	Head of HR and appropriate Director
6.3.4	The granting of unpaid leave in accordance with the Council's local conditions of service.	Director	Director of Resources, Head of HR and appropriate Head of Service
6.3.5	The authorisation of timesheets, mileage and subsistence claims and other reasonable expenses.	Directors and those officers authorised by them pursuant to the Financial Regulations.	
6.4	Adjustment to Staffing/Establishment		
6.4.1	The authorisation of requests for a variation of the period of notice to terminate employment	Chief Executive	Head of HR and appropriate Director
6.4.2	The determination of the need to fill vacant posts	Chief Executive	Head of HR and appropriate Director

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6.4.3	The advertising of any vacancy in the Council's establishment	Chief Executive	Head of HR and appropriate Director
6.5	Training and meeting attendance		
6.5.1	The authorisation, in accordance with the Council's personnel policies and procedures, of staff attendance at training, courses and seminars, and the grant of any reasonable and proper expenses in connection with this, subject to sufficient resources being available within the training budget for that Service area.	Head of Service	Head of HR
6.5.2	The authorisation of staff undertaking further qualifications and attending connected training/examinations which are funded by the Council, in accordance the Council's personnel policies and procedures	Chief Executive	Head of HR and the Directors

6.6 When determining personnel matters or other issues within their service areas the Directors must consider the significance of the decision and whether or not to consult with the Chief Executive.

7. PLANNING

7.1	Planning		
7.1.1	The seeking of planning permission by the Council under the Town and Country Planning General Regulations 1992, Regulation 3	Chief Executive	Head of Planning Services

8. GENERAL DAY-TO-DAY MANAGEMENT OF SERVICES

8.1 Subject to any statutory requirements or provisions contained in the Council's Constitution including the Standing Orders, Contract Procedure Rules and Financial Regulations, Directors are authorised to:

8.1.1 carry out any function or task to ensure the effective and efficient day-to-day management of Council services;

8.1.2 take any action delegated to them under any Council policies, plans or procedures;

8.1.3 appoint consultants and obtain outside professional and technical advice and assistance subject to there being sufficient resources in the departmental revenue budget;

8.1.4 Unless otherwise referred to in Part 3 of this scheme, exercise all powers conferred on the Council by legislation, namely any other statute or regulations through the:

- serving and/or issuing of notices or requisitions for information;

OFFICER DELEGATION SCHEME

- determination of any application for permissions, consents, licences or registration;
- carrying out of works in default (e.g. following non-compliance with any notice concerned with matters within his or her area of responsibility);
- exercising of powers;
- issuing of certificates;
- serving of warrants;
- making of orders;
- authorisation of officers;
- taking of enforcement action;
- institution of legal proceedings;
- issuing of licences;
- determination of grants;
- determination of plans;
- taking of samples;
- entering of premises;
- undertaking of data matching exercises;
- carrying out of any works in default following non-compliance with any notice;
- responding to formal consultations from external organisations; or
- undertaking any other necessary duties of the Council.

examples of which (but not an exhaustive list) are set out in Appendix 1.

OFFICER DELEGATION SCHEME

PART 3: DELEGATION TO SPECIFIC OFFICERS**1. GENERAL EXCEPTIONS**

- 1.1 The following delegations to specific officers provide for the discharge of any functions of the Council with the exception of:
- 1.1.1 those functions reserved to the Council;
- 1.1.2 those functions reserved to Committees;
- 1.1.3 those matters for which Directors consider that the delegated authority should not be exercised and that they should be referred to the appropriate Committee or sub-Committee for consideration.

2. CHIEF EXECUTIVE

- 2.1 The Chief Executive is authorised to exercise strategic control of the following three service groups: regeneration and housing; legal and democratic services; and environmental health.
- 2.2 The Chief Executive is authorised to discharge any Council function not otherwise delegated to the Directors.
- 2.3 The Chief Executive is authorised to act as the Council's proper officer for the purpose of any function not otherwise delegated under these arrangements.
- 2.4 The Chief Executive is authorised to act in place of a Director or Head of Service in cases of absence or unavailability unless statutory provisions prevent this.
- 2.5 The Chief Executive is authorised to discharge the functions of **Head of Paid Service**.
- 2.6 The Chief Executive is authorised to prepare the Emergency Plan.
- 2.7 The Chief Executive is responsible for civic and ceremonial functions of the Council.
- 2.8 The Chief Executive is responsible for the day-to-day management of the Council's functions in relation to:

Function	In consultation with
asset register (maintenance of)	other Directors
building control;	
cemeteries;	

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Function	In consultation with
community leadership and development	
economic development;	
emergency planning;	
environmental health;	
local land charges	
legal and democratic services including electoral registration and elections;	
licensing and licensing enforcement;	
market service;	
the planning development scheme;	
private sector housing including: <ul style="list-style-type: none"> ○ administration of the housing grants regime; ○ other private sector renewal activities; ○ disabled adaptations; ○ policies and procedures relating to the condition and occupation of the stock e.g. empty properties policy; ○ liaison with registered social landlords and private landlords; ○ the private sector housing strategy. 	
public health;	
reduction of crime and disorder;	

OFFICER DELEGATION SCHEME

Function	In consultation with
regeneration; and	
requirements of the Freedom of Information Act 2000;	
strategic housing	

3. DIRECTOR OF RESOURCES

- 3.1 The Director of Resources is authorised to exercise strategic control of the following three service groups: financial services; human resources; and revenues and benefits.
- 3.2 The Director of Resources is authorised to discharge the functions of the **Chief Financial Officer** (Sections 115 and 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988).
- 3.3 References to the Director of Resources refer to his/her role as **Section 151 Officer**.
- 3.3 The Director of Resources is responsible for the day-to-day management of the following of the Council's functions:

Function	In consultation with
accountancy;	
the following administrative functions: <ul style="list-style-type: none"> ○ typing ○ reception ○ printing 	
the administration of benefits including fraud;	
the administration of Council Tax and national non-domestic rates including fraud;	

OFFICER DELEGATION SCHEME

Function	In consultation with
authority to determine requests for grants, financial assistance including hardship and discretionary charitable relief and support up to £2000;	
banking arrangements;	
the cash office;	
collection of sundry debtors;	
communications;	
corporate policy;	
creditor payments;	
health and safety;	
the Council's insurance arrangements;	
internal audit;	
payroll;	
personnel and HR including industrial relations and pensions;	
Procurement;	
the requirements of the Data Protection Act 1998;	
the treasury management function (borrowing and investments); and	

OFFICER DELEGATION SCHEME

Function	In consultation with
the writing off of debts up to £1000	

4. DIRECTOR OF COMMUNITY SERVICES

4.1 The Director of Community Services is authorised to exercise strategic control of the following three service groups: cultural and leisure services; engineering services; and planning services.

4.2 The Director of Community Services is responsible for the day-to-day management of the Council's functions in relation to:

Function	In consultation with
CCTV systems;	
civil enforcement of parking on council owned or operated car parks;	
conservation;	
energy management;	
engineering services;	
grounds maintenance;	
land drainage;	
leisure services including: <ul style="list-style-type: none"> o arts; o art galleries and museums; o recreation, sport facilities and sports development; o tourism; and o parks and countryside. 	
the maintenance of Council buildings	

OFFICER DELEGATION SCHEME

Function	In consultation with
and of plant and equipment;	
planning and development control including enforcement;	
promoting healthy lifestyles and working with partner agencies to improve the health of the people in the Council's area	
public car parks;	
public conveniences;	
refuse collection, street cleansing and waste management;	
transport including fleet management and maintenance;	

5. HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 5.1 The Head of Legal and Democratic Services is authorised to act as Solicitor to the Council and to take any action intended to give effect to a decision of the Council, its Committees, sub-Committees or an officer. In particular, s/he is authorised to make decisions and take actions with regard to:
- 5.1.1 the commencement, institution, prosecution, defence, termination, withdrawal or settlement of legal or other proceedings;
- 5.1.2 the authorisation of Council employees to conduct legal matters in court;
- 5.1.3 contracts;
- 5.1.4 all land and property matters under £50,000 including:
- o property valuation;
 - o acquisition of land and property;
 - o appropriation of land;
 - o disposal of land and property; and
 - o other dealings with land or any interest in land; and
- 5.1.5 the management of any appeal, challenge or objection process against or in support of any of the Council's decisions including the complaints procedure (Ombudsman).

OFFICER DELEGATION SCHEME

- 5.2 The Head of Legal and Democratic Services is also authorised to discharge the functions of the Monitoring Officer.

OFFICER DELEGATION SCHEME

PART 4: AUTHORISATIONS

1. OFFICERS AUTHORISED TO REPRESENT THE COUNCIL IN COURT AND IN OTHER HEARINGS

- 1.1 Every solicitor or legal executive employed or engaged by the Council, including the Head of Legal and Democratic Services, shall be authorised to appear on its behalf before any court, tribunal or other hearing and to exercise the powers given by the relevant professional bodies and the following postholders are authorised to appear on behalf of the Council and to conduct proceedings in court, and their powers are **additional** to the powers delegated by the Scheme of Delegation to Officers and the rights to appear in court given to solicitors, barristers and legal executives.
- 1.2 Pursuant to the Local Government Act 1972 Section 223 and the County Courts Act 1984 Section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise officers to appear on its behalf:
- Head of Legal and Democratic Services;
 - Solicitors;
 - the Corporate Property and Legal Officer; and
 - Legal assistants.
- 1.3 Pursuant to the Local Government Act 1972 Section 223 in respect of rating or council tax matters:
- Director of Resources
 - Head of Revenues and Benefits
 - Senior Revenues Officer; and
 - Recovery Officer.

2. AUTHORISATION TO ENTER LAND OR PREMISES

2.1 General

- 2.1.1 This authorisation authorises those post holders set out in the paragraphs below to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.
- 2.1.2 The authority to enter land or premises shall be exercisable subject to any statutory constraints.
- 2.1.3 A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.
- 2.1.4 In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post, temporarily or permanently, then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the right to enter falls to be exercised.
- 2.1.5 The right to enter given by this section shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.
- 2.1.6 A person authorised to enter land may take with him or her such other persons and equipment as may be necessary.

OFFICER DELEGATION SCHEME

2.1.7 This authorisation entitles a person authorised to enter land to seek a warrant to enter.

2.1.8 The authorisation of an officer to enter land shall be taken as the appointment of that officer among other things for that purpose.

2.2 All purposes

2.2.1 The following are authorised to enter land or premises for any purposes for which the Council is empowered to authorise entry:

- Chief Executive
- Head of Legal and Democratic Services;
- Solicitors;
- the Corporate Property and Legal Officer;
- Legal assistants; and
- Emergency Planning Officer.

2.3 Environmental health, housing etc

2.3.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	Animal welfare
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety)	Caravan sites

OFFICER DELEGATION SCHEME

Post holder	Function
Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	Environmental protection
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	Food safety and hygiene
Head of Environmental Health Senior Environmental Health	Health and safety at work

OFFICER DELEGATION SCHEME

Post holder	Function
Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	
Head of Regeneration and Housing Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	Housing
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health	Pest control

OFFICER DELEGATION SCHEME

Post holder	Function
Technical Officer Pollution Control Officer Housing Strategy Officer Pest Control	
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer Pest Control	Public health
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer Pest Control	Public safety
Head of Legal and Democratic Services Solicitor Enforcement Officer	Scrap metal dealers

OFFICER DELEGATION SCHEME

Post holder	Function
(Licensing)	
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	Street trading
Head of Environmental Health Senior Environmental Health Officer (Food Safety/Health and Safety) Environmental Health Officer (Health and Safety) Environmental Health Officer (Housing) Environmental Health Officer (Pollution) Environmental Health Technical Officer Pollution Control Officer Housing Strategy Officer	Sunday trading

2.4 Planning

2.4.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Planning Services Each Senior Planning Officer Each Assistant Planning	Town and Country Planning Act 1990 Sections 178, 196A, 196B, 324 and 325; Planning (Listed Buildings and Conservation

OFFICER DELEGATION SCHEME

Post holder	Function
Officer Principal Planning Officer (Design and Conservation) Countryside Officer Enforcement Officer	Areas) Act 1990 Section 88; Planning (Hazardous Substances) Act 1990 Section 36
Head of Planning Services Each Senior Planning Officer Each Assistant Planning Officer Principal Planning Officer (Design and Conservation) Countryside Officer Enforcement Officer	Anti-Social Behaviour Act 2003 Sections 74, 77

2.5 Building control

2.5.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Environmental Health Principal Building Control Surveyor Building Control Surveyors	Building Act 1984 Section 95

2.6 Local taxation

2.6.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Revenues and Benefits Senior Revenues Officer NNDR Billing and Recovery Officer Recovery Officer Visiting Officer (Revenues)	Collection of local taxes

OFFICER DELEGATION SCHEME

2.7 Land drainage and sewerage undertaking

2.7.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Head of Environmental Health Environmental Health Officer (Housing) Head of Engineering Services Engineering Services Manager General Works Manager	Water Industry Act 1991
Head of Engineering Services Engineering Services Manager General Works Manager Environmental Health Officer (Housing) Head of Environmental Health	Land Drainage Act 1991

2.8 Housing Benefit

2.8.1 Holders of the following posts are authorised to enter land or premises for the following functions:

Post holder	Function
Benefits Manager Fraud Control Officer	Detection and investigation of Housing Benefit or Council Tax fraud
Head of Revenues and Benefits Benefits Manager Fraud Control Officer Benefits Officer Visiting Officer (Benefits)	Housing Benefit

2.9 Other functions

2.9.1 Holders of the following posts are authorised to enter land or premises for the following functions:

OFFICER DELEGATION SCHEME

Post holder	Function
Head of Legal and Democratic Services Solicitor Enforcement Officer (Licensing)	Licensing under the Licensing Act 2003 and the Gambling Act 2005
Head of Legal and Democratic Services Solicitor Enforcement Officer (Licensing)	Regulation and licensing of sex establishments
HPA officer appointed as the Council's proper officer for such purposes	Public health functions

3. OTHER AUTHORISATIONS

3.1 The following post-holders are authorised to use the powers contained in Section 109B and 109C of the Social Security Administration Act 1992 for the purposes set out in Section 110A (i.e. they are "authorised officers" in relation to Housing Benefit and Council Tax Benefit):

- Benefits Manager; and
- Fraud Control Officer.

PART 5: PROPER OFFICERS

1. LEGISLATIVE BACKGROUND

- 1.1 Legislation requires the Council to appoint specific officers and to identify officers for particular responsibilities.

[The appointment of a proper officer is a matter of discretion for the Council; there is no statutory definition of “proper officer”. A local authority may decide to appoint one proper officer for a particular statutory purpose, with a substitute if desirable. Or, if it seems appropriate, a local authority may decide to divide a particular statutory function between several proper officers, for example, to divide the authentication of documents between proper officers by different classes of document.]

- 1.2 The Council has appointed the following Proper Officers named in the second column of the table below, and the deputies named in the third column of the table below, under the relevant provisions named in the first column of the table below:

Statute, section and explanation		
Food Safety Act 1990		
	Proper Officer	Deputy
Food safety. The officer of the Council for all relevant purposes under the Act.	Head of Environmental Health	Senior Environmental Health Officer (Food Safety/Health and Safety)
Housing Act 1985		
	Proper Officer	Deputy
	Chief Executive	Director of Resources Head of Legal and Democratic Services
Local Elections (Principal Areas)(England and Wales) Rules 2006		
	Proper Officer	Deputy
All references to the Proper Officer in these Rules relate to the Chief Executive	Chief Executive	Director of Resources Head of Legal and Democratic Services
Local Government Act 1972		
	Proper Officer	Deputy
Section 13(3) (Parish Trustee)	Chief Executive	Head of Legal and Democratic Services

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Section 83(1) (members' acceptance of office) The officer in whose presence declarations of acceptance of office shall be made and to whom such declarations shall be delivered.	Chief Executive	Head of Legal and Democratic Services
Section 84 (resignation of members) The officer to whom a person elected to any office under the Act may deliver written notice of resignation.	Chief Executive	Head of Legal and Democratic Services
Section 88(2) (filling of casual vacancy) The officer who may convene a meeting for the election of Chairman of the District Council following a casual vacancy in that office.	Chief Executive	Head of Legal and Democratic Services
Section 89(1)(b) (filling of casual vacancy) The officer to whom notice in writing of a casual vacancy in the office of Councillor shall be given.	Chief Executive	Head of Legal and Democratic Services
Section 91 (appointment of temporary councillor)	Chief Executive	Head of Legal and Democratic Services
Sections 100B, 100C, 100D and 100F (access to information and exempt information)	Head of Legal and Democratic Services	Solicitors
Section 115(2) (account for money) The proper officer for the purposes of receiving all money from other officers of the Council under Section 115(2).	Director of Resources	Head of Financial Services
Section 146(1)(a) and (b) (transfer of securities) The officer who shall procure the transfer of securities consequent upon any change in name, area of functions of a local authority.	Director of Resources	Head of Financial Services
Section 151 (financial administration) The officer who shall have responsibility for the administration of the financial affairs of the Council.	Director of Resources	Head of Financial Services
Section 191 (liaison with Ordnance Survey) Duties in connection with Ordnance Survey.	Director of Community Services	GIS and Technical Officer
Section 225(1) (deposit of documents) The proper officer for the custody of the deposit and retention of documents.	Chief Executive	Head of Legal and Democratic Services
Section 210(6) and (7) Charities	Chief Executive	Head of Legal

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		and Democratic Services
Section 225 (1) deposit of documents with and making of notes or endorsements and receipts	Chief Executive	Head of Legal and Democratic Services
Section 248 (2) (roll of freemen)	Chief Executive	Head of Legal and Democratic Services
Schedule 12, Part 1, Para 4(2)(b) (Council minutes) The officer who shall sign a summons to attend a Council meeting.	Chief Executive	Head of Legal and Democratic Services
Schedule 12 Part I, Para 4(3) The officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.	Chief Executive	Head of Legal and Democratic Services
Schedule 14 Para 25(7) (public health resolutions)	Chief Executive	Head of Legal and Democratic Services
Schedule 29, Paragraph 4(1) (a) and (c) The officer referred to as the Clerk of the Council or the Town Clerk of a Borough 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 October 1972 and in any local statutory provisions.	Chief Executive	Head of Legal and Democratic Services
Schedule 29, Paragraph 4(1) (a) and (c) The officer referred to as the Head of Financial Services 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 October 1972 and in any local statutory provisions	Director of Resources	Head of Financial Services
Schedule 29, Paragraph 4(1) (a) and (c) The officer referred to as the Surveyor 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 October 1972 and in any local statutory provisions	Director of Community Services	Principal Surveyor

OFFICER DELEGATION SCHEME

Local Government Act 1974		
	Proper Officer	Deputy
Part III (Local Government Ombudsman) Section 30(5). Publication in newspapers of reports of Local Commissioner.	Chief Executive	Head of Legal and Democratic Services
Local Government Finance Act 1988		
	Proper Officer	Deputy
Section 114 Financial report to the Authority.	Director of Resources	Head of Financial Services
Local Government (Miscellaneous Provisions) Act 1976		
	Proper Officer	Deputy
Section 41 (evidence of minutes and so on) Certification of copies of resolutions, minutes and other documents.	Chief Executive	Head of Legal and Democratic Services
Local Government and Housing Act 1989		
	Proper Officer	Deputy
Section 2 (politically restricted posts)	Chief Executive	Head of Human Resources
Section 4 (Head of paid service)	Chief Executive	
Sections 5, 5A (Monitoring Officer)	Head of Legal and Democratic Services	Solicitors
Local Government (Committees and Political Groups) Regulations 1990		
	Proper Officer	Deputy
Political groups	Chief Executive	Head of Legal and Democratic Services
Local Authorities (Members' Allowances) (England) Regulations 2003		
Members' allowances	Director of Resources	Head of Legal and Democratic Services
National Assistance Act 1948		

OFFICER DELEGATION SCHEME

	Proper Officer	Deputy
<p>Section 47 (removal of people in need)</p> <p>The proper officer for action to be taken regarding infectious diseases to be specially reported and making of weekly and quarterly returns.</p> <p>The proper officer who shall issue a certificate to the local authority and give oral evidence to a court of summary jurisdiction on application being made for an order authorising the removal of a person in need of care and assistance.</p>	The Director of Public Health	
Public Health Act 1936		
	Proper Officer	Deputy in cases of emergency only
Section 79 (removal of noxious matter)	Head of Environmental Services	Environmental Health Officers
<p>Section 84 (verminous articles) & 85 (verminous people)</p> <p>The proper officer of the Council who shall certify to the local authority that any premises, articles or clothing are filthy or verminous and who shall authorise a registered medical practitioner, or a woman duly authorised by the medical officer of health to carry out the cleaning of females under Section 85.</p>	Head of Environmental Services	Environmental Health Officers
Public Health Act 1961		
	Proper Officer	Deputy in cases of emergency only
Section 37 (verminous articles)	Head of Environmental Health Services	Environmental Health Officers
Public Health (Control of Disease) Act 1984		
	Proper Officer	Deputy
Public Health (Control of Disease) Act 1984, Section 74	Steven Gee	John Astbury, Kenneth Lamden, Kate Brierley, Nicola Schinaia, each of Public Health England
Representation of the People Act 1983		

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	Proper Officer	Deputy
Section 8 Electoral Registration Officer	Chief Executive	Head of Legal and Democratic Services
Section 35 Returning Officer	Chief Executive	Director of Resources
Section 67(7)(b) in relation to a local government election, a Proper Officer within the meaning of section 270(3) and (4) of the Local Government Act	Chief Executive	Director of Resources
Section 128 – proper officer to receive a copy of any petition questioning a local government election	Chief Executive	Director of Resources
Other		
	Proper Officer	Deputy
Any other provision for which arrangements are not specifically made under this Scheme of Delegation	Chief Executive	Head of Legal and Democratic Services except in relation to financial matters, in which case, Director of Resources

OFFICER DELEGATION SCHEME

APPENDIX 1 – LEGISLATION

Animals Act 1971
Animal Welfare Act 2006
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Consumer Protection Act 1987
County of Lancashire Act 1984
Crime and Disorder Act 1998
Criminal Justice and Public Order Act 1994
Criminal Justice Act 2003
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Data Protection Acts 1984 and 1998
Disability Discrimination Act 1995
Dogs (Fouling of Land) Act 1996
Environmental Protection Act 1990
European Communities Act 1972 and EC Regs 178/2002, 852/2004, 853/2004, 854/2004, 882/2004
Films Act 1985
Food and Environmental Protection Act 1985
Food Safety Act 1990 (as amended) & Regulations made thereunder
Guard Dogs Act 1975
Health and Safety at Work etc Act 1974
Health Act 2006
Highways Act 1990
Home Energy Conservation Act 1995
Housing Acts 1988, 1996, 2004
House to House Collections Act 1939 (and the House to House Regulations 1947)
Housing Grants, Construction and Regeneration Act 1996
Human Rights Act 1998
Land Drainage Act 1991
Local Government Acts 1972 and 2000
Local Government Finance Acts 1988 and 1992
The Local Government and Public Involvement in Health Act 2007
Leasehold Reform Act 1967
Licensing Act 2003
Litter Act 1983
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Local Byelaws
Mineral Workings Act 1985
National Assistant Act 1948
National Parks and Access to the Countryside Act 1949
New Roads and Street Works Act 1991
Offices, Shops and Railway Premises Act 1963
Party Wall Act 1996
Police and Criminal Evidence Act 1984
The Police Factories, etc (Miscellaneous Provisions) act 1916 and local byelaws made under it.
Pollution Prevention and Control Act 1999

OFFICER DELEGATION SCHEME

Prevention of Damage by Pests Act 1949
Public Health Act 1936 and 1961
Public Health (Control of Disease) Act 1984
Refuse Disposal (Amenity Act) 1978
Regulation of Investigatory Powers Act 2000
Rent (Agriculture) Act 1976
Reservoirs Act 1975
Road Traffic Regulations Act 1984
Safety of Sports Grounds Act 1975
Scrap Metal Dealers Act 1964
Social Security Administration Act 1992
Social Security Administration (Fraud) Act 1997
Social Security Fraud Act 2001
Sporting Events (Control of Alcohol etc) Act 1985
Sunday Trading Act 1994
Theatres Act 1968
Thefts Act 1968 and 1978
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Trade Descriptions Act 1968-1972
Transport Act 1968 and 1985
Zoo Licensing Act 1981

Together with regulations made under the respective Acts.

CORPORATE MANAGEMENT STRUCTURE

Marshal Scott

Chief Executive (CE)

The CE is the Council's principal policy adviser and "head of the paid service".
The CE is the returning officer for elections and the electoral registration officer.

The CE is also responsible for the management of the Chief Executive's Department and the strategic housing function. The CE is also the Council's safety officer.

Diane Rice

Head of Legal & Democratic Services (HLDS)

The HLDS provides legal advice and services to the Council on matters such as planning, environmental health, drainage, licensing etc and represents the Council in the Magistrates' and County Courts. The HLDS also acts as the Council's Monitoring Officer, and manages the following services: legal, land charges, certain licensing functions, democratic services, and electoral registration.

James Russell

Head of Environmental Health Services (HEHS)

The HEHS is responsible for the management and development of environmental health functions carried out by the council, including the management and development of the Clitheroe market and Clitheroe cemetery. The EHM is also responsible for Emergency Planning and for the building control team who enforce building regulations across the district.

Colin Hirst

Head of Regeneration & Housing (HRH)

The HRH's main duty is the preparation of planning policy and the creation of the Local Development Framework for the Borough. The HRH is also responsible for the Council's regeneration and Housing functions. The Local Strategic Partnership Officer works within the HRH's section.

John Heap

Director of Community Services (DCS)

The DCS is responsible for the management, co-ordination and development of community services carried out by the council. The DCS is also responsible for engineering and surveying functions including waste management, parks, tourism, art, leisure, sport and healthy lifestyles. The DCS is also responsible for the Council's planning services functions.

Jane Pearson

Director of Resources (DR)

The DR is responsible for the management, co-ordination and development of the Resources Department. The DR is the Council's principal financial advisor and statutory finance officer.

Terry Longden
Head of Engineering Services (HES)

The HES is responsible for the overall management of all the Council's Engineering, Surveying, Refuse, waste management, and General Works services.

Mark Beveridge
Head of Cultural & Leisure Services (HCLS)

The HCLS is responsible for increasing participation in sport, for arts and tourism, leisure and health and fitness, and other recreational and cultural activities. The HCLS is also responsible for amenity cleansing and grounds maintenance.

John Macholz
Head of Planning Services (HPS)

The HPS is responsible for the management of the development control section, which deals with the determination of planning applications to develop land, extend property and change the use of buildings. The HPS heads the enforcement arm of planning legislation and built conservation duties and deals with major planning proposals and subsequent planning appeals. In addition, the HPS is responsible for managing the team that provides census and statistical information and the Council's Countryside section.

Lawson Oddie
Head of Financial Services (HFS)

The HFS is responsible for the planning and management of the accountancy and audit services. He is also responsible for the development and administration of our financial systems and for ICT. The HFS is responsible for the management of the Resources Department in the Director of Resource's absence.

Michelle Smith
Head of HR (HHR)

The HHR is responsible for strategic HR matters across the Council. The HR Manager also has overall responsibility for personnel and for typing, printing, health and safety, communications, corporate policy and reception services.

Mark Edmondson
Head of Revenues & Benefits (HRB)

The HRB is responsible for the management of the revenues and benefits section, including council tax, business rates, collection, billing and recovery. The HRB is also responsible for the contact centre.



**RIBBLE VALLEY
BOROUGH COUNCIL**

**A Protocol for
Member/Officer
Relations**

May 2014

RIBBLE VALLEY BOROUGH COUNCIL

MEMBER/OFFICER PROTOCOL

1. INTRODUCTION

- 1.1 Ribble Valley Borough Council recognises that the relationship between its members and its officers is of vital importance in its work on behalf of the people of the Borough. The purpose of this Protocol is to guide both members and officers of the Council in their relationships with each other. It sets out and stresses the need for mutual respect between councillors and officers, based on an understanding of their respective roles and on the need to maintain the highest standard of personal and professional conduct at all times.
- 1.2 Given the variety and complexity of Member/Officer relations, the Protocol does not seek to be prescriptive or comprehensive. The intention is simply to offer guidance on some of the issues which most commonly occur and which, in turn, may help and serve as a guide in dealing with other situations which might arise.
- 1.3 The Protocol is largely a statement of current practice and convention, but by collating and emphasising these principles it is hoped to promote greater clarity and certainty.
- 1.4 The Protocol forms part of the Council's constitution and as such is available for public inspection.

2. PRINCIPLES UNDERLYING MEMBER-OFFICER RELATIONS

- 2.1 Both members and officers are servants of the public, and they are indispensable to one another. However their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees.
- 2.2 Mutual respect between Members and Officers is essential to good local government.

3. ROLES OF MEMBERS

- 3.1 All members have important roles under the Council's constitution and all are subject to the same ethical framework and code of conduct. These roles include:
- representing the views of their constituents;
 - acting together as the full Council; and
 - membership of committees, sub-committees and working groups.
- 3.2 The Council and its committees are responsible for setting policies, service and performance targets and ensuring that they are delivered. They are accountable to the electorate for the delivery of policies and services. It is important to note that the law only allows for decisions to be taken by the Council, a committee or sub-committee or by an Officer. The law does not allow for decisions to be taken by a committee Chairman or by an other single member.
- 3.3 Members are not normally expected to be involved in the implementation of policies or the day-to-day management of services, but can expect reports on progress.
- 3.4 It is appropriate, however, for Members to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. Where Members have initiatives and ideas they should discuss them with the Director concerned and a way forward agreed by the parties concerned. This will usually be through the appropriate committee.
- 3.5 The Code of Conduct for Members has a number of provisions which are relevant to the relationship between Members and Officers. These are as follows:-
- A member must treat others with respect [Para.3(1)].
 - A member must not do anything which compromises or which is likely to compromise the impartiality of those who work for, on behalf of, the authority [Para. 3(2)d].
 - A member must when reaching decisions have regard to any relevant advice provided to him by –
 - (a) the authority's chief finance officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988 or an equivalent provision in any regulations made under section 6(6) of the Local Government and Housing Act 1989; and
 - (b) the authority's monitoring officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989 (Paragraph 6).

4. ROLES OF OFFICERS

- 4.1 Officers are responsible for advising the Council and its Committees on policy and its implementation. They have a duty to give impartial advice to all Members. All officers are employed by, and accountable to, the local authority as a whole.
- 4.2 Support from officers is needed for all the Council's functions and the roles of the full Council, policy committee and individual Members representing their communities.
- 4.3 Day to day managerial and operational decisions should remain the responsibility of the Chief Executive and other officers.

5. RELATIONSHIP BETWEEN MAYOR AND OFFICERS

- 5.1 Officers will ensure that the Mayor is provided with all necessary secretarial and other support and that the dignity of the office of Mayor is respected at all times.

6. RELATIONSHIP BETWEEN LEADER AND OFFICERS

- 6.1 It is of fundamental importance to the effective running of the Council that there is a good working relationship between the Leader of the Council and Officers, in particular the Chief Executive. The Leader and the Chief Executive between them have the prime responsibility for providing leadership not just to the Council but to the wider community.
- 6.2 The Chief Executive will keep the Leader and Shadow Leader regularly informed on matters affecting the Council and will arrange for the necessary support to be provided to the Leader and Shadow Leader to enable him or her to fulfil the role.
- 6.3 In the absence of the Leader or Shadow Leader the Chief Executive will provide the necessary information and support to the Deputy Leader or Shadow Deputy Leader or to any other member nominated by the Leader or Shadow Leader.

7. RELATIONSHIPS BETWEEN CHAIRMEN AND MEMBERS OF POLICY COMMITTEES AND OFFICERS

- 7.1 It is clearly important that there should be a close working relationship between the Chairman of a committee and the relevant Director or Service Head. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 7.2 Whilst the Chairman may, if he or she so wishes, be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his or her name. Any issues arising between a Chairman and an Officer in this area should be referred to the Chief Executive for resolution. Where individual members wish

to place an item on an agenda they should notify the Chairman and the Chief Executive.

- 7.3 Finally, it must be remembered that officers within a service are accountable to their Director and/or Service Head and that whilst Officers should always seek to assist a Chairman or any other Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director or Service Head.

8. OFFICER RELATIONSHIPS WITH PARTY GROUPS

- 8.1 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups; however, this should always be with the consent of the appropriate Director. Such consent will only be refused in exceptional circumstances and after discussions between the party Leader and the Chief Executive.
- 8.2 The support provided by officers can take many forms, ranging from a briefing meeting with a Chairman or Spokesperson prior to a committee meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups and also to independent members.
- 8.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.
 - (b) Where Officers provide information and advice to a party group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee when the matter in question is considered.
- 8.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

- 8.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay either directly or indirectly the content of any such discussion to another party group.
- 8.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive or in his absence, the Monitoring Officer who will discuss them with the relevant group leader.

9. MEMBERS IN THEIR WARD ROLES AND OFFICERS

- 9.1 Officers will provide support to Members in their role as ward councillors. However the only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 9.2 Whenever a public meeting (with the exception of Committee meetings) is organised by the Council to consider a local issue, all the Members representing the ward or wards affected must, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.

10. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 10.1 Members are free to approach any Council department to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Director or another Senior Officer of the department concerned.
- 10.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 10.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items which may appear on the 'exempt' agenda for meetings. The items in question are those which contain exempt information.

- 10.4 The common law right of Members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.
- 10.5 The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a Member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Director whose department holds the document in question (with advice from the Head of Legal and Democratic Services). In the event of dispute, the question falls to be determined by the relevant Committee i.e. the Committee in connection with whose functions the document is held.
- 10.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- 10.7 Whilst the term “Council document” is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a member of one party group will not have a “need to know” and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 10.8 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Head of Legal and Democratic Services.
- 10.9 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member’s duties as a Member of the Council.

11. MEDIA RELATIONS

- 11.1 Officers shall assist Members in explaining proposals and policies to journalists but not in promoting individual members or their political views. Exceptions are those described in the Code of Practice on Local Authority Publicity, principally when an individual Member is speaking for the Council as a whole or for a committee which they chair.

12. CORRESPONDENCE

- 12.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member.

12.2 Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

13. REVIEW OF PROTOCOL

13.1 This protocol is intended to provide Members and Officers with guidelines to determine their roles and relations with each other.

13.2 It is intended to be a 'live' document and will be reviewed from time to time to reflect changing circumstances.

13.3 Members or Officers with queries about the Protocol should contact the Head of Legal and Democratic Services, who is the Council's Monitoring Officer.