

PART 2 – RESPONSIBILITY FOR FUNCTIONS

1. Executive and Non-Executive Functions

- 1.1. Decisions taken by the Council are divided into two types: Executive and Non-Executive.
- 1.2. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive; which may (but need not) be the responsibility of the Executive (Local Choice functions); and which are to some extent the responsibility of the Executive. All other functions not so specified are the responsibility of the Executive.
- 1.3. Executive decisions relate to all of the Council's functions that are not Full Council (or Non-Executive) functions. They include those Local Choice functions (identified below) that the Council has decided should be the responsibility of the Executive. Executive decisions are taken by the Leader, Cabinet, Cabinet committees, Cabinet Members or officers under delegated authority in accordance with, and in order to implement, the Budget and Policy Framework.
- 1.4. Non-Executive functions are powers and duties that under statute are not the responsibility of the Executive Leader, Cabinet or Cabinet Members. The power to exercise Non-Executive functions is either reserved to the Council or delegated by the Council to committees or officers, as set out below.

2. Principles of Decision Making

- 2.1. All council decisions will be made in the best interests of the communities of Cheshire West & Chester and in accordance with the following principles:
 - (a) take into account all relevant considerations and ignore those which are irrelevant
 - (b) compliance with finance, contract and all other procedure rules, statutory requirements, guidance and codes of practice
 - (c) compliance with the Budget and Policy Framework, including directorate and service budgets, business plans and any other policies, arrangements, procedures, rules, practices or protocols in force from time to time
 - (d) due consultation and proper advice is taken and consideration of alternative options before decisions are reached
 - (e) impartiality and an absence of bias, pre-determination or conflicts of interest
 - (f) any interests are properly declared

- (g) reasons are given for decisions
- (h) decisions are properly recorded and published
- (i) decisions are proportionate to the desired outcome
- (j) assessing the impact on human rights, equality, diversity and sustainability
- (k) a presumption in favour of transparency and openness
- (l) clarity of aims and desired outcomes
- (m) records are kept of decisions taken and reasons are given for them
- (n) following best practice, securing best value and making the most efficient and effective use of resources

2.2. The core objective is to ensure that decisions are made at the most appropriate level closest to the local or immediate point of service delivery, or at the level that is closest to those who will be affected by the decision in question.

2.3. The Council has set out to achieve this by putting in place a system of delegation known as a 'cascade of powers'. Under this system its operational powers have been delegated to the fullest extent and range possible through the hierarchy of the Cabinet, individual Cabinet Members, committees and the officer structure. Under this system, power follows responsibility so powers ultimately rest where they need to be so that the decisions that need to be taken to deliver the authority's objectives can be taken at the most appropriate level.

2.4. Because the authority's officers usually operate at the point closest to service delivery, they tend to take the majority of operational day-to-day decisions. For this reason, the Council has decided that unless a power or function is specifically reserved by law or in this Constitution to the Council, the Cabinet or a committee (see Part 2 Section 12), it stands delegated to officers to the fullest extent necessary to enable them to do everything that their role requires of them from time to time.

2.5. Any ambiguity that may arise as to whether a decision-maker is authorised to take any particular decision is to be resolved by reference back up through the hierarchy of the 'chain of cascade', and legal advice should be sought if necessary. There should, however, be a presumption against referring (or calling) decisions back up the chain unless it is absolutely necessary to do so.

2.6. Individual decision-makers may nevertheless consider it would be prudent for a decision that would otherwise fall to be taken by them to instead be taken (or ratified) by:

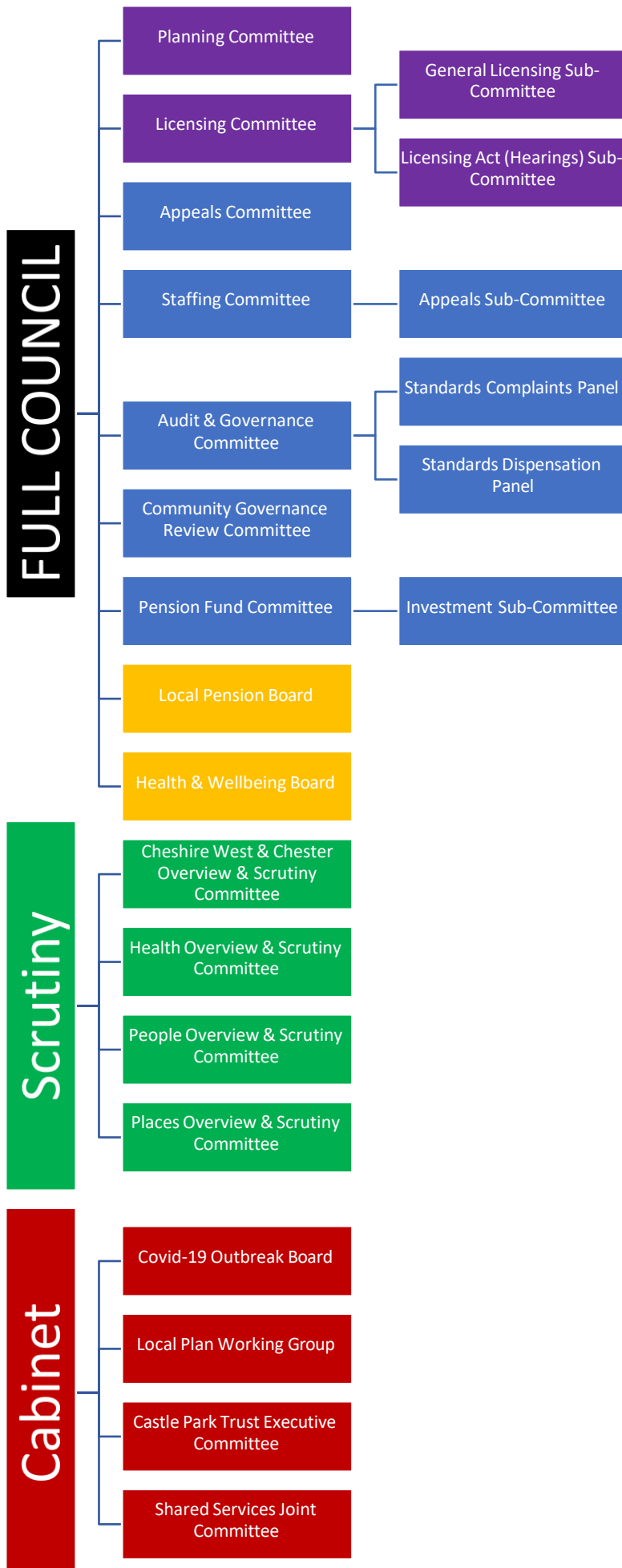
- (a) in the case of a Cabinet Member, by the Cabinet collectively
- (b) in the case of an officer, by their manager or another officer with equivalent authority

- (c) in the case of a decision-maker under a bespoke delegation, by the person or body who made that delegation

2.7. Individual decision-makers should also have particular regard as to whether a decision should be made in conjunction with any officer or member and the need to consult and take advice as appropriate.

3. Committee Structure

3.1. This diagram shows the overall committee structure of the Council:



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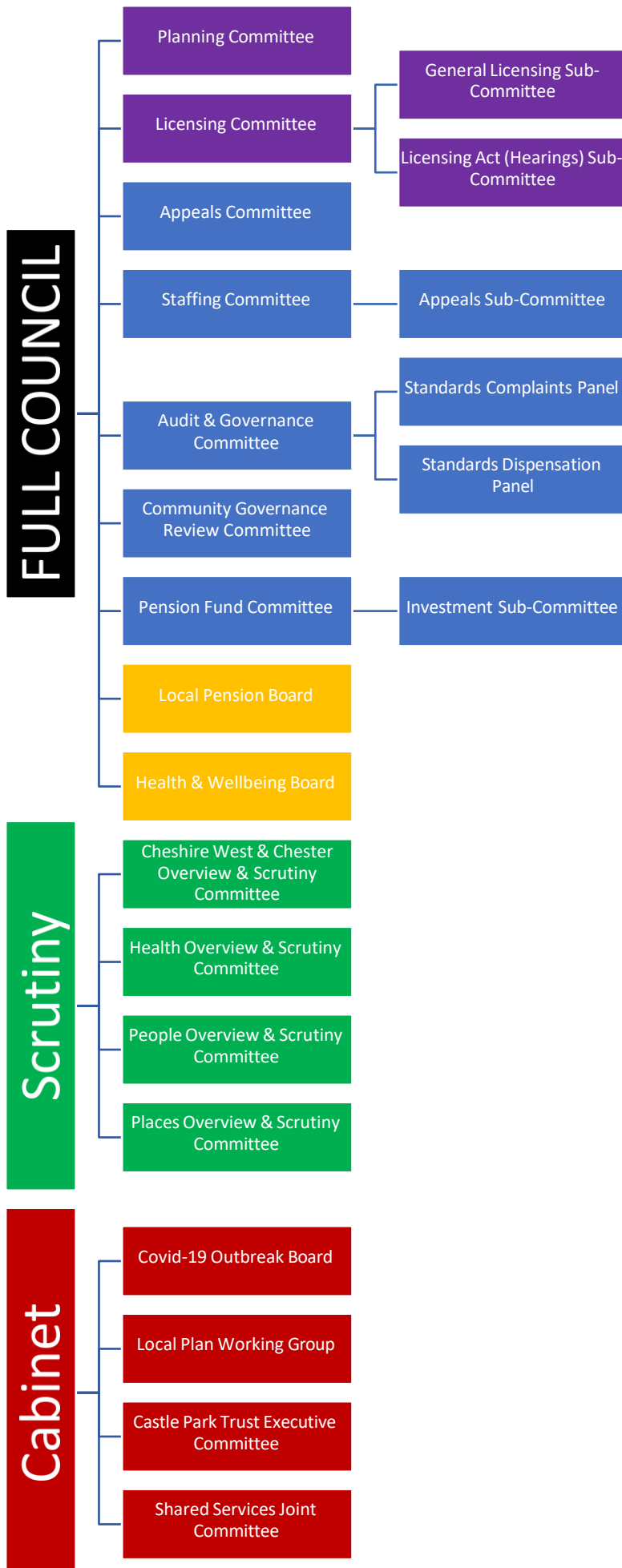
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4. Full Council

4.1. All councillors meet together approximately six times each year as Full Council. There are five types of Council meeting:

- (a) Annual meeting - in a year where there is an ordinary election of members to the Council, the Annual Council meeting takes place within 21 days of the retirement of the existing members. In any other year, Annual Council will take place in March, April or May.
- (b) Budget meeting – occurs before 11 March each year to determine the Council's financial commitments and set the Council Tax.
- (c) Ordinary meetings – usually occur in May, July, October and December each year to receive reports on key priorities, debate issues and take decisions that can only be made by Full Council.
- (d) Extraordinary meetings - called when urgent business arises that must be dealt with by Council before the next scheduled Ordinary meeting.
- (e) Special purpose meetings - e.g. for the appointment of honorary aldermen and alderwomen

4.2. Council proceedings take place in accordance with the Procedure Rules set out in Part 3.

4.3. Full Council exercises the following Non-Executive functions:

- (a) elects the Chair and Deputy Chair of the Council, and appoints Chairs of other committees;
- (b) appoints and removes the Executive Leader;
- (c) agrees and/or amends the composition, terms of reference and political balance of committees, other than those established by the Cabinet;
- (d) approves a programme of Ordinary Council meetings and committee meetings for the year;
- (e) appoints or nominates representatives to joint authorities, joint committees and other outside bodies, unless the appointment or nomination is an Executive function or has been delegated by the Council;
- (f) adopts a members Allowances Scheme (see Part 4 Section 7)
- (g) adopts and approves changes to the Constitution other than minor amendments;
- (h) adopts or amends the Budget and Policy Framework following recommendation from the Cabinet, other than minor amendments to policies;

Call-in

- 1.54. Key Decisions made by officers are subject to call-in by Overview & Scrutiny committees and cannot be implemented until either the Call-in period has expired or the relevant Overview & Scrutiny committee has made a decision regarding the Call-in. The Call-in procedure is set out in Part 2 Section 11.
- 1.55. Although the formal Call-in process only applies to officer Key Decisions, Overview & Scrutiny committees may call an officer to account over any decision made.

Recording and publishing the decision

- 1.56. The officer decisions for publication (listed above) are recorded in the same manner as Cabinet decisions. The officer must provide Democratic Services with a completed Officer Decision Record within two clear days of the date of taking the decision. Any such forms must be copied to the relevant Director. The Decision Record will be accompanied by any relevant background papers and, where appropriate (e.g. in respect of a controversial or complex matter) a full report (based on the Cabinet report template).
- 1.57. Democratic Services will maintain a record of all officer decisions referred for publication, including any report upon which each decision was made and background papers. Subject to any exemption from publication, they will ensure that this decision is available for public inspection via the website, at the Council's offices or by post if requested and on receipt of payment for copying and postage.
- 1.58. A written record of such decisions must be available for public inspection for at least 6 years and the background papers for at least 4 years.

Consultation with members

- 1.59. Officers to whom specific decision-making powers have been delegated following a Cabinet decision subject to consultation with Cabinet Members, will ensure that such consultation takes place prior to making the decision.
- 1.60. Officers acting within the remit of their general delegated powers within the Constitution will ensure that they identify issues upon which members should be consulted and will ensure that appropriate consultation takes place.

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- (g) adopts and approves changes to the Constitution other than minor amendments;
- (h) adopts or amends the Budget and Policy Framework following recommendation from the Cabinet, other than minor amendments to policies;

- (i) sets the Council Tax;
- (j) approves the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be);
- (k) subject to the urgency procedure below, makes decisions about any Cabinet proposal that is contrary to the Policy Framework or not wholly in accordance with the Budget;
- (l) determines whether Local Choice functions should be reserved to the Council or exercised by the Cabinet or officers acting under delegated powers;
- (m) takes decisions in respect of Non-Executive functions that have not been delegated to committees, sub-committees or officers;
- (n) determines the terms and conditions on which staff hold office (including procedures for their dismissal), unless otherwise delegated to a committee or officer;
- (o) appoints/dismisses/designates the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, the Returning Officer and Electoral Registration Officer;
- (p) adopts the Member Code of Conduct and the Officer/Member Relations Protocol (see Part 4);
- (q) determines appeals against any decision made by or on behalf of the Council, unless otherwise delegated to a committee or officer;
- (r) agrees any payments or provides other benefits following findings of maladministration by the Local Government and Social Care Ombudsman, etc;
- (s) appoints review boards under regulations under section 34(4) (determination of claims and reviews) of the Social Security Act 1998;
- (t) any function under a local Act other than a function specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, unless otherwise delegated to a committee or officer;
- (u) approves the Council's response to any issues or proposals in relation to local government boundaries, including electoral divisions and the conduct of elections;
- (v) takes decisions relating to the name of the area;
- (w) confers the title of Honorary Alderman/Alderwoman or Freedom of the Borough;

- (x) approves Housing Land Transfers, i.e. authorises applications to the Secretary of State for land transfers of housing stock under sections 32, 43 and 106A and Schedule 3A Housing Act 1985, and the Leasehold Reform, Housing and Urban Development Act 1993;
- (y) makes, amends, revokes, re-enacts or adopts bylaws;
- (z) promotes or opposes the making of local legislation or personal bills through Parliament;
- (aa) considers and debates relevant public petitions submitted under the Petition Scheme (see Part 1 Section 3);
- (bb) In respect of electoral functions:
 - (i) assigns officers in relation to requisitions of the Registration Officer;
 - (ii) divides constituencies and wards into polling districts;
 - (iii) holds elections;
 - (iv) fills vacancies in the event of insufficient nominations;
 - (v) declares vacancies in office in certain cases;
 - (vi) gives notice of a casual vacancy;
 - (vii) determines fees and conditions for supply of copies of, or extracts from, elections documents;
 - (viii) submits proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;

4.4. The Council discharges these functions either itself or through committees and officers.

5. Budget and Policy Framework

5.1. Full Council is responsible for considering proposals put to it by Cabinet on the policies and budgets that capture the authority's priorities and how it allocates its resources. Once a Budget or Policy Framework is adopted by the Council, it is the responsibility of the Cabinet to implement it.

Budget

5.2. The Budget is the identification and allocation of financial resources by the Council, including:

- (a) revenue expenditure

- (b) contingency and reserve funds
- (c) Council Tax
- (d) borrowing requirements and limits
- (e) capital expenditure
- (f) Medium Term Financial Plan
- (g) any limitations to, conditions on or rules governing the management of budgets, virement between budgets, treatment of underspends, windfall income or reserves contained within the Finance and Contract Procedure Rules

Policy Framework

- 5.3. The Council's Policy Framework comprises the following list of plans and strategies relevant to its functions, some of which are required by law² to be decided by the Council, usually on the recommendation of Cabinet:
- (a) Children and Young People's Plan
 - (b) Crime and Disorder Reduction Strategy
 - (c) Plans and alterations that together comprise the Local Plan
 - (d) Licensing Authority Policy Statement
 - (e) Local Transport Plan
 - (f) Youth Justice Plan
 - (g) Health and Wellbeing Plan
 - (h) Council Plan
 - (i) Any other plan or strategy required by law or which the Council determines should be designated as a Policy Framework document and adopted or approved by Full Council
- 5.4. Any proposal to amend these plans or adopt policies or take decisions that are not in accordance with them can only be decided by the Council.
- 5.5. There will, however, be a number of supplementary policies, plans, strategies, operating procedures or protocols that sit under these plans, which do not need to be approved by the Council. Those supplementary documents can be approved by the relevant committee, Cabinet, Cabinet Member or officer with responsibility for the area of operations concerned.

² Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

- 5.6. There will also be occasions where a decision on granting planning permission may need to be made on proposals that are not in accordance with the Local Plan. In those instances, the Planning Committee is delegated with authority to take such decisions.

Process for developing the Policy Framework

- 5.7. The Cabinet will publish a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework. The timetable will include a period of no fewer than six weeks during which consultation on its proposals will take place. The Cabinet will notify the Chairs of the Scrutiny committees of any timetable published so that they may respond to the consultation if they wish. At the end of the consultation period the Cabinet will draw up and report firm proposals to Council which shall have due regard to any consultation responses received. The Council may then resolve:
- (a) to refer, with direction and timescales, the matter back to the Cabinet for further consideration
 - (b) adopt the plan, strategy or budget in the form proposed by the Cabinet
 - (c) that it is minded to adopt the plan, strategy or budget in a different form from that proposed by the Cabinet
- 5.8. If the Council is minded to adopt a resolution under paragraph (c) above, it shall set out its different proposals and the reasons for them. The Leader will then have a period of five days to consider whether to give notice to the Director of Governance stating either:
- (a) that they do not object to the minded to adopt resolution; or
 - (b) with reasons, that they object to minded to adopt resolution
- 5.9. If the Leader gives notice under paragraph (a) above, then the minded to adopt resolution will crystallise as a decision of the Council.
- 5.10. If the Leader does not give a notice under paragraph (b) above, then upon expiry of the five day period the minded to adopt resolution will crystallise as a decision of the Council.
- 5.11. If the Cabinet gives (and does not withdraw) a notice under paragraph (b) above, then a meeting of the Council shall be convened within 10 days at which the Council will hear or receive written representations from the Leader before deciding whether to:
- (a) approve the Cabinet recommendation; or
 - (b) approve a different decision that does not accord with the recommendations of the Cabinet
- 5.12. The decision shall then be made public and implemented immediately.

- 5.13. In approving the Budget and Policy Framework, the Council will also set out the extent to which any virement or in-year policy changes may be undertaken by the Cabinet. Any other changes to the Budget and Policy Framework are reserved to the Council.

Decisions outside the Budget or Policy Framework

- 5.14. Subject to the virement provisions in the Finance and Contract Procedure Rules (see Part 3 Section 6) and the urgency provisions below, the Leader, Cabinet or those acting under delegated arrangements may only take decisions that are in line with the Budget and Policy Framework.
- 5.15. If the Leader, Cabinet or those acting under delegated arrangements wish to make a decision that is contrary to the Budget or Policy Framework, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer. If the advice of either of those officers is that the decision would not be in line with the Budget and/or Policy Framework, then the decision must be referred to the Council, unless it is a matter of urgency, in which case the urgency provisions below shall apply.

Urgent decisions outside the Budget or Policy Framework

- 5.16. Where the Leader, Cabinet or those acting under delegated arrangements wish to take an urgent decision that is contrary to the Budget or Policy Framework before a quorate Council meeting can be convened, the Chief Executive may take the decision provided:
- (a) advice is first taken from the relevant Chief Officers and the Director of Governance; and
 - (b) any of the following (to be sought in the following order) have agreed with the need for urgency:
 - (i) the Chair of the Cheshire West & Chester Overview and Scrutiny Committee
 - (ii) the Chair of the Council; or if absent,
 - (iii) the Deputy Chair of the Council
- 5.17. The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the relevant person listed in (i)-(iii) above to the decision being taken as a matter of urgency must be noted on the record of the decision, which will then be given to every council member.
- 5.18. The decision cannot otherwise be implemented, and delay will result until the Council makes the determination.
- 5.19. Following the taking of an urgent decision, the decision-maker will provide a report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

- 5.20. If any member is concerned that an officer has taken, or proposes to take, a decision or action contrary to the Budget or Policy Framework, the matter must be referred in the first instance to the Chief Executive to deal with as a matter of management and discipline. If the member's concern persists, the matter should be referred to the Chair of the Cheshire West & Chester Overview & Scrutiny Committee to discuss with the Chief Executive and, if necessary, the Director of Governance.

In-year changes to the Policy Framework

- 5.21. No changes to any policy or strategy that make up the Policy Framework may be made by the Leader, Cabinet or officers acting under delegated authority except those changes:
- (a) that will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint, or
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance, or
 - (c) in respect of a policy that would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration
- 5.22. A plan or strategy within the Policy Framework may be amended by the relevant Director where it is considered, in the opinion of the Director of Governance and the Chief Executive (after consultation with the Leader and relevant Cabinet Member), not to be contrary to the principles of the plan or strategy and can be contained within the approved budget. Such an amendment does not require the approval of the Council.

6. Local Choice Functions

- 6.1. By law some local authority functions cannot be the responsibility of the Council's Cabinet and these are called the "Non-Executive" functions. Other functions, particularly the preparation and approval of certain plans and strategies, are partly "Executive" and partly "Non-Executive". Those functions not otherwise specified fall within the responsibility of the Cabinet.
- 6.2. In addition, there are a few "Local Choice" functions (set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) where the Council is free to choose whether the function is "Executive" or "Non-Executive". The Cabinet may delegate or allocate any of its functions to an individual Cabinet Member, a committee of the Cabinet or an officer, and the Council may delegate any of the "Non-Executive" functions to a committee, sub-committee or an officer.
- 6.3. The list below shows where these "Local Choice" functions are allocated in this Constitution and the body or person expected to exercise the delegated

decision-making powers. Those delegations to officers can be further delegated under the cascade of powers and do not include Key Decisions:

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Executive	Delegated to Chief Officers within their areas of responsibility	-
2. Other than those reserved to a Non-Executive committee, the determination of appeals against any decision made by or on behalf of the authority.	Non-Executive	Delegated to Chief Officers within their areas of responsibility, other than those within terms of reference of committees	Appeals Committee Staffing Committee Schools Admission Appeals Panel
3. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	Non-Executive	Chief Operating Officer	-
4. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (reviews of exclusion of pupils). This is now s.51A of the Education Act 2002	Non-Executive	Director of Education & Inclusion	-
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals)	Non-Executive	Director of Education & Inclusion	Schools Admission Appeals Panel
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies)	Non-Executive	Director of Education & Inclusion	-
7. Any function relating to contaminated land.	Executive	Director of Environment & Communities	-
8. The discharge of any function relating to the control of pollution or the management of air quality	Executive	Director of Environment & Communities	-
9. The service of an abatement notice in respect of a statutory nuisance	Executive	Director of Environment & Communities	-
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance	Non-Executive	Director of Environment & Communities	-

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
Act 1993 should apply in the authority's area			
11. The inspection of the authority's area to detect any statutory nuisance	Executive	Director of Environment & Communities	-
12. The investigation of any complaint as to the existence of a statutory nuisance	Executive	Director of Environment & Communities	-
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Non-Executive	Delegated to Chief Officers within their areas of responsibility	-
14. The making of agreements for the execution of highways works	Executive	Delegated to Director of Highways & Transport	-
15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions Act 1976	Non-Executive	Delegated to Chief Officers within their areas of responsibility	-
16. The appointment of any individual - (a) to any office other than an office in which they are employed by the authority (b) to any body other than (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body	Executive and Non-Executive	Delegated to Chief Officers within their areas of responsibility	Cabinet (for Executive appointments) Audit Governance Committee (for Non-Executive appointments)
17. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Executive	Delegated to Chief Officers within their areas of responsibility	-
19. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Health Act 2007 relating to local area agreements	Executive	Delegated to Chief Officers within their areas of responsibility	-

7. Regulatory Committees

7.1. Full Council appoints the following Regulatory committees and advisory boards to undertake a range of Non-Executive functions:

- (a) Appeals Committee
 - (b) Audit and Governance Committee
 - (c) Community Governance Review Committee
 - (d) Licensing Committee
 - (e) Planning Committee
 - (f) Staffing Committee
- 7.2. The Council determines the number and terms of reference and allocates the number of places on each committee to each political group. The political groups nominate the members to serve on committees or sub-committees.
- 7.3. Members, once confirmed as members of a committee or sub-committee, continue to hold office until they:
- (a) resign
 - (b) cease to be members of the Council (unless re-elected for a further term)
 - (c) are removed from membership by the Council
- 7.4. Once appointed, committees continue in office until the Council appoints a successor committee or resolves the committee ceases.
- 7.5. Regulatory committee proceedings take place in accordance with the Procedure Rules set out in Part 3 Section 3.
- 7.6. The committees have delegated authority from the Council to undertake the responsibilities and actions falling within their terms of reference below.

Appeals Committee

- 7.7. Responsible for hearing and determining appeals made against decisions taken in respect of various statutory functions.
- 7.8. The committee comprises 13 members constituted on a politically proportionate basis in line with the political composition of the Council.

Terms of reference

- 7.9. Sitting as panel comprising three members (drawn from the committee on a broadly politically proportionate basis) to hear and determine any appeals lodged:
- (a) in respect of the provision of school transport
 - (b) by transport contractors in accordance with the contract procedures
 - (c) under the Marriage Acts

- (d) under all education legislation (with the exception of school admissions and exclusions appeals)
- (e) under social services legislation
- (f) in respect of Discretionary Rate Relief

Audit and Governance Committee

- 7.10. Responsible for overseeing the Council's audit and assurance arrangements, considering audit reports and the annual statement of accounts and making appropriate recommendations to the Council.
- 7.11. The purpose of the committee is to provide independent review and assurance of the Council's governance, risk management and internal control frameworks, and to oversee annual governance processes.
- 7.12. It also has other corporate governance responsibilities, including making appointments to certain outside bodies and organisations and for considering member standards.
- 7.13. The committee comprises 11 elected members (who should not be Cabinet Members or members of a Scrutiny committee) appointed on a politically proportionate basis in line with the political composition of the Council. The committee may also appoint up to two independent non-voting co-opted members on the basis of their skill, knowledge, qualification and experience relevant to the role of the committee.

Governance Risk and Control Functions:

- (a) Review the Council's corporate governance arrangements, including its ethical framework, against recognised best practice and consider annual governance reports and assurances.
- (b) Review any issue referred to it by the Chief Executive, a Deputy Chief Executive or any council body.
- (c) Review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the Head of Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance risk management and control.
- (d) Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (e) Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- (f) Monitor the effective development and operation of risk management in the Council.

- (g) Monitor progress in addressing risk-related issues reported to the committee, to consider reports on the effectiveness of internal controls, and monitor the implementation of agreed actions.
- (h) Review the assessment of risks and potential harm to the Council from fraud and corruption.
- (i) Monitor the counter-fraud strategy, actions and resources.
- (j) Report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of the Council's governance, risk management and internal control frameworks; and internal and External Audit functions.
- (k) Report to the Council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purposes.
- (l) Oversee the application of the governance arrangements for the Cheshire Pension Fund.

Internal Audit Functions:

- (a) Consider the Head of Internal Audit's annual report and opinion, together with reports from the Head of Internal Audit on internal audit's performance during the year, including:
 - (i) summaries of internal audit activity (actual and proposed)
 - (ii) the level of assurance it can give over the Council's corporate governance framework, risk management and control
 - (iii) key findings, issues of concern and action in hand as a result of internal audit work
 - (iv) the results of the Quality Assurance Improvement Programme
 - (v) reports on instances where the internal audit function does not conform to Public Sector Internal Audit Standards, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement
- (b) Consider summaries of specific Internal Audit reports, as requested.
- (c) Consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
- (d) Receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.

- (e) Approve the Internal Audit charter.
- (f) Approve the risk-based Internal Audit plan, including Internal Audit's resource requirement, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (g) Approve significant interim changes to the risk-based Internal Audit plan and resource requirements.
- (h) Contribute to the Internal Audit Quality Assurance and Improvement Programme and, in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- (i) Review proposals made in relation to the appointment of external providers of Internal Audit services and make recommendations.
- (j) Make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- (k) Support the development of effective communication with the Head of Internal Audit, including providing free and unfettered access to the Audit and Governance Committee chair and the opportunity for a private meeting with the committee members.
- (l) Consider any impairments to the independence or objectivity of the Head of Internal Audit arising from additional roles or responsibilities outside Internal Auditing, and to approve and periodically review safeguards to such impairments.

External Audit Functions:

- (a) Recommend appointment of the Council's External Auditors under the Local Audit and Accountability Act 2014 and provide assurance that the External Audit team's independence is safeguarded.
- (b) Consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.
- (c) Consider specific reports as agreed with the External Auditor.
- (d) Comment on the scope and depth of External Audit work and to ensure that it represents value for money.
- (e) Commission work from internal and External Auditors.
- (f) Consider the External Auditor's report and make recommendations to those charged with governance and on issues arising from the audit of the accounts.

- (g) Advise and recommend on the effectiveness of relationships between External and Internal Audit and other inspection agencies or relevant bodies.
- (h) Support the independence of External Audit through consideration of the External Auditor's annual assessment of its independence and review any issues raised by Public Sector Audit Appointments or the Council's auditor panel, as appropriate.

Accountancy Functions:

- (a) Review and approve the Annual Statement of Accounts and specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or audit process that need to be brought to the attention of the Council.
- (b) Review and approve the Director of Finance's Treasury Management Strategy report, treasury management annual report and treasury management mid-year review reports.
- (c) Review and approve the Director of Finance's treasury management quarterly monitoring reports.

Other Governance Functions:

- (a) Consider and make recommendations to the Council regarding changes to the Constitution.
- (b) Nominate local authority school governors.
- (c) Remove local authority school governors.
- (d) Appoint lay members and education members to serve on independent school admissions and exclusion appeals panels.
- (e) Make appointments to those external organisations that are not the responsibility of the Cabinet.
- (f) Receive recommendations in relation to the appointment of Honorary Aldermen and Alderwomen, and Freemen and Freewomen, in accordance with procedures adopted by the Council.
- (g) Review electoral arrangements and make recommendations to the Returning Officer.
- (h) Review the governance and assurance arrangements for the Council's partnerships or collaborations, to ensure they are operating effectively.

Standards Functions:

- (a) Promote and maintain high ethical standards of conduct by members and co-opted members of the Council.

- (b) Assist members and co-opted members to observe the Council's code of conduct.
- (c) Advise the Council on the adoption or revision of the code of conduct for members.
- (d) Monitor the operation of the code of conduct.
- (e) Ensure members receive appropriate ethical advice and training on registration of interests, the code of conduct and standards of behaviour generally.
- (f) Make arrangements under which allegations about member conduct can be investigated and decisions on allegations can be made and to appoint parish representatives.
- (g) Oversee arrangements for recommending appointment of Independent Persons to the Council under the Localism Act 2011.
- (h) Oversee the production of the Standards Annual Report and recommend it to Council.
- (i) Support town and parish councils in their duty to promote and maintain high standards of conduct and to assist their members to follow codes of conduct and to work closely with the Cheshire Association of Local Councils on standards and code of conduct issues and on the selection of parish representatives.
- (j) Ensure advice and training on standards is available to town and parish council clerks and members.
- (k) Support the Council's statutory officers in the performance of their duties.
- (l) Decide on applications for dispensations in respect of members' interests.

7.14. In respect of Standards, Audit and Governance Committee has established the following two sub-committees under s.54(a) Local Government Act 2000:

Standards Complaints Panel

7.15. The Standards Complaints Panel will be convened by the Director of Governance when required to:

- (a) conduct hearings and make decisions on allegations following investigation;
- (b) make decisions on allegations where the Director of Governance considers that it is not appropriate for the decision to be made under delegated powers and refers the complaint to the Panel.

7.16. The Panel will be comprised of three members of Audit and Governance Committee.

- 7.17. The Panel will seek and take into account the views of an Independent Person and, where a complaint concerns a parish or town council member, a Parish Representative (acting as a consultee not a co-opted member), before making a decision on any allegation which has been investigated.

Standards Dispositions Panel

- 7.18. The Standards Dispositions Panel will be convened by the Director of Governance when required to determine requests for dispensations in respect of members' interests.
- 7.19. The Panel will be comprised of three members of Audit and Governance Committee.

Community Governance Review Committee

- 7.20. Established in accordance with the recommendation of the former Overview & Scrutiny Committee following a review of the Council's relationship with the Borough's local (i.e. town and parish) councils in 2010. Endorsed by the Executive on 8 June 2011 and agreed by the Council (minute 29, 28 July 2011) to make recommendations to the Council on the outcomes of each Community Governance Review. The Council is required to approve the final recommendations before a Community Governance Order is made.

Terms of Reference

- (a) Agree the terms of reference for each Community Governance Review.
- (b) To determine a detailed timetable and consultation programme for each Community Governance Review.
- (c) Progress each review in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 and the Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.
- (d) Consider all options for future community governance of the area under review, taking into account current community representation and community engagement arrangements and electorate and demographic forecasts.
- (e) Determine appropriate electoral arrangements for the area under review, where necessary.
- (f) Consider any consequential matters arising from the review that are required to give effect to any subsequent Community Governance Order, e.g. the transfer and management or custody of property, the setting of precepts for new parishes, provision for the transfer of any functions, rights, liabilities, staff, etc.

7.21. The committee comprises seven councillors appointed in accordance with political proportionality. In addition, the committee may appoint non-voting co-opted members relevant to the role of the committee, e.g. representatives from the Cheshire Association of Local Councils.

7.22. The Chair and Deputy-Chair are appointed each year by the Council.

7.23. The committee shall meet as and when necessary. All meetings will be held in public. External organisations may be invited to attend for the purposes of fact-finding and consultation.

Licensing Committee

7.24. Responsible for determining licensing policy and applications across a wide range of local authority licensing functions in accordance with the following terms of reference.

7.25. The committee comprises 15 members and is constituted on a politically proportionate basis in line with the political composition of the Council.

7.26. Members of the committee sit as a statutory Licensing Committee as defined by the Licensing Act 2003 and the Gambling Act 2005 when carrying out functions of and ancillary to those Acts. Members of the committee sit as a General Licensing Committee when dealing with any other licensing functions of the Council.

Sitting as the full Committee:

- (a) Approve licensing policy (with the exception of matters specifically reserved by statute to the Council or the Cabinet).
 - (b) Determine all applications for the grant and variation of sex establishment licences.
 - (c) Determine all applications for the renewal or transfer of sex establishment licences where objections have been received.
- 7.27. For the avoidance of doubt, Licensing Committee shall exercise an advisory role in relation to Cabinet functions, such as the fixing of fares for hackney carriages.

Sitting as the Licensing Act (Hearing) Sub Committee (comprising three members drawn from the full committee on an ad-hoc basis):

- (a) Hold hearings to determine licensing matters where such hearings are required by the Licensing Act 2003 and associated regulations.
- (b) Determine applications for a provisional statement or the grant, variation, or transfer of a premises licence under the Gambling Act 2005 where a representation has been received, or where the Head of Service proposes that the power under section 169(1)(b) be exercised to exclude certain licence conditions.

- (c) Determine all matters in relating to the review of a premise licence under the 2005 Act.
- (d) Determine applications for club gaming and club machine permits under the 2005 Act where objections have been received.
- (e) Determine matters relating to the cancellation of club gaming and club machine permits or licensed premises gaming machine permits under the 2005 Act.
- (f) Determine all matters relating to temporary or occasional use notices under the 2005 Act where objections have been received.

Sitting as the General Licensing Sub-Committee (comprising three members drawn from the full committee on a broadly politically proportionate basis):

- (a) Determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, include hackney carriage and private hire vehicle driver and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation.
- (b) In cases where the Director has revoked with immediate effect a taxi licence on public safety grounds, determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked.
- (c) Determine matters relating to street trading consents where representation or objections have been received.
- (d) Determine appeals against officer decisions to reject applications for licences.

Planning Committee

- 7.28. Responsible for determining applications for planning permission that are not determined by the Head of Planning (or such other title that may be given to the officer with the same or similar powers) and for determining applications in relation to public rights of way and Commons or Town and Village Greens that are not determined by Director of Highways & Transport (or such other title that may be given to the officer with the same or similar powers).
- 7.29. Planning Committee comprises 11 members constituted on a politically proportionate basis in line with the political composition of the Council.

Terms of Reference

- (a) To determine applications for planning permission in connection with large scale major development, i.e.:
 - (i) residential developments of 200 dwellings or more or where the built site area is four hectares or more

- (ii) non-residential developments where the floor space to be built is 10,000 square metres or more or where the built site area is two hectares or more
- (b) To determine all applications for planning permission in connection with small scale major developments, i.e.:
 - (i) residential developments of between 10-199 dwellings inclusive or where the built site area is between 0.5 and four hectares
 - (ii) non-residential developments where the floor space to be built is between 1,000 and 9,999 square metres or where the built site area is between one and two hectares

where there is a recommendation for approval which would, in the opinion of the Head of Planning, constitute a significant departure from planning policy.
- (c) To determine all applications for planning permission in connection with onshore oil and gas exploration.
- (d) To determine applications for planning permission:
 - (i) called-in for determination in accordance with the Planning Committee Members' Call-in Procedure (see Part 3 Section 3)
 - (ii) where the applicant is an elected member or a member of their immediate family, or the application is in respect of land within their ownership or control
 - (iii) where the applicant is an officer holding a post at or equivalent to Chief Executive, Deputy Chief Executive, Chief Operating Officer or Director, or a member of their immediate family³, or the application is in respect of land within their ownership or control
 - (iv) where the applicant is an officer in the Development Management Team or a member of their immediate family, or the application is in respect of land within their ownership or control
 - (v) made by or on behalf of the Council (except those matters which the Head of Planning considers to be of a minor or routine nature)
 - (vi) that the Head of Planning, in consultation with the Chair of the Planning Committee, considers should be determined by the committee
- (e) In each case described in (d)(i) to (vi) above, the committee's remit shall not extend to the determination of:
 - (i) applications for permissions in principle

³ Immediate family refers to siblings, parents, children and partners or spouses only.

- (ii) technical details consent applications to vary or amend existing permissions or obligations
- (iii) applications to determine reserved matters applications
- (iv) applications for prior approval

Decisions in such cases stand delegated to officers.

- (f) To determine applications made in relation to the public rights of way network and the registers of Commons and Town and Village Greens that are called-in for determination in accordance with the Planning Committee Members' Call-in Procedure (see Part 3 Section 3)

Staffing Committee

- 7.30. Deals with human resources strategies and policies that apply to all the Council's employees. It is also responsible for employment matters relating to the Council's most senior officers and for appointing sub-committees to hear employment appeals in accordance with the Council's policies.
- 7.31. The committee comprises nine members and is constituted on a politically proportionate basis in line with the political composition of the Council.

Terms of Reference

- (a) Develop and approve the Council's human resources strategies, policies and officer terms and conditions of employment, subject to the approval of any budget implications by the Cabinet and/or the Council as appropriate.
- (b) Approve programmes of voluntary or compulsory redundancies.
- (c) Approve redundancy or other termination payments where associated costs (including actuarial costs) will be in excess of £100,000 (Council 3 Mar 2014, Minute 100 refers).
- (d) Appoint an Appeals Sub-Committee (comprising 3 trained members of the Staffing Committee) to hear and determine appeals in accordance with the Council's human resources policies and Officer Employment Procedure Rules.
- (e) In respect of the posts of Chief Executive and Deputy Chief Executives, and in accordance with the Officer Employment Procedure Rules (see Part 4 Section 2), to:
 - i. Undertake the appointment selection process (and in the case of the Chief Executive to make a recommendation to appoint to Full Council)
 - ii. settle levels of remuneration
 - iii. authorise changes to the terms and conditions of employment

- iv. hear and determine employment appeals
- v. authorise dismissal (and in the case of the Chief Executive to make a recommendation of dismissal to Full Council)

8. Joint Arrangements and Area Working

- 8.1. The Council has several methods of establishing bodies for decision-making, collaboration or consultation with other local authorities, partners, officer representatives and members of the public. These bodies may be set up for a specific purpose or to more generally promote the economic, social, or environmental well-being of the Borough.
- 8.2. Joint arrangements with other local authorities may be established to exercise Executive and/or Non-Executive functions. The establishment of joint committees that exercise Executive powers requires the agreement of the Leader. The establishment of joint committees that exercise Non-Executive powers requires the approval of the Council. The Leader must obtain Council approval before agreeing to exercise functions on behalf of another local authority.
- 8.3. Political balance rules do not apply to joint arrangements that only exercise Executive powers. Only Cabinet Members may be appointed to these joint committees.
- 8.4. Current joint arrangements include:
 - (a) Shared Services Joint Committee (Executive)
 - (b) Health & Wellbeing Board (both Non-Executive and Executive)
- 8.5. Details of joint arrangements and area working are set out below.

Shared Services Joint Committee

- 8.6. When the six former district councils and the former Cheshire County Council were reorganised into Cheshire West & Chester Borough Council and Cheshire East Council on 1 April 2009, a number of services were identified as being best delivered jointly by both councils.
- 8.7. A joint committee comprising members of the Cabinets of both councils was established for the purposes of strategic decision making and to facilitate shared service provision between the two councils.
- 8.8. As agreed by the Council on 18 October 2018, the joint committee's role was revised to oversee the management of those services that are provided on a Cheshire-wide basis on behalf of the two councils, to ensure effective delivery and provide strategic direction.
- 8.9. The joint committee is responsible for:

- (a) Ensuring that service strategies, and the resources and budgets required to deliver the service strategies, are in place and overseeing the implementation of the service strategies;
- (b) Ensuring that adequate risk management and audit processes are in place for each shared service;
- (c) Overseeing changes and projects and changes to shared services;
- (d) Reporting on the performance of the five service areas (Civil Contingencies and Emergency Planning, Farms Estate, Archaeology Planning Advisory and Cheshire Rural Touring Arts Network) plus the Libraries Shared Services;
- (e) Overseeing and developing Information Communications Technology, Transactional Services Centre and Archives;
- (f) Agreeing the basis for apportioning cost between the two councils and the amount to be apportioned;
- (g) Resolving issues that have been referred to the joint committee;
- (h) Reviewing the Shared Services Outturn and Performance Report, which will take a backwards look and a forward look, on an annual basis and by exception as appropriate, and initiating additional or remedial action as appropriate;
- (i) Agreeing business cases for proposed changes and overseeing the progress of the subsequent work;
- (j) Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition into the separate arrangements.

8.10. The following matters are reserved to each of the two councils:

- (a) Approving the budget for the specified functions;
- (b) The delivery of service business plans via client and service manager.

8.11. Composition, membership and more information about the committee and shared services arrangements can be found on the Council's website⁴.

Health and Well-Being Board

8.12. Health and well-being encompasses public health and NHS services, adult social care, children's services and the impact of housing, community safety, economic development and the environment.

8.13. The purpose of the Health & Well-Being Board is to be responsible for the health and wellbeing of the people of Cheshire West & Chester, by leading the development of improved and integrated health and social care services and

⁴ <http://cmttpublic.cheshirewestandchester.gov.uk/mgCommitteeDetails.aspx?ID=797>

using collective resources to reduce health inequalities and address variances in the quality of health and social care.

- 8.14. The primary focus of the Board is the improvement and co-ordination of services related to NHS, social care and related children's and public health. However, this will be within the context that the Board is a lever to improve the health and wellbeing of the citizens of Cheshire West & Chester.
- 8.15. In accordance with the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Board was constituted as a statutory committee of the Council on 19 May 2016 under s.102 of the Local Government Act 1972, and is answerable to its scrutiny functions with the following membership and terms of reference.
- 8.16. The Board comprises the following members who have committed to support the Board discharge its statutory duties.

	Representative/Role:	Organisation:
1.	Leader of the Council (Chair)	Cheshire West & Chester
2.	Vice Chair	Healthwatch Cheshire West & Chester
3.	Chief Executive	Cheshire West & Chester
4.	Deputy Chief Executive - People (Statutory Responsibility for Adult Social Services and Children's Social Services)	Cheshire West & Chester
5.	Deputy Chief Executive - Places (Statutory Responsibility for Place Services)	Cheshire West & Chester
6.	Director of Public Health	Cheshire West & Chester
7.	Cabinet Member Adult Social Care	Cheshire West & Chester
8.	Cabinet Member Communities and Wellbeing	Cheshire West & Chester
9.	Shadow Cabinet Member Adult Social Care	Cheshire West & Chester
10.	Clinical Chair (Deputy Chair in annual rotation)	NHS West Cheshire CCG
11.	Chief Operating Officer	NHS West Cheshire CCG
12.	Clinical Chair (Deputy Chair in annual rotation)	NHS Vale Royal CCG
13.	Chief Operating Officer	NHS Vale Royal CCG
14.	Representative Sub-Regional Attendee	NHS England Local Area Team
15.	Police Inspector	Cheshire Police
16.	Chief Executive	NHS Countess of Chester Hospital Foundation Trust
17.	Chief Executive	NHS Mid-Cheshire Hospital Foundation Trust
18.	Chief Executive	NHS Cheshire and Wirral Partnership
19.	Chief Executive	Healthwatch Cheshire West & Chester

- 8.17. Other non-voting co-opted members may be appointed with agreement of the Board on a temporary or fixed term-basis.

- 8.18. The Board is accountable to the Council for the delivery of the Joint Health and Wellbeing Strategy. This strategy is approved by the Board and contains the overarching vision for health and wellbeing in the Borough.
- 8.19. The Board is also accountable to a number of national bodies and organisations for the provisions of information and mandated returns (e.g. the quarterly Better Care Fund performance report).

Functions

- (a) Provide the structure for overseeing local planning and accountabilities for health and wellbeing related services and interventions.
- (b) Bring together key NHS, public health and social care leaders across the Cheshire West & Chester area. This includes representatives as both commissioners of services, and providers of services as reflected in the Board's membership.
- (c) Bring together partner agencies and organisations that contribute towards the wider determinants of health in the Borough, with representatives from place-based services and wider partner organisations as reflected in the Board's membership.
- (d) Provide oversight of development of the Joint Strategic Needs Assessment for Cheshire West & Chester, and ensure that this information is used in a meaningful manner to shape strategic decisions.
- (e) Design and deliver a Joint Health and Wellbeing Strategy and plan that identifies key priorities for commissioning of services and enables the delivery of the Health and Wellbeing Strategy in a co-ordinated and realistic way.
- (f) Publish and maintain a statement of needs for pharmaceutical services across the Cheshire West & Chester area.
- (g) Promote an ethos of integration and partnership in the planning, commissioning and delivery of services to improve the health and wellbeing of the whole population of Cheshire West & Chester.
- (h) Have the flexibility to go beyond its minimum statutory duties to promote joining-up of a much broader range of local services (i.e. further integration of health with more services around the wider determinants of health and wellbeing).
- (i) Listen, involve and engage service users, patients and the wider public in order to influence and inform the broader work of the Board.
- (j) Maintain an overview of the delivery of outcomes within the NHS, Public Health and Adult Social Care outcomes frameworks.

- (k) Provide oversight and support for the transformation of public services for older people as part of partner organisations' transformation programmes, including:
 - (i) NHS West Cheshire Clinical Commissioning Group: West Cheshire Way Programme
 - (ii) NHS Vale Royal Clinical Commissioning Group: Connecting Care in Central Cheshire Programme
 - (iii) Cheshire West & Chester Council: West Cheshire Offer Programme
- (l) Hold partner agencies to account for performance on agreed priorities.

Responsibility of Members

- (a) Attend and contribute to meetings and, if unable to do so, to send an appropriate deputy able to act on their behalf.
- (b) Nominate a deputy who will have the authority to make decisions in the event that they are unable to attend a meeting.
- (c) Agree to comply with the member Code of Conduct in relation to the business of the Board (the deputy will also sign up to the code).
- (d) Keep their organisation informed of the work of the Board.
- (e) Feed back to and consult with their organisation on issues being discussed by the Board.
- (f) Commit resources to work which will assist with the development and delivery of agreed priorities.
- (g) Sign a register of attendance at each meeting and not normally miss more than one meeting within a financial year.

Meeting Frequency

8.20. The Board meets six times per year. Additional meetings may be held at the discretion of the Chair.

Conduct of Meetings

8.21. Board meetings will ordinarily be held in public unless the information to be discussed:

- (a) cannot be discussed in public without risk of breaching a duty of confidence (usually because the information to be discussed was supplied in confidence or is subject to a court order prohibiting its disclosure); and/or
- (b) is exempt from disclosure under Schedule 12A of the Local Government Act 1972, the Freedom of Information Act 2000, the Data Protection Act 1998,

the Human Rights Act 1998 or any other legislation relating to the prevention of disclosure of information.

8.22. If all (or, by decision, part) of any Board meeting is held with the exclusion of the press and public, reasons for the need for such exclusion will be given by reference to any or all of the relevant circumstances set out in (a) and/or (b) above.

8.23. Agendas, supporting papers and minutes of previous meetings will be available on the websites of the Council and partner agencies one week before each meeting.

Quorum

8.24. The quorum of the Board is four members, with one representative each from the following organisations:

- (a) Cheshire West & Chester Council;
- (b) Cheshire West & Chester Healthwatch;
- (c) NHS West Cheshire Clinical Commissioning Group;
- (d) NHS Vale Royal Clinical Commissioning Group.

8.25. Beyond the appropriate representation of partners as outlined above, at least 25% of Board members must be present for the meeting to be quorate.

Voting

8.26. All matters will be decided by a simple majority of those members present and voting in the room at the time the question is put. Members must be in their designated seats for their vote to be counted.

8.27. Voting will be by a show of hands (or some other method agreed by the Chair) or, if there is no dissent and no call for a vote, by the Chair being satisfied of the unanimous approval of the meeting.

Public Questions

8.28. Members of the public may speak or ask a question at Board meetings on any subject within its terms of reference. Persons wishing to speak or ask a question must give notice to the Council's Governance Manager at least three days before the meeting in question to ensure that:

- (a) The topic is appropriate for the meeting in question;
- (b) The time allotted for public speaking and questions can be properly managed;
- (c) Any information needed to answer a question can be provided to the meeting.

8.29. The Chair will retain sole discretion as to the management of public speaking and questions. Normally a total period of 15 minutes will be permitted with speakers being allowed to speak for up to 5 minutes each. Questions will be asked and answered without debate.

8.30. In responding to questions members may answer directly, decline to answer; agree to answer at or by a later (specified) date (whether or not in writing); or refer the question to a more appropriate forum, member or officer.

Safeguarding Children Partnership

8.31. The Cheshire West and Chester Safeguarding Children Partnership (SCP) is established in accordance with the Children and Social Work Act 2017 and Working Together to Safeguard Children statutory guidance. It provides arrangements under which the safeguarding partners and relevant agencies work together to coordinate their services, identify and respond to the needs of children, commission and publish local safeguarding practice reviews and provide scrutiny to ensure the effectiveness of the arrangements.

8.32. The three safeguarding partners in relation to the local authority's area are defined under the Children Act 2004 (as amended by the Children and Social Work Act 2017) as:

(a) the Local Authority (represented by the Chief Executive of Cheshire West and Chester Council)

(b) a Clinical Commissioning Group for an area any part of which falls within the local authority area (represented by the Accountable Officer of NHS Vale Royal and West Cheshire Clinical Commissioning Groups)

(c) the Chief Officer of Police for an area any part of which falls within the local authority area (represented by the Chief Constable of Cheshire Police)

8.33. The SCP vision is to ensure that every child and young person in Cheshire West and Chester grows up in a safe environment that enables them to achieve their full potential. To achieve this vision, the three safeguarding partners will work collaboratively with relevant agencies to ensure that:

(a) The rights and interests of children are at the heart of their arrangements and kept in focus as they go about their work.

(b) The Partnership holds each other each other to account for their safeguarding work, which includes their responsibility for effective multi-agency working.

(c) Children are safeguarded by having in place policies, procedures, safe working practices and suitable, trained staff and volunteers.

8.34. Full details of the SCPB can be found on its website: [Cheshire West Safeguarding Children Partnership \(cheshirewestscp.co.uk\)](https://cheshirewestscp.co.uk).

Local Safeguarding Adults Board

8.35. The Cheshire West and Chester Local Safeguarding Adults Board (LSAB) is a multi-agency partnership, co-ordinated by Cheshire West and Chester Council, which provides strategic leadership for adult safeguarding across the borough. It has an independent Chair and its remit is to agree objectives, set priorities and co-ordinate the strategic development of adult safeguarding.

8.36. The LSAB is governed by a Memorandum of Agreement which all agencies sign up to. Its overarching purpose is to help and safeguard adults with care and support needs by assuring itself that local safeguarding arrangements are in place as defined by the Care Act 2014 and statutory guidance.

8.37. The LSAB has three core duties:

- (a) To develop and publish a strategic plan setting out how it will meet its objectives, what each member will do to implement the strategy and, in developing the plan, consult the local Healthwatch organisation and the community.
- (b) To commission safeguarding adults reviews (SARs) for any cases that meet the criteria for these and implement the findings.
- (c) To publish an annual report detailing how effective its work has been, as well as report the findings of any SARs and reference any ongoing reviews.

8.38. The LSAB's focus is to work with partners on the following three strategic priorities:

- (a) People and outcomes: Safeguarding services are delivered effectively and professionally, with making safeguarding personal at the heart of how those services are delivered.
- (b) Systems, processes and performance: Ensuring that there are effective governance, scrutiny and business processes in place to ensure that the safety and well-being of adults who are subject to, or at risk of, abuse and neglect. This includes ensuring that the findings from safeguarding adult reviews and other key areas of practice improvement are implemented.
- (c) Partnerships and communities with care and support needs: Promote safeguarding adults in the community by listening to their concerns and raising awareness and well-being to prevent neglect and abuse before it happens, with a particular focus on diverse, isolated and under-represented communities.

8.39. Membership includes core members, as identified through legislation and NHS guidance, and associate members who are invited onto the Board in order to enhance multi-agency working.

- (a) Independent Chair
- (b) Core members:

- (i) Cheshire West and Chester Council, including senior representation from: Adult Social Care, Safeguarding, Prevention and Wellbeing, Public Health, Children's Services, Children's Safeguarding, Housing.
 - (ii) West Cheshire Clinical Commissioning Group
 - (iii) Vale Royal Clinical Commissioning Group
 - (iv) Cheshire Police
- (c) Associate members
- (i) Age UK
 - (ii) Cheshire and Wirral Partnership
 - (iii) Cheshire Fire
 - (iv) National Probation Service Cheshire
 - (v) Countess of Chester Hospital
 - (vi) North West Ambulance Service
 - (vii) East Cheshire NHS Trust
 - (viii) Mid Cheshire Hospital Trust
 - (ix) Healthwatch

Channel Panel

8.40. The Channel Panel is a sub-group of the LSAB established under section 36 of the Counter-Terrorism and Security Act 2015, which sets out the duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism.

8.41. The Channel Panel brings together a range of multi-agency partners to collectively assess the risk in individual cases and decide whether a support package is needed. The group may include statutory and non-statutory partners, as well as lead safeguarding professionals who have signed up to an information sharing protocol and attend monthly panel meetings.

8.42. The Channel Panel is chaired by a Council senior manager in Adult Safeguarding. Other Panel Members include representatives from Adults and Children's Social Care, Education, Probation, Youth Justice Service, Colleges and University, Health and Police.

8.43. Full details of the LSAB can be found on its website: [Local Safeguarding Adults Board \(LSAB\) \(cheshirewestandchester.gov.uk\)](https://cheshirewestandchester.gov.uk/local-safeguarding-adults-board/).

Other Area Working Arrangements

- 8.44. The four place-based Community Teams work with a wide range of locally-based area arrangements to support member and local community engagement. The teams empower and promote active involvement in addressing locally identified needs and priorities. These arrangements could include (but are not limited to) town and parish councils, tenant and resident panels, neighbourhood forums, community action groups the Community Champion network, Anti-Social Behaviour Board and Care Community Steering Group Meetings.

9. Cheshire Pension Fund

- 9.1. The Local Government Pension Scheme (LGPS) is a defined benefit public sector pension scheme governed by the Public Services Pensions Act 2013 and the Local Government Pension Scheme Regulations 2013 (as updated and amended from time to time).
- 9.2. The Council is the statutory Administering Authority for the Cheshire Pension Fund (the name of the Local Government Pension Scheme in Cheshire under the Regulations and ss.7, 12 and 24 of Superannuation Act 1972). In its capacity as Administering Authority the Council fulfils the role of Scheme Manager for the Cheshire Pension Fund.
- 9.3. The Council publishes a Governance Compliance Statement setting out the governance arrangements it has set in place for the Fund, including terms of reference and composition of meetings. The Governance Compliance Statement is available on the Cheshire Pension Fund website:
<http://www.cheshirepensionfund.org/>.
- 9.4. The key elements of the Council's governance arrangements for the Fund are summarised below.

Delegation to Chief Operating Officer

- 9.5. The Council has delegated responsibility for the management and administration of the Cheshire Pension Fund to the Chief Operating Officer who is also the Council's s.151 Officer.
- 9.6. The Chief Operating Officer has established an advisory panel known as the Pension Fund Committee. The committee is convened as necessary by and to advise the Chief Operating Officer on matters relating to the administration of the Fund.

Pension Fund Committee

- 9.7. The Pension Fund Committee's key responsibilities are to advise the Chief Operating Officer on the management of the Cheshire Pension Fund, including the management of the administration of the benefits and strategic management of Fund assets, taking advice from an actuarial and strategic investment advisor.

- 9.8. The Committee comprises 11 members: Cheshire West & Chester Council (4), Cheshire East Council (4), Halton Council (1), Warrington Council (1), plus one non-voting Scheme Member.

Investment Sub-Committee

- 9.9. The Pension Fund Committee has established an Investment Sub-Committee. Attendance at the sub-committee is open to all members of the Pension Fund Committee and ensures that the Pension Fund Committee's time is utilised in the most efficient manner, with the sub-committee focusing on more complex investment issues.
- 9.10. Further details including composition and membership of the Pension Fund Committee and Investment Sub-Committee are available at <http://www.cheshirepensionfund.org/>.

Investment Pooling – LGPS Central

- 9.11. As Administering Authority, the Council is required to commit to an investment pool regarding the management of the Fund's investment assets.
- 9.12. The Council is partner and co-founder of the LGPS Central Pool, made up of eight council administering authorities (Cheshire, Derbyshire, Leicestershire, Nottinghamshire, Shropshire, Staffordshire, West Midlands Pension Fund and Worcestershire), collectively known as the Partner Funds.
- 9.13. The Partner Funds have established LGPS Central Limited as their pooling delivery provider. LGPS Central Limited is regulated by the Financial Conduct Authority and is a controlled entity within the meaning of the Public Contract Regulations 2015.
- 9.14. The Partner Funds are both clients and shareholders of LGPS Central Limited and have set up separate governance arrangements for their roles:
- 9.15. In relation to the Partner Funds' Client role they have established **LGPS Central Joint Committee**, which is a public forum to provide oversight of the delivery of the objectives of the Pool, the delivery of client service, the delivery against the LGPS Central business case and to deal with common investor issues. The Joint Committee does not have delegated authority to make binding decisions on behalf of the participating Partner Funds. The Council's representative on the Joint Committee is the Chair of the Pension Fund Committee.
- 9.16. In relation to the Partner Funds' Shareholder Role, they have established a **Shareholder Forum**, to oversee the operation and performance of LGPS Central Ltd (the Company) and to represent the ownership rights and interests of the Partner Funds within the LGPS Central Pool (the Pool). The Council's representative on the Shareholder Forum is the Cabinet Member for Finance and Legal.

Local Pension Board

- 9.17. In accordance with the Regulation 106 and s.5 Public Service Pensions Act 2013, the Council has established Local Pension Board.
- 9.18. The Board comprises 5 members: an independent non-voting chair, two Scheme Employer representatives and two Scheme Member representatives.
- 9.19. The Board is not a committee constituted under s.101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the Constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly provided. The Board is accountable to the Scheme Manager and the Pensions Regulator.
- 9.20. The Board is responsible for assisting the Council as Administering Authority and operates independently of the Pension Fund Committee:
- a) to secure compliance with:
 - i. the Regulations
 - ii. any other legislation relating to the governance and administration of the Scheme and any connected scheme
 - iii. any requirements imposed by the Pensions Regulator in relation to the Scheme and any connected scheme
 - b) to ensure the effective and efficient governance and administration of the Scheme and any connected scheme.
- 9.21. Further details are available at <http://www.cheshirepensionfund.org/>

10. Cabinet

- 10.1. The Council operates an Executive form of governance. This means that following elections to the Council, the Council chooses one member to be the Executive Leader. The Leader then appoints between two and nine other councillors who, together with the Leader, form the Cabinet. The Cabinet is the part of the Council that is responsible for most day-to-day decisions and carries out all of the Council's functions that are not the responsibility of any other part of the Council, whether by law or under this Constitution.

Functions

- 10.2. All functions of the Council that are not reserved by law or by Local Choice as Non-Executive (see Part 2 Section 6), are Executive functions. Except where the law otherwise provides, it is at the Leader's discretion to determine how decision-making in relation to Executive functions will be exercised.
- 10.3. Unless a power or function is specifically reserved to members under this constitution or by operation of law, it stands delegated to officers in

accordance with the Executive Scheme of Officer Delegation (see Part 2 Section 12).

10.4. The Cabinet undertakes all Executive functions (except those delegated to officers), including:

- (a) Proposing plans and strategies, including the overall Budget and Policy Framework, changes to the Constitution and arrangements for the good governance of the authority, to Full Council to approve and adopt.
- (b) Publishing in the Key Decisions Plan all decisions by Cabinet, individual Cabinet Members and Key Decisions made by officers.
- (c) Establishing committees to discharge specific Executive functions, or establishing working groups or panels to review or advise on specific issues.
- (d) Representing the Council locally, nationally and internationally.
- (e) Attending meetings of the Scrutiny committees and any Task and Finish Groups as required and when required to do so.
- (f) Agreeing the acquisition and disposal of property and the management of the Council's land holdings (other than Housing Land Transfers).
- (g) Exercising the powers and duties of the Council in respect of leisure, libraries, museums, consumer protection and environmental health.
- (h) Exercising the powers of and duties of the Council as the local education authority.
- (i) Exercising the powers and duties of the Council's role as social services authority.
- (j) Acting as the highways, transportation and waste collection and waste disposal authority.
- (k) Agreeing protocols for consultation and relations with outside bodies.
- (l) Performing specific statutory duties, such as those of the Lead Member for children's services, who has the duty to safeguard and promote the well-being of children in the Borough.
- (m) Entering into, and making appointments to, joint arrangements and external organisations that are the responsibility of the Executive.

10.5. Cabinet proceedings take place in accordance with the Procedure Rules set out in Part 3 Section 2.

Executive Leader

10.6. The Executive Leader is a councillor elected at the first annual meeting of the Full Council after an ordinary election and holds office for four years unless, at an earlier date:

- (a) they resign from office
- (b) they are disqualified from office
- (c) the expiry of their fixed term, i.e. the date of the post-election annual meeting that follows their election as Leader
- (d) they are removed from office by Full Council resolution, submitted by way of Motion on Notice in accordance with Procedure Rules (see Part 3 Section 1) by no fewer than seven members and nominating an alternative candidate for the vacated position

10.7. If the Council passes a resolution to remove the Leader, a new Leader is elected either at the meeting at which the Leader is removed from office or at a subsequent meeting.

10.8. If a vacancy in the office of Leader arises for the reasons set out at (a) or (b) above, a new Leader is elected at the next Ordinary meeting of the Council or at an Extraordinary Meeting.

10.9. The Leader determines which individual Cabinet Members, Cabinet committees, officers or joint or other bodies are responsible for the exercise of particular Executive functions. In particular, the Leader may:

- (a) allocate areas of responsibility to those members or bodies
- (b) arrange for the discharge of Executive functions by themselves, the Cabinet collectively, Cabinet committees, individual Cabinet Members or senior managers
- (c) determine the membership of Cabinet committees
- (d) appoint Members to other advisory, assistant or champion roles as appropriate, without decision-making responsibilities

10.10. All the Leader's decisions under (a)-(d) take effect only when they have been notified to all members through the Director of Governance (for publication on the Council's website). Any subsequent changes must similarly be notified to all members before any decision under those changed arrangements can be made. Cabinet Members can be removed from office by the Leader by written notice to the member concerned and the Director of Governance.

Deputy Leader

10.11. The Leader must appoint at least one of the Cabinet Members as Deputy Leader, who holds office until the end of the Leader's term of office, unless they:

- (a) resign as Deputy Leader
- (b) cease to be a councillor
- (c) are removed from office by the Leader

10.12. Where a vacancy occurs, the Leader must appoint another Deputy Leader.

10.13. In the absence of the Leader, the Deputy Leader exercises the Leader's powers in respect of portfolio responsibilities, but not the functions conferred by statute solely on the Leader, such as appointing or removing Cabinet Members or objecting to senior officer appointments and dismissals.

10.14. If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Cabinet will act in the Leader's place or arrange for another Cabinet Member to act in their place until the Chair of the Council can call a meeting of Full Council to elect a new Leader.

Cabinet Members

10.15. Other Cabinet Members hold office until:

- (a) they resign from office
- (b) they are no longer a councillor
- (c) the expiry date of their term of office
- (d) they are removed from office by the Leader

10.16. No substitution arrangements will apply to the Cabinet, and neither the Chair nor Deputy Chair of the Council may be appointed to the Cabinet.

Portfolios of Responsibility

10.17. Cabinet Members have personal responsibility for decisions taken in relation to and discharging those Executive functions within their remit (portfolio of responsibility) as determined by the Leader. All Cabinet decisions that are not delegated to officers or Cabinet members will be determined by the Cabinet collectively.

10.18. Each Cabinet Member is responsible for all of those types of decisions that sit within their portfolio, unless the decision:

- (a) relates to a proposal to alter the Budget or Policy Framework
- (b) is to authorise expenditure in excess of £1million
- (c) is likely to have a significant impact on how the authority operates
- (d) is likely to have a significant impact on the responsibilities of another Cabinet member. If the impact is not considered to be significant, then the lead Cabinet member may make the decision after consulting with the other relevant Cabinet members.

10.19. Cabinet Members must consult Chief Officers and the Director of Governance before taking any decisions. Where a Chief Officer or the Director of Governance, prior to the implementation of a decision, provides written advice to the effect that one of the exceptions in paragraphs (a) to (d) above applies, then the decision will stand deferred to the next meeting of the Cabinet.

10.20. A description of the Cabinet functions that are exercisable by individual Cabinet Members is set out below, stating the name of the member by whom each is exercisable:

Cabinet Member	Portfolio Responsibilities
<p>Councillor Louise Gittins</p> <p>Leader, including culture and arts, sub-regional and national partnerships and the health economy</p>	<ul style="list-style-type: none"> • Council change programme and external relationships • Devolution • Local health economy and CMHCP (including Marmot region) • Sub regional/NW economic partnerships • Town and Parish Councils partnerships • Insight and intelligence • Libraries, Archives, Arts and Culture, Museums • Sustainable food place and Eat well be active <p>Co-operative Council</p>
<p>Councillor Sheila Little</p> <p>Adult Social Care Portfolio</p>	<ul style="list-style-type: none"> • Community Care • Social Care and social care reform • Safeguarding and complex needs • Market development • Contract management • Quality and performance • Local health care partnerships • Care communities • Strategic Commissioning (LD, AL) • Age Friendly Communities • Workforce development • Age Friendly communities • Adults with learning disabilities • Carers <p>Co-operative Council</p>
<p>Councillor Adam Langan</p> <p>Children and Young People Portfolio</p>	<p>Achievement:</p> <ul style="list-style-type: none"> • Statutory duties • School improvement and school planning • Early Years service • Special educational needs • Quality learning partners (Traded school services) <p>Early Help and prevention (working with Cllr Lisa Denson):</p>

	<ul style="list-style-type: none"> • Starting well service • Early help prevention contracts • Troubled families • Young carers • Youth work <p>Strategy and Commissioning</p> <p>Safeguarding:</p> <ul style="list-style-type: none"> • Integrated Access & Referral Team (I art)/ Emergency Duty Team • Assessment and Care • Child Protection and Children in Need • Looked After Children – Fostering and Adoption • Strategic Support Services/School Support <p>Play (Sports and recreation):</p> <ul style="list-style-type: none"> • Brio • Playing pitch strategy • Play strategy <p>Co-operative Council</p>
<p>Councillor Lisa Denson</p> <p>A Fairer Future (Poverty, Public Health and Mental Health) Portfolio</p>	<p>Poverty Emergency:</p> <ul style="list-style-type: none"> • Health inequalities/Marmot <p>Early Help and prevention (working with Cllr Adam Langan):</p> <ul style="list-style-type: none"> • Starting well service • Early help prevention contracts • Troubled families • Young carers <p>Public Health:</p> <ul style="list-style-type: none"> • Drugs and Alcohol service • Smoking cessation • Sexual health • Dental provision <p>Adult and Children's mental health:</p> <ul style="list-style-type: none"> • Suicide prevention <p>Co-operative Council</p>
<p>Councillor Nathan Pardoe</p> <p>Inclusive Economy, Regeneration and Digital Transformation Portfolio</p>	<p>Economic development:</p> <ul style="list-style-type: none"> • Business growth and investment • Tourism • Broadband infrastructure • Skills and employment • Inclusive growth strategy • Community wealth building

	<p>Regeneration programmes:</p> <ul style="list-style-type: none"> • High streets • Markets • Town centre development and growth boards • Chester regeneration projects (with new Leaders Champion for the one city plan) • Ellesmere Port regeneration programme • Northwich regeneration projects • Winsford regeneration projects • Rural regeneration projects <p>Digital transformation and Inclusion:</p> <ul style="list-style-type: none"> • Information Security and Management • Shared Services • Digital inclusion strategy • Broadband and digital connectivity <p>Communications</p> <p>Cooperative Council</p>
<p>Councillor Christine Warner</p> <p>Homes, Planning and Safer Communities Portfolio</p>	<p>Planning:</p> <ul style="list-style-type: none"> • Local Plan, Planning Policy and Planning Enforcement • Heritage, Conservation and Archaeology <p>Housing:</p> <ul style="list-style-type: none"> • Housing strategy, policies and solutions • Private Sector Housing • Tenant Liaison and Engagement • Management of Council Owned Contracts (including garages) • Housing Allocations, including choice based lettings • New Build and empty homes • Homelessness and Support Services <p>Regulatory Services:</p> <ul style="list-style-type: none"> • Animal health and welfare • Environmental health and protection • Trading Standards and Licensing <p>Safer Communities:</p> <ul style="list-style-type: none"> • Community Safety – CCTV, Wardens • Safer stronger partnerships <p>Co-operative Council</p>
<p>Councillor Carol Gahan</p> <p>Finance and Legal</p>	<p>Capital delivery and property:</p> <ul style="list-style-type: none"> • Project Delivery • Property Investments and Developments

Portfolio	<ul style="list-style-type: none"> • Farms <p>Finance:</p> <ul style="list-style-type: none"> • Financial Management and Transactional Services • Revenue and Benefits • Audit and Fraud • Pension Fund <p>Procurement:</p> <ul style="list-style-type: none"> • Ensuring Social value procurement of goods and services • Business Support <p>Legal Services:</p> <ul style="list-style-type: none"> • Shareholder representative for Council Companies (to be reviewed) <p>Co-operative Council</p>
<p>Councillor Matt Bryan</p> <p>Climate Emergency, Energy and Green Spaces Portfolio</p>	<p>Climate Emergency</p> <p>Energy, climate and green space:</p> <ul style="list-style-type: none"> • Domestic Energy & Energy Infrastructure • Carbon Reduction • Climate Change and Sustainability • Countryside, green spaces and Mersey Forest • Public Rights of Way • Ranger Service • Wildflower and Biodiversity Strategy • Tree Planting and Maintenance • Air Pollution – Clean Air <p>Co-operative Council</p>
<p>Councillor Paul Donovan</p> <p>Democracy, Workforce and Communities Portfolio</p>	<p>Democratic Services:</p> <ul style="list-style-type: none"> • Democratic, Electoral and Civic Services • Member Support and Development • Scrutiny Function <p>Human resources and workforce development:</p> <ul style="list-style-type: none"> • Workforce training and development in Liaison with Cabinet members • Human Resources strategy and services • Trade Union Liaison <p>Compliance and Assurance:</p> <ul style="list-style-type: none"> • Health and Safety • Customer Relations • Compliance • Information Governance

	<p>Emergency Planning</p> <p>Armed Forces liaison with Armed Forces Champion</p> <p>Equality, diversity and accessible spaces</p> <p>Communities:</p> <ul style="list-style-type: none"> • Neighbourhood Locality Teams • Locality working • Community groups, Volunteering and Friends Groups • Development and implementation of the Compact • Community assets • Participatory Democracy • Social Value Strategy • Members budgets • Crowd funding • Fairtrade <p>Co-operative Council</p>
<p>Councillor Karen Shore</p> <p>Deputy Leader</p> <p>Environment, Highways and Transport Portfolio</p>	<p>Environment Services:</p> <ul style="list-style-type: none"> • Cemeteries and crematoria maintenance and management • Public conveniences • Streetscene: strategy, maintenance, asset management and enforcement • Parks • Waste – strategy, collection, disposal and education <p>Highways and Transport:</p> <ul style="list-style-type: none"> • Transport Infrastructure – Planning, Policy and Development • Bridges and structures • Highways – strategy design and maintenance, development control • Urban traffic control and traffic management • Public transport • Park and Ride • Sustainable and active travel • Car park management <p>Flood risk and flood management</p> <p>Co-operative Council</p>

Assistant Cabinet Members

- 10.21. The Leader may appoint Members to the office of Assistant Cabinet Member. Assistant Cabinet Members cannot exercise any Cabinet (Executive) powers or substitute for a Cabinet Member.

Castle Park Trust Executive Committee

- 10.22. The Cabinet agreed to establish the Castle Park Trust Executive Committee on 18 January 2017 as an area committee under section 9E of the Local Government Act 2000, with responsibility for the day-to-day management of Castle Park under the Scheme of Delegation governing the Trust. As charity trustee, Cabinet maintains the overview and there is no delegation to a single member.

Terms of Reference

- 10.23. To administer the Castle Park Trust with respect to the wards of Frodsham, Kingsley and Helsby in accordance with any powers delegated to it under the Trust Scheme of Delegation.

Membership

- 10.24. Ward members for Frodsham, Kingsley and Helsby
- 10.25. The members of the Executive Committee may also invite other organisations which use the Park, or are closely associated with the Park, to send representatives to the Executive Committee meetings in a non-voting capacity.
- 10.26. At its first meeting in each municipal year the committee shall elect a chair from amongst its number who shall be one of the ward members.
- 10.27. The Executive Committee may seek two community representatives (non-voting) with appropriate skills and experience to contribute to the management of the Trust.
- 10.28. Substitutes to the committee will be drawn from wards of Elton, Gowy and Weaver, and Cuddington.

Quorum 50%.

Advisory Bodies and Joint Arrangements

- 10.29. The Cabinet may appoint advisory bodies (often called Task Groups or Policy Development Boards) without any limitation on who may be a member of the advisory body. Advisory bodies cannot exercise Cabinet (Executive) powers.
- 10.30. The Cabinet may arrange for any of the decisions that it is collectively responsible for to be taken by a committee of the Cabinet or jointly with another authority or NHS body.
- 10.31. As soon as is reasonable practicable, the Leader shall inform the Monitoring Officer (for publication on the Council's website) and Council of (or changes to) any advisory bodies or joint arrangements, and in particular:
- (a) the name of the body in question
 - (b) if a body, its membership (including any chair and deputy)
 - (c) terms of reference
 - (d) any limitations on the exercise of powers, including any onward delegation
 - (e) reporting and governance arrangements (if these procedure rules are expressly disappplied to the body in question)

Appointments to Outside Organisations

- 10.32. Council has decided that the Cabinet (collectively) will appoint to the following outside organisations:
- (a) Avenue Services (NW) Ltd
 - (b) Cheshire Fire Authority
 - (c) Cheshire Police and Crime Panel
 - (d) Cheshire and Warrington Local Enterprise Partnership (including Enterprise Zone Board and Scrutiny Committee)
 - (e) Cheshire and Warrington Local Transport Board (CWLTB)
 - (f) Cheshire & Wirral Partnership NHS Foundation Trust
 - (g) Cheshire Rural Strategy Group
 - (h) Chester Growth Partnership Board
 - (i) Cheshire Rural Strategy Group
 - (j) Constellation Partnership
 - (k) Corporate Disability Access Forum

- (l) Countess of Chester NHS Foundation Trust
- (m) Ellesmere Port Development Board
- (n) Learning Disabilities Partnership Board
- (o) Local Government Association (General Assembly)
- (p) Manchester Port Health Authority
- (q) Mersey Dee Alliance
- (r) Mid-Cheshire Development Board
- (s) Mid-Mersey Strategic Group for Flood Risk
- (t) North West Local Employers' Organisation
- (u) North West Housing Executive
- (v) Plastics Free Chester Group
- (w) PSP LLP
- (x) Sanctuary North West Board
- (y) Together for Adoption Panel
- (z) Together for Adoption Partnership Board
- (aa) Transport for the North Board (including Rail Committee and Scrutiny Committee)

Key Decisions

10.33. A Key Decision is an Executive decision that is likely to:

- (a) result in expenditure (except internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities, etc) or savings of £1million or more; or
- (b) have a significant effect on communities living or working in an area comprising two or more wards.

10.34. In considering whether the effect of a decision is likely to be 'significant', the decision-maker should consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of a community or quality of service provided by the Council to a significant number of people living or working in the locality affected. The following should be considered:

- (a) the effect on businesses and communities

(b) the expectation of the public and councillors as to whether the decision should be taken by the Cabinet

(c) the anticipated interest of the public and of councillors

(d) the effect on other council services and functions

10.35. It is for the relevant Director to decide which decisions within their responsibility are Key, subject to guidance from the Director of Governance who may require that a decision be treated as a Key Decision.

10.36. Key Decisions can be made by the Cabinet collectively, by individual Cabinet Members or by officers acting under delegated authority.

10.37. A decision-maker may only take a Key Decision in accordance with the requirements of the procedure rules (see Part 3) and the Access to Information Rules (see Part 4 Section 1).

10.38. Where an Executive decision has been made and:

(a) was not treated as a Key Decision and

(b) a Scrutiny committee is of the opinion that the decision should have been treated as a Key Decision

the Scrutiny Committee may require Cabinet to report to the Council within such reasonable period as the committee may specify, including details of the:

(a) decision and the reasons for the decision

(b) reasons Cabinet is of the opinion that the decision was not a Key Decision

Key Decisions Plan

10.39. There is a statutory requirement to publish the intention to take any Key Decision at least 28 clear days in advance of it being taken. There is also a requirement to publish at least 28 clear days in advance if any meeting, or part thereof, is likely to consider in private a Key Decision or any other Executive decision even if not a Key Decision. Both these requirements are achieved through the Key Decisions Plan.

10.40. The Key Decisions Plan enables elected members, members of the public and the Overview & Scrutiny committees to consider which items they wish to examine and consider in good time before they are determined.

10.41. The Key Decisions Plan is updated and published as a minimum monthly and covers all Key and other Executive decisions proposed to be made by the Cabinet, individual Cabinet Members and officers acting under delegated authority. Not all decisions will be known in advance and so notice of decisions will be included in the Key Decisions Plan as soon as they become known.

10.42. Each publication of the Key Decisions Plan shall contain, as far as can be reasonably ascertained at the time of publication, the following information:

- (a) every matter likely to be the subject of a Key Decision
- (b) the identity and office of the decision taker(s)
- (c) the date on, or period during, which the decision is to be taken
- (d) how and when representations can be made to the decision taker
- (e) a list of documents to be submitted to the decision taker

Short Notice Decisions

10.43. Sometimes it is impracticable to include the intention to make a Key Decision in the Key Decisions Plan 28 clear days in advance of it being taken, but there is still time to give shorter advance public notice. Such decisions may still be made in accordance with this short notice procedure if three conditions are fulfilled:

- (a) The Director of Governance must inform (by written notice) the Chair of the Cheshire West & Chester Overview & Scrutiny Committee or, if there is no such person, each member of that committee, of the matter about which the decision is to be made;
- (b) A copy of such notice must be placed on the website and made available for public inspection at the Council's offices;
- (c) Five clear days must have elapsed, not counting the day upon which the notice was given.

10.44. As soon as practicable, the Director of Governance will make available a notice setting out the reasons why it was impracticable for notice of the intended decision to appear on the Key Decisions Plan and publish that notice on the Council's website.

Urgent Decisions

10.45. Sometimes even reduced public notice cannot be given and decisions need to be made urgently outside the usual process, e.g. by reducing the pre-decision notification time. Urgency in these cases is defined as cases where the Council or the public will be significantly disadvantaged by a delay. Where these provisions are used, clear explanations must be made in the written reports.

10.46. In accordance with Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, if fewer than five clear days' notice of a Key Decision has to be given, or if an item has not appeared on the Key Decisions Plan and a decision needs to be taken before the next edition of the Key Decisions Plan is published, then the agreement of the Chair of the Cheshire West & Chester Overview & Scrutiny Committee (or, in their absence, the Chair of the Council or, in their absence, the Deputy-Chair of the Council) that the making of the decision is urgent and cannot

reasonably be deferred must be obtained in writing before the decision can be made. Their views must be included in the report alongside the explanation as to why the matter is urgent, why it cannot await the next edition of the Key Decisions Plan and why it missed the last edition of the Key Decisions Plan.

- 10.47. Subject to the above, if a decision that falls to be taken by the Collective Cabinet needs to be taken before a quorate meeting can be convened, the Chief Executive may take the decision provided that they have first consulted the Leader (or if unavailable the Deputy Leader) and where practical the relevant Cabinet members.
- 10.48. If a decision that falls to be taken by a Cabinet member needs to be taken whilst the Cabinet member is unavailable, then the Leader may take the decision in consultation with the Chief Executive.
- 10.49. The Chair of the Cheshire West & Chester Overview & Scrutiny Committee will report on any such consultations/agreements at the next meeting of their committee. In addition, the Leader will report to the next Ordinary Council meeting, explaining such decisions, who took them, the reasons for them and why they were treated as urgent.
- 10.50. For urgent decisions outside the Budget or Policy Framework, please see the procedure contained in Part 2 Section 5).

Non-Key Decisions

- 10.51. Individual Cabinet Members taking non-Key Decisions will normally give no fewer than five days' notice (sent electronically and published on the website together with any report) to all members of the Council. If five days' notice cannot be given, as much notice as possible will be given with an explanation for the reduced notice period.

11. Overview & Scrutiny

- 11.1. Effective scrutiny arrangements are an essential part of good governance in any local authority. They are necessary to achieve value for money, best practice and to ensure that there are appropriate checks and balances on the exercise of powers.
- 11.2. Scrutiny is a key democratic mechanism for holding public-service decision-makers and providers to account and facilitating the improvement of public services in the Borough. Effective scrutiny enhances accountability, ensures transparency of decision-making and contributes to service improvement.
- 11.3. The Council's scrutiny arrangements aim to reflect the following core values:
- (a) Holding the Cabinet and our partners to account
 - (b) Working to make a difference to outcomes for the public of Cheshire West & Chester; and

- (c) Ensuring the greatest possible public engagement in scrutiny.
- 11.4. The Council has established the four Scrutiny committees below to review and scrutinise all of the Council's work (including other organisations who the Council works in partnership with):
 - (a) Cheshire West & Chester Overview & Scrutiny Committee
 - (b) Health Overview & Scrutiny Committee
 - (c) People Overview & Scrutiny Committee
 - (d) Places Overview & Scrutiny Committee
- 11.5. These committees undertake reviews and scrutinise action (or inaction) in relation to general subject areas or in respect of particular matters before, during or after a decision is made. In particular, they are responsible for ensuring the effectiveness of the Cabinet. They assist the Council and Cabinet to develop the Budget and Policy Framework and monitor the performance of the Council, its committees, members and officers. They can make recommendations for change and have powers to intervene in the decision-making process in certain circumstances.
- 11.6. Any non-Cabinet Member may be a member of a Scrutiny committee or Task Group. Committee members may not take part in scrutinising a decision in which they have been involved.
- 11.7. Scrutiny committees may establish sub-committees to undertake their statutory scrutiny responsibilities.

General Functions

- 11.8. General functions of the Scrutiny committees include:
 - (a) To review and scrutinise the performance of the Council, its partners and any appropriate external organisations against any relevant plan or target
 - (b) To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
 - (c) To review and scrutinise the provision and performance of services
 - (d) Pre-decision and post-decision scrutiny that relates to the portfolios within the remit of the committee
 - (e) To make reports and/or recommendations to Council, Cabinet, individual Cabinet members or an external organisation in connection with the discharge of any functions
 - (f) To consider any matter affecting the Council, its area or the citizens of the Borough

- (g) To exercise the right to Call-in for reconsideration decisions made but not yet implemented by the Cabinet or individual Cabinet members
- (h) To respond to requests from the Council or the Cabinet or a councillor, when appropriate
- (i) To develop, co-ordinate and implement an annual work programme
- (j) To establish, prioritise and allocate time-limited Task & Finish Groups to undertake individual scrutiny reviews, appoint members to lead the reviews and to report back to the committee their findings and recommendations
- (k) To receive and scrutinise items that have been referred from Cabinet or Council
- (l) To produce an Annual Scrutiny Report summarising the work of the committee
- (m) To consider Call-ins that fall within the remit of the committee

Enquiries Development and Research

- 11.9. Scrutiny committees may hold scrutiny enquiries, carry out development work and appoint advisers and assessors to assist in this process.
- 11.10. Scrutiny members may also undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- 11.11. Any budgetary provision is for the use of the Scrutiny committees. The Director of Governance will be responsible for expenditure of the budget in respect of proposals from the Scrutiny committees and/or their chairs.

Requesting and Requiring Attendance by Others

- 11.12. Scrutiny committees may invite individuals who are not members or officers to discuss issues of local concern and/or answer questions on any matter under consideration.
- 11.13. Scrutiny committees may require any member, the Chief Executive and/or any other Senior Officer to attend meetings to answer questions and be held to account in relation to:
 - (a) any particular decision or series of decisions
 - (b) the extent to which any actions taken implement council policy
 - (c) their performance
- 11.14. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Chair will arrange an alternative date.

- 11.15. Cabinet Members will not be expected to attend meetings of Scrutiny committees or Task Groups unless invited.
- 11.16. Members attending Scrutiny meetings must have regard to the member Code of Conduct in relation to deemed personal and prejudicial interests that arise in scrutinising any decision that they have been involved in, and in relation to the circumstances in which they may nevertheless be able to address a Scrutiny committee.

Party Whip

- 11.17. A Party Whip is any instruction given by or on behalf of a political group to any member of that group as to how that member will speak or vote on any matter before the Council or any committee, or the application or threat to apply any sanction by the group in respect of that member should they speak or vote in any particular manner.
- 11.18. It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. In addition, when considering any matter in respect of which a Scrutiny committee member is subject to a formal party whip, the member must declare the existence of the whip and the nature of it before the commencement of the deliberations on the matter. Declarations will be recorded in the minutes of the meeting.

Placing Items on the Agenda

- 11.19. Any member of the Council (having due regard to any relevant guidance) may have a maximum of one matter relevant to the remit of a Scrutiny committee placed on its next available meeting agenda by serving not less than 14 days' notice on the Director of Governance, stating clearly the nature of the business in question.
- 11.20. Council or Cabinet may require a Scrutiny committee to consider a matter and report.
- 11.21. If a matter referred to it cannot be dealt with at the meeting in question, the Scrutiny committee will schedule the matter into its work programme as soon as reasonably practicable.

Reports from Scrutiny Committees

- 11.22. Once it has formed recommendations as a result of a scrutiny review, a Scrutiny committee may prepare a formal report and submit it for consideration by:
- (a) the Cabinet or individual Cabinet member (if the proposals are consistent with the existing Budget or Policy Framework)
 - (b) the Council (or Cabinet and Council, as appropriate), e.g. if the recommendation would require a departure from, or a change to, the agreed Budget or Policy Framework

(c) relevant partner organisations

- 11.23. If a Scrutiny committee cannot agree on a single final report, then one minority report may be prepared and submitted for consideration with the majority report.
- 11.24. Scrutiny reports will be considered by the receiving body within two months of being submitted. Where a report relates to, and makes recommendations about or to an external organisation, the report will be sent to that organisation asking for comments on the recommendations.
- 11.25. Responses from receiving bodies will be given to the Scrutiny committee. The committee will arrange for any follow up work required as necessary.
- 11.26. The Scrutiny committees will produce annual reports, which together will form the overall Overview & Scrutiny annual report presented to the final Council meeting of each municipal year.
- 11.27. Full details of the Scrutiny committees' terms of reference are set out below.

Cheshire West & Chester Overview & Scrutiny Committee

- 11.28. Responsible for holding to account those who deliver services on a Borough-wide basis and cross-cutting issues impacting on the Council and the Borough as a whole.
- 11.29. The committee comprises nine members constituted on a politically proportionate basis in line with the political composition of the Council.
- 11.30. **Terms of reference**

(a) To improve the quality of life for all communities in Cheshire West & Chester, by making recommendations about the services that they receive or any matters that impact on a Borough-wide basis, including:

- (i) Effectiveness and delivery of Borough-wide services and strategies
- (ii) Corporate support services and customer service information
- (iii) Community engagement
- (iv) Council companies
- (v) Overall performance
- (vi) Budget development and consultation

(b) Pre-decision scrutiny relating to cross-cutting and corporate issues

(c) Scrutinise the Council's Annual Budget.

(d) Receive and scrutinise bi-annual reports on the Performance Management Framework.

- (e) Refer specific matters for further scrutiny to the Health, People or Places Overview and Scrutiny Committees, as defined by their terms of reference.

Health Overview & Scrutiny Committee

- 11.31. Responsible for undertaking the statutory scrutiny responsibilities relating to health services.
- 11.32. The committee comprises seven members constituted on a politically proportionate basis in line with the political composition of the Council.

Terms of reference

- (a) To review and make recommendations for improvement in relation to any matter that has an impact on statutory scrutiny responsibilities relating to Health Services.
- (b) Where a Joint Health Overview & Scrutiny Committee is required to be convened, to agree the terms of reference and appoint members to such a committee.

People Overview & Scrutiny Committee

- 11.33. Responsible for holding to account those who deliver services based on individual need to children and adults, including education services.
- 11.34. The committee comprises nine members constituted on a politically proportionate basis in line with the political composition of the Council. In addition, the committee will appoint co-opted church and parent governor representatives to sit on the committee in line with statutory requirements. When the committee considers education matters, the co-opted members will have full voting rights.

Terms of reference

- (a) To review and make recommendations for improvement in relation to any matter that has an impact on the educational needs, safety or health and wellbeing of people in Cheshire West & Chester, including:
 - (i) Statutory scrutiny responsibilities relating to education (a minimum of two meetings per year are dedicated to education scrutiny)
 - (ii) Social care and safeguarding
 - (iii) Welfare rights
 - (iv) Healthy life and lifestyle choices for adults and children
 - (v) Public health and health inequalities
 - (vi) Integration of services with partner organisations

- (b) To take responsibility for reviewing performance relating to services for adults and children, e.g. OFSTED reports.
- (c) Receive and monitor completed Recommendation 41 Inspection reports⁵.
Monitor the outcomes from the member Regulation 33 Inspection Reports⁶.

Places Overview & Scrutiny Committee

- 11.35. Responsible for holding to account those who deliver all place-based services, including environment, localities, regeneration and growth.
- 11.36. The committee comprises nine members constituted on a politically proportionate basis in line with the political composition of the Council. In addition, the committee may appoint non-voting co-opted members for a prescribed period or in relation to specific matters, taking into account any advice or guidelines issued from time to time by the Council. Cheshire West & Chester Youth Senate may also send up to two representatives to the committee in a non-voting capacity.

Terms of reference

- (a) To review and make recommendations for improvement in relation to any matter that has an impact on the physical, geographical and economic needs of Cheshire West & Chester, including:
 - (i) Flood management
 - (ii) Crime and disorder
 - (iii) Highways
 - (iv) Streetscene
 - (v) Locality working
 - (vi) Regeneration and growth
- (b) To take responsibility for reviewing performance relating to place-based services.

Task Groups

- 11.37. Scrutiny committees may constitute such Task Groups as they consider necessary to undertake development and scrutiny functions, including undertaking investigations and making recommendations.

⁵ A Recommendation 41 report stems from the Climbie inquiry, which recommended that Chief Executives made arrangements for elected members to independently regularly visit and talk with the Council's intake team in the children's services departments

⁶ A Regulation 33 inspection report relates to the Children's Homes Regulations 2001 (as amended), which refers to independently commissioned persons with significant experience in the provision and management of residential care

11.38. Scrutiny committees will publish on the Council's website details of the membership and terms of reference of each Task Group and will require periodical progress reports from Task Groups.

11.39. Task Groups will be entitled to exercise all of the powers exercisable by their parent committee.

Scrutiny Management Group

11.40. The chairs of the Scrutiny committees will form a Scrutiny Management Group to manage and direct the Scrutiny process. The Group will meet four times a year. The lead Directors for each committee will be invited to the meetings.

11.41. The Scrutiny Management Group shall provide operational and strategic management of the scrutiny function's working practices and as such it is not required to meet in public. Its purpose is to:

- (a) oversee and co-ordinate the work of the scrutiny committees
- (b) ensure effective liaison across the work of the committees
- (c) be the strategic leader of the scrutiny function with a focus on developing the function and identifying best practice
- (d) develop the Scrutiny member role and identify training needs
- (e) encourage appropriate community involvement in the scrutiny function

Work Programmes

11.42. Each Scrutiny committee is responsible for setting its own annual work programme, in consultation with the Scrutiny Management Group and appropriate Directors and with regard to any relevant consultation work that has been undertaken.

11.43. Each Scrutiny committee is responsible for responding to any consultation notified to it by the Cabinet under the Budget and Policy Framework setting process within the timescales set by the Cabinet.

11.44. Each Scrutiny committee will meet a minimum of six times each year. The meetings will be programmed into the Council's meeting calendar. Additional meetings may be called by the Chair or by any five members of the committee serving not less than six days' notice on the Director of Governance. The Director of Governance may also call a special meeting if they consider it necessary to do so.

Call-in Procedure

11.45. Any decision of the Cabinet or Cabinet Member can be the subject of a Call-in, except:

- (a) a recommendation to Full Council for adoption or approval
- (b) in exceptional cases of urgency (see below)

- (c) the appointment of Cabinet Members and the allocation of their portfolios

Urgent decisions

11.46. Cabinet or Cabinet Member decisions may be implemented immediately where any of the following (to be sought in the following order) agree that the delay inherent in the Call-in procedure would be likely to seriously prejudice the interests of the Council or the public:

- (a) The Chair of the Cheshire West & Chester Overview & Scrutiny Committee
- (b) The Chair or (if absent) the Deputy-Chair of the Council
- (c) The Chief Executive

11.47. Subject to the above, Cabinet or Cabinet Member decisions may only be implemented if:

- (a) Notice of Call-in is not validly given (as set out below); or,
- (b) Where Notice of Call-In is validly given, if the Call-In procedure (see below) has been completed without unreasonable delay and either:
 - (i) A Scrutiny committee is not offering any advice or any advice that needs to be considered before the decision is implemented; or
 - (ii) The decision-taker has considered any advice offered by a Scrutiny committee

Calling in Decisions Contrary to the Budget and Policy Framework

11.48. If at least five members of a Scrutiny committee consider that a decision contrary to the Budget or Policy Framework has been or will be taken, they may give notice (with reasons) to the Director of Governance requiring advice on the matter to be given to the decision taker (copied to every member of the Council) advising whether the decision is in accordance with the Budget and Policy Framework. If it is, then no further action is required. If it is not, then:

- (a) If the decision has already been implemented, the decision-taker must decide what action to take in respect of the Director of Governance's report and prepare a report to Council.
- (b) If the decision is yet to be made or implemented, then the decision-taker must give notice to the Director of Governance stating that they either:
 - (i) are not minded to proceed with the decision (in which case no further action is required); or
 - (ii) are minded to proceed with the decision notwithstanding the advice contained in the report

11.49. In the event of paragraph (b)(ii) above, and subject to the urgency procedures above, no further action will be taken in respect of the decision or its implementation until Council has met and considered the matter.

11.50. Council will meet to consider the matter as soon as is reasonably practicable and may:

- (a) endorse the decision or proposal as falling within the Budget or Policy Framework;
- (b) endorse the decision or proposal (either with or without amendment) notwithstanding it is considered to be contrary to the Budget or Policy Framework (and make any amendments to the Budget or Policy Framework considered appropriate);
- (c) veto the decision (with or without recommending or deciding on an alternative course of action).

11.51. In the case of paragraph (a) or (b) above the decision may then be implemented (with any amendments proposed).

Notice of Call-in

11.52. Any Cabinet or a Cabinet Member decision may be Called-in by no fewer than seven non-Cabinet Members serving notice on the Director of Governance within three days of the date on which the decision was published.

11.53. Where a notice of Call-in has been validly given, the Director of Governance will refer the matter to the relevant Scrutiny committee for the Call-in to be heard.

Timing of Call-in Hearings

11.54. The relevant Scrutiny committee will endeavour to hold hearings as soon as reasonably practicable and, in the case of Cabinet decisions, in good time to report to the next scheduled meeting of the Cabinet. A special meeting of the committee may be convened for these purposes, if required.

Pre-Hearing Meeting

11.55. The Scrutiny committee may invite those exercising the right of Call-in (the 'Call-in members') and any or all of the decision taker, Leader, Cabinet members and any advising officers (the 'Respondent') to attend an initial informal meeting to consider matters relating to the conduct of the Call-in hearing, including:

- (a) the scope of the Call-in
- (b) the number and identity of any witnesses required
- (c) the scope or nature of documents to be considered

- (d) the likely number and duration of any meetings required to properly consider the matter

General Principles for Call-in Hearings

11.56. The Chair will retain full discretion to conduct a Call-in as they see fit, however the following procedure will ordinarily apply (and shall be published in the meeting agenda):

- (a) Call-in members should nominate a single spokesperson to outline the reasons for the Call-in and the desired outcome. Any other Call-in member may also address the meeting to add additional information. However, Call-in members should make every effort to avoid repetition. A maximum of five Call-in members will be permitted to speak.
- (b) The timings set out in the Hearings Procedure below are for guidance only and the Chair may change the timings, depending on the subject matter of the Call-in and the level of public interest.
- (c) Where questions are permitted within the procedure, they will be asked and answered succinctly and will not be used as an opportunity to deliver speeches. Officers may be invited to attend with the Respondent, who will usually be the Cabinet Member, and may also address the meeting on technical issues (if requested to do so by the Cabinet Member).
- (d) Visiting members:
 - (i) may not vote on committee business;
 - (ii) must notify the Chair before the start of the meeting if they wish to speak on a particular item;
 - (iii) may be invited to speak at the beginning of the Call-in and may be invited to sum up at the end of a debate, at the Chair's discretion;
 - (iv) will not, other than as provided for in paragraph (c) above or by the Chair, be permitted to participate in any debate at the meeting.
- (e) The Call-in members or the Respondent will confirm their attendance at the Call-in hearing and must notify the Chair at least three working days prior to the date scheduled for the Call-in hearing if they propose to call witnesses or introduce documentary or other evidence in support of their case, including details of the proposed format of the evidence.
- (f) The Chair will, in consultation with the Director of Governance and the Governance Manager, consider the appropriateness of the proposals to the subject matter of the Call-in and the impact on arrangements for the hearing itself, including the indicative timescales set out in the procedure.

Hearings Procedure

11.57. Subject to the Chair's discretion, the procedure for Call-in hearings will be as follows

Opening Statements

- (a) The Lead Call-in member will address the meeting outlining:
 - (i) the reasons for the Call-in and
 - (ii) the desired outcome from the Call-in

The reasons given will be consistent with those set out in the notice of Call-in (or any changes agreed at the pre-hearing meeting).

- (b) The Call-in members as a group to be allocated a maximum of 30 minutes speaking time in total.
- (c) Visiting members (who have provided notice) may address the committee for up to 15 minutes in total (up to five minutes per member).
- (d) The Cabinet Member will respond to the Call-in and may call witnesses, who together may address the committee for a maximum of 30 minutes in total.
- (e) The Call-in members may ask questions of the Cabinet Member for a maximum 15 minutes in total.

Questions and Debate

- (a) The committee may ask questions of the Cabinet Member and Call-in members and debate what it has heard for a maximum 30 minutes in total.
- (b) Concluding remarks may be made by the Lead Call-in member for a maximum 15 minutes in total.
- (c) Concluding remarks may be made by the Cabinet Member for a maximum 15 minutes in total.
- (d) The committee may discuss what it has heard and make any recommendations to the Cabinet Member or Cabinet for a maximum 15 minutes in total.

Options Available to the committee

- (a) To decide that the original Cabinet/Cabinet Member decision stands.
- (b) To make recommendations that change the substantive decision, which will be referred back to Cabinet or the Cabinet Member for consideration.
- (c) To offer advice or make recommendations that do not change the substantive decision, e.g. establish a cross-party working group; how the

decision making process could be improved in the future; suggestion relating to consultation and engagement improvements, etc.

Action Following a Hearing

11.58. As soon as is reasonably practicable following the hearing of a Call-in, the Chair will give notice to the Director of Governance that either the committee:

- (a) is not offering any advice, or any advice that needs to be considered before a relevant decision can be implemented; or
- (b) is offering advice in a report accompanying the notice that it requires the decision-maker to consider before any further action is taken.

11.59. In the event of a notice under paragraph (a) above, any decision awaiting implementation may be implemented immediately, and any advice offered is to be noted.

11.60. In the event of a notice under paragraph (b) above, the report will be submitted to the decision-maker who will decide what action to take in respect of any decision awaiting implementation or to be taken, and whether to adopt any or all of the advice contained in the report.

11.61. Any further Call-in notices given in respect of a decision that has been considered under this process will not operate to defer the implementation of the decision in question.

Councillor Call for Action

11.62. The Councillor Call for Action (CCfA) was introduced under:

- s.119 of the Local Government and Public Involvement in Health Act 2007, which inserts a new s.21A into the Local Government Act 2000. This section relates to a Call for Action in respect of local government matters in general.
- S.19 of the Police and Justice Act 2006 as amended by s.126 of the Local Government and Public Involvement in Health Act 2007. This section introduces a Call for Action in respect of crime and disorder matters.

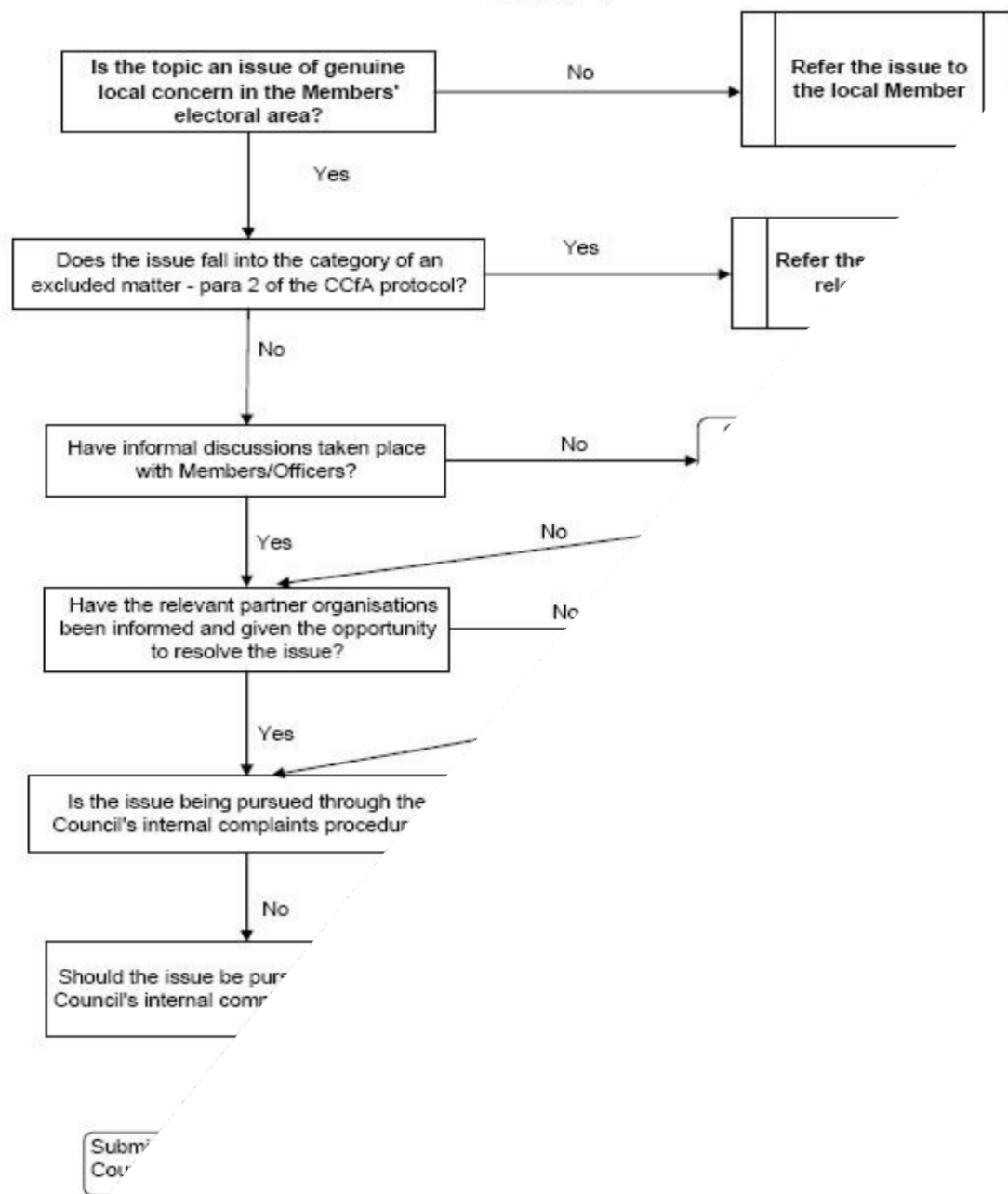
11.63. CCfA enables any member of the Council to bring matters of community concern (including crime and disorder issues) within their Ward to the attention of the Council via the scrutiny process. It is intended to enhance the Council's scrutiny arrangements and provide a formal mechanism to enable elected members to seek positive outcomes for the citizens they represent, provided all other means of resolution have been exhausted.

11.64. A CCfA will be included on a relevant Scrutiny Committee agenda if the Chair, in consultation with the Director of Governance, is satisfied that:

- (a) The member has made all reasonable efforts to resolve the matter via liaison with council officers and/or relevant partner agencies; and

- (b) The issue of concern relates to the discharge of a council function (including where this is undertaken with partners and other service providers); and
 - (c) The issue of concern has a demonstrable impact on all or part of the member's ward; and
 - (d) The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes a number of matters from referral as a CCfA, including:
 - (i) individual complaints concerning personal grievances or commercial issues, for which the Council's complaints procedure should be followed;
 - (ii) matters where there is a statutory right of review or appeal (not including the right to complain to the Ombudsman), e.g. planning and licensing applications, council tax queries, housing benefits complaints, issues under dispute in a court of law, etc;
 - (iii) matters that are vexatious, discriminatory or unreasonable;
 - (iv) matters of wider council policy, i.e. if an issue affects more than one Ward it may be appropriate to refer it to the Cheshire West & Chester Overview & Scrutiny Committee for consideration of its wider strategic or policy implications, rather than focusing on one particular ward;
 - (v) questioning Cabinet decisions that have been taken but not yet implemented, for which the Call-in procedure may be used.
- 11.65. Having considered a CCfA, a Scrutiny committee may take one or more of the following actions:
- (a) ask for further information to be brought to a future meeting
 - (b) require the attendance of Cabinet Members or senior officers to attend a future meeting to answer questions
 - (c) set up a Task and Finish Group to undertake an in-depth review
 - (d) make a report or recommendations to Full Council, Cabinet or partner agency and:
 - (i) publish that report
 - (ii) request Full Council or Cabinet to consider and respond to the report, setting out what action it proposes to take and to publish its response
 - (iii) request a partner agency to have regard to the report when exercising its functions

- 11.66. If a Scrutiny committee decides to take any action then it will inform the member who raised the CCfA and provide them with a copy of any report or recommendations made in relation to the CCfA, together with any response received from the Council, Cabinet or a partner agency.
- 11.67. If a Scrutiny committee decides not to consider a CCfA or on consideration decides no further action is necessary, it will inform the member who raised the CCfA and explain the reasons why.
- 11.68. The flowchart below will assist in deciding whether an issue is ready for referral to a Scrutiny committee as a CCfA.



12. Officers

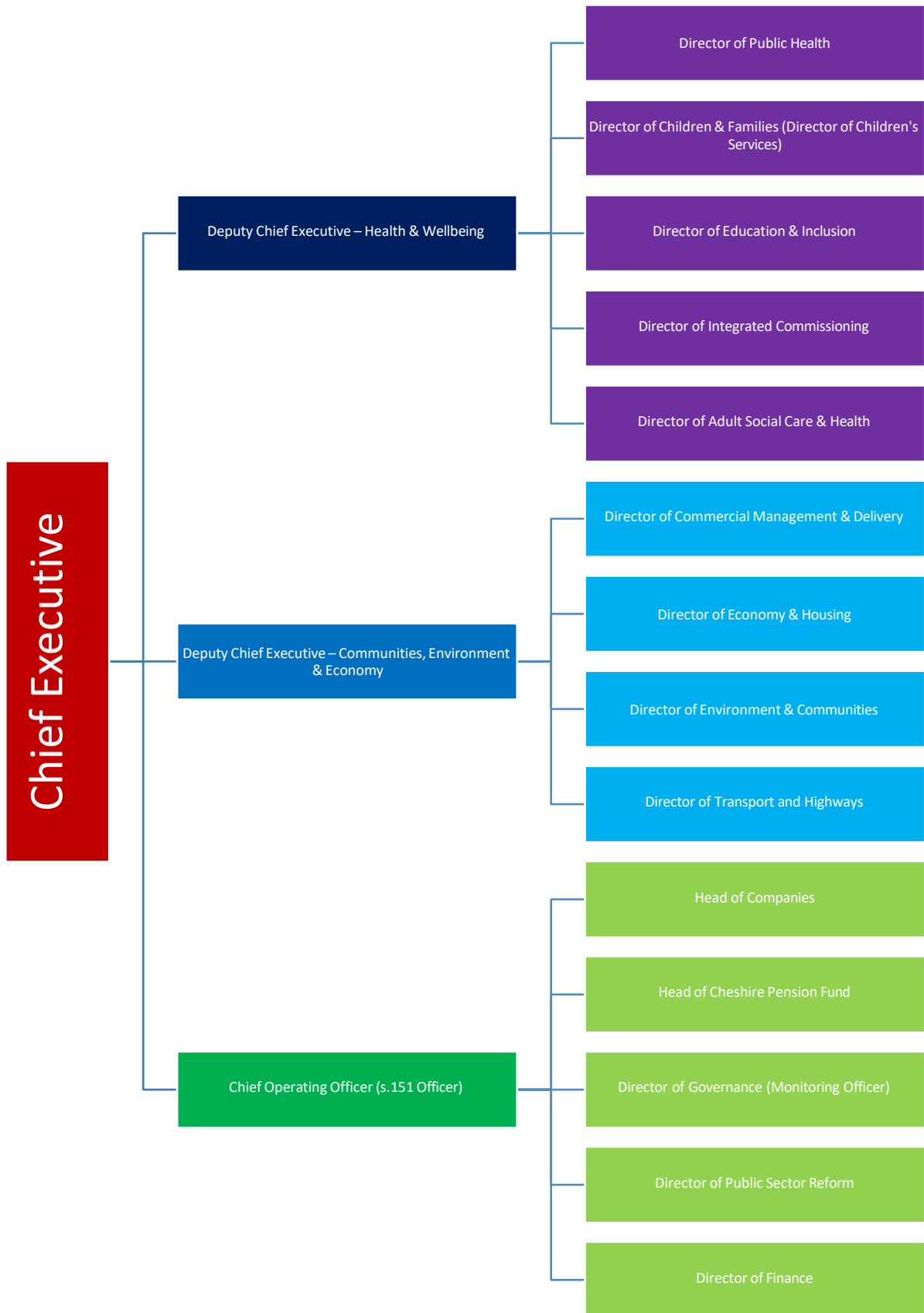
- 1.1. The term 'officers' is used to describe all the people who work for or with the Council to deliver services and can include employees, contractors, consultants, agency staff and volunteers. Officers advise and support members, implement their decisions and manage the day-to-day delivery of

services. The majority of decisions and actions taken by the Council will be taken by officers under arrangements that the Council has put in place for the delegation of powers.

- 1.2. The Council operates a 'Cascade of Powers' system of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected by the decision in question. Under this system of delegation the vast majority of the authority's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 1.3. In order to ensure the smooth functioning of the authority and the efficient delivery of services, Council and the Cabinet have delegated to officers all of the powers that they need to do what their role requires of them from time to time. The functions and responsibilities which the Council has given to the senior officers are listed in the Officer Schemes of Delegation (see Part 2 Section 12).
- 1.4. Some officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These officers are known as "Statutory Officers" or "Proper Officers" and have specific legal titles in addition to their job titles (see Part 2 Section 12).
- 1.5. The relationship between officers and members is governed by the Officer/Member Relations Protocol (see Part 4 Section 4).
- 1.6. Officers comply with the Officer Code of Conduct (see Part 4 Section 3).
- 1.7. The recruitment, selection, discipline and dismissal of officers is done in accordance with the Officer Employment Procedure Rules (see Part 4 Section 2).

Senior Management Structure

- 1.8. The Chief Executive (as Head of Paid Service) is responsible for determining and publishing a description of the overall organisation of the Council, showing the senior management structure and key responsibilities of officers, including those fulfilling statutory roles, or specific functions set out in this Constitution.
- 1.9. The Council's Chief Officers are the Chief Executive, the Chief Operating Officer (Section 151 officer) and Deputy Chief Executives responsible for Health and Wellbeing; and Communities, Economy and Environment. Chief Officers are responsible for the appointment of Directors and Heads of Service, to lead the delivery of the Council's key functions and responsibilities, as required. Responsibilities of officers of the council change from time to time to reflect changes in service delivery and best practice. The current structure is as follows:



Statutory and Proper Officers

- 1.10. The Council has appointed Proper Officers for the purposes of the statutory provisions set out below. Power to appoint Proper Officers is delegated to the Chief Executive, following consultation with the Director of Governance, unless legislation requires the appointment to be made by Full Council.
- 1.11. The Chief Executive and each Director shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their areas of responsibility set out in the table below.
- 1.12. In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, then a Deputy Chief Executive, Chief Operating Officer or Director may be authorised by them to act as Proper Officer in their absence.
- 1.13. In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.
- 1.14. Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

PURPOSE OF APPOINTMENT	PROPER OFFICER
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the Council	Chief Executive
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the Council	Director of Finance

PUBLIC HEALTH ACT 1936

Section	Purpose	Proper Officer
85(2)	Serving a notice requiring action to deal with verminous people and things	Director Environment & Communities

REGISTRATION SERVICE ACT 1953

Section	Purpose	Proper Officer
9(1) and (2)	Appointment of interim superintendent registrars and registrars	Director of Environment & Communities
13(2)(h) and 3(b)	Powers under the local scheme of organisation	Director of Environment & Communities
20	Proper officer to be subject to regulations made by the Registrar General	Director of Environment & Communities

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Purpose	Proper Officer
6(A1)	Appointment as Director of Adult Social Services	Director of Adult Social Care

AGRICULTURE ACT 1970

Section	Purpose	Proper Officer
67(3)	Appointment as Agricultural Analyst	Deputy Chief Executive (Communities, Environment & Economy)

TOWN AND COUNTRY PLANNING ACT 1971

Section	Purpose	Proper Officer
54(4)	Appointment as clerk of the local planning authority	Director Economy & Housing

LOCAL GOVERNMENT ACT 1972

Section	Purpose	Proper Officer
13(3)	Formation of "the Parish Trustees" with the chairman of parish meeting when no separate parish council	Chief Executive
83	Witness and receive declarations of members' acceptance of office	Chief Executive
84	Receive written notice of members' resignation from office	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chair	Director of Governance
89(1)(b)	Receive notice of casual vacancy from two local government electors	Chief Executive
96(1)-(2)	Receipt of notice of interests in contracts	Director of Governance
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Director of Governance
100B(7)(c)	Decide whether copy documents supplied to members should also be supplied to the press	Director of Governance
100C(2)	Produce a written summary of proceedings taken by a committee in private	Director of Governance
100D(1)(a)	Compile a list of background papers to a committee report.	Chief Executive and Director(s) in whose name report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Directors in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by members	Director of Governance
115(2)	Receive from officers any money and property committed to their charge in connection with their office	Chief Operating Officer
146(1)	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Council	Chief Operating Officer
151	Responsibility for the administration of the Council's financial affairs.	Chief Operating Officer

191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Deputy Chief Executive (Communities, Environment & Economy)
204(3)	Receipt of notice of application for justices' licence under Schedule 2 Licensing Act 1964	Deputy Chief Executive (Communities, Environment & Economy)
210(6)-(7)	Exercise residual functions relating to charities.	Director of Governance
223(1)	Appearance of Council in legal proceedings	Director of Governance
225(1)	Receive and retain documents deposited with the Council	Director of Governance
228(3)	Accounts to be open to inspection	Chief Operating Officer
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Director of Governance
234	Sign public notices, orders and other documents on behalf of the Council	Chief Executive, Deputy Chief Executives and Director of Governance
236(9) and (10)	To send copies of bylaws to parish councils	Director of Governance
238	Certification of copy bylaws	Director of Governance
248(2)	Maintaining the roll of persons admitted to the freedom of the borough	Chief Executive
Sch.12 Pt1 Para.4(2)(b)	Sign and send to all members of the Council the summons to attend meetings of the Council	Chief Executive
Sch.12 Pt1 Para 4(3)	Receive written notice from a member of the address to which a summons to the meeting is to be sent	Director of Governance
Sch.14, Para 25	Certifying copy resolutions of the Council passed before 1975 disapplying public health statutes	Director of Governance
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Director of Governance
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Director of Governance

Sch.29 Pt.II Para.41(3))-(5)	<p>Appoint interim superintendent registrars or interim registrars of births and deaths under the Registration Service Act 1953.</p> <p>Exercise powers provided by the local scheme of organisation of the Registration Service under the 1953 Act.</p> <p>Prescription by the Registrar General of duties of Proper Officers under the Registration and Marriage Acts.</p> <p>Exercise functions under the Marriage Act 1949 In relation to the registration of births, deaths and marriages.</p> <p>Approve premises for the solemnisation of marriages under Section 26(1)(bb) and Section 46A of the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages and Civil Partnerships Act (Approved Premises) Regulations 2005.</p>	Director Environment & Communities
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LOCAL GOVERNMENT ACT 1974

Section	Purpose	Proper Officer
30(5)	Give public notice of receipt of Local Government Ombudsman's report	Director of Governance

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Purpose	Officer
41	Certifying copy resolutions and minutes of proceedings	Director of Governance

RENT ACT 1977

Section	Purpose	Officer
63	Appointment of rent officers under a scheme	Deputy Chief Executive (Communities, Environment & Economy)
Schedule 15, Part IV, para 7	Certification of provision of suitable alternative accommodation	Director of Economy & Housing

HIGHWAYS ACT 1980

Section	Purpose	Proper Officer
37(5)	Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection	Director Highways & Transport
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage	Director Highways & Transport
193(3)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Director Highways & Transport
205(3)-(5)	Undertake duties in relation to private street works	Director Highways & Transport

210(2)	Certify amendments to estimated costs and provisional apportionment of costs of street works under the private street works code	Director Highways & Transport
211(1), 212(4), 216(2)-(3)	Make a final apportionment of expenses of street works executed under the private street works code	Director Highways & Transport
295(1)	Issue a notice requiring owners to remove materials from non-maintainable streets in which works are due to take place	Director Highways & Transport
321	Authenticate notices, consents, approvals, orders and demands	Director Highways & Transport
Sch.9, Para.4	Sign plans showing proposed prescribed improvement or building lines	Director Highways & Transport

REPRESENTATION OF THE PEOPLE ACT 1983

Section	Purpose	Proper Officer
8(1) and (2)(a)	Appointment as Electoral Registration Officer	Chief Executive
35(1)	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
81 and 89	Appropriate officer for the election of councillors	Chief Executive
82(4) and 89	Receive declarations and give public notice of election agents' or candidates' election expenses	Chief Executive
131	Providing accommodation for holding election count	Chief Executive

BUILDING ACT 1984

Section	Purpose	Proper Officer
61	Receive notification of and having free access to repairs of drains	Deputy Chief Executive (Communities, Environment & Economy)
93	Authentication of documents issued under this Act	Deputy Chief Executive (Communities, Environment & Economy)

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (as amended by the Health and Social Care Act 2008)

Section	Purpose	Proper Officer
48	Preparation of certificate to Justice of Peace for removal of body to mortuary and for burial within a prescribed time or immediately	Director of Public Health
59	Authentication of documents	Director of Public Health

61	Powers to enter premises	Director of Public Health
62	Supplementary provisions in relation to entry of premises	Director of Public Health

WEIGHTS AND MEASURES ACT 1985

Section	Purpose	Proper Officer
72(1)	Appointment as Chief Inspector of Weights and Measures	Director Environment & Communities

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Purpose	Proper Officer
114, 114A, 115 and 115B	Responsibility for Chief Financial Officer reports	Director of Finance
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	Chief Operating Officer

PUBLIC HEALTH (INFECTIOUS DISEASES) REGULATIONS 1988

Regulation	Purpose	Proper Officer
6	Reporting of infectious diseases to the Chief Medical Officer	Director of Public Health
8	Submission of weekly or quarterly returns to the Registrar General	Director of Public Health
10	Arrangements for immunisation and vaccination	Director of Public Health
Sch.3 and 4	Reporting and issuing notices to prevent the spread of infection	Director of Public Health

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Purpose	Proper Officer
2(4)	Hold the Council's list of politically restricted posts	Director of Governance
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Operating Officer
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Director of Governance
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the Council, and give effect to the wishes of political groups in making appointments of members to committees	Director of Governance
18	Receipt of notice in writing that a councillor wishes to forego any part of entitlement to an allowance	Director of Governance
19(1) and (4)	Receipt of notice of direct and indirect pecuniary interests	Director of Governance

ENVIRONMENTAL PROTECTION ACT 1990

Regulation	Purpose	Proper Officer
149	Discharging the functions in this section for dealing with stray dogs	Director Environment & Communities

FOOD SAFETY ACT 1990

Section	Purpose	Proper Officer
5	Authorised officer to act in matters arising under the Act	Director Environment & Communities
27(1)	Appointment of Public Analyst	Director Environment & Communities
49(3)	Sign any document authorised or required to be given, made or issued by the Food Authority	Director Environment & Communities

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Purpose	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14, 15 and 17	Notifications to and by the Proper Officer Give effect to the wishes of political groups in making appointments of members to committees	Director of Governance

CRIME AND DISORDER ACT 1998, SECTION 115

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Regulation	Purpose	Proper Officer
4(3)	Primary Designated Officer for information sharing	Director of Governance

LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Director of Governance
10	Inform the relevant Select Committee Chair or the committee members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Key Decisions Plan") and make available for public inspection notices relating to this	Director of Governance

12	Produce a written statement of Cabinet decisions made at meetings	Director of Governance
13	Produce a written statement of decisions made by individual Cabinet Members	Director of Governance
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Director of Governance
15 and 2	Make available for inspection a list of background papers	Director of Governance
16(5)	Determine whether certain documents contain exempt information	Director of Governance
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Director of Governance
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Governance

**LOCAL GOVERNMENT ACT 2000, SECTION 34
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS)
REGULATIONS 2000**

Regulation	Purpose	Proper Officer
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Governance

**REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF
OFFICES, RANKS AND POSITIONS) ORDER 2000**

Section	Purpose	Proper Officer
21, 22, 27, 28 and 29	The Senior Responsible Officer for RIPA	Director of Governance

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B)
AND 25(2)**

**THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS
DATA) ORDER 2010**

**THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEIL-
LANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER
2010**

**THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTEL-
LIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010**

Regulation	Purpose	Proper Officer
-	Designated Senior Responsible Officer for the use of surveillance and the acquisition and disclosure of communications data	Director Environment & Communities

FREEDOM OF INFORMATION ACT 2000

Section	Purpose	Proper Officer
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Governance

ACCESS TO THE COUNTRYSIDE (MAPS IN DRAFT FORM) (ENGLAND) REGULATIONS 2001

Regulation	Purpose	Proper Officer
9-11	Authorised officer to receive deposit of reduced scale maps	Deputy Chief Executive (Communities, Environment & Economy)

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Regulation	Purpose	Proper Officer
Sch.1, Pt.II, Paras 5-6	Notifications to the Cabinet concerning appointments and dismissals	Chief Operating Officer

LOCAL GOVERNMENT ACT 2003

Section	Purpose	Proper Officer
25	When the annual budget report is considered by Cabinet or by the County Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Chief Operating Officer

MONEY LAUNDERING REGULATIONS 2003

Regulation	Purpose	Proper Officer
7(1)(a)	Nominated officer to receive disclosures of suspected money laundering	Chief Operating Officer

CHILDREN ACT 2004

Section	Purpose	Proper Officer
18	Appointment as Director of Children's Services	Director of Children's Services

HOUSING ACT 2004

Section	Purpose	Proper Officer
4	Receipt and inspection of complaints of category 1 and 2 hazards on residential premises	Director Economy & Housing

TRAFFIC MANAGEMENT ACT 2004

Section	Purpose	Proper Officer
17	Appointment as Traffic Manager to perform such tasks as the authority considers will assist it to perform its network management duty	Director Highways & Transport

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 (AS AMENDED)

Section	Purpose	Proper Officer
	Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994), the Civil Partnership Act 2004, the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts, where applicable	Director of Environment & Communities

NATIONAL HEALTH SERVICE ACT 2006

Section	Purpose	Proper Officer
73A	Appointment as Director of Public Health	Director of Public Health

THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) RULES 2006

Regulation	Purpose	Proper Officer
Rule 50 and Sch.2	Receipt from Returning Officer of the names and persons elected to the Council	Director of Governance
54	Registration officer for the retention and destruction of documents following an election	Director of Governance

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007/1830

Regulation	Purpose	Proper Officer
4(3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Director of Governance

WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

	Purpose	Proper Officer
-	Local Authority Designated Officer (LADO)	Deputy Chief Executive (Health & Wellbeing)
-	Caldicott Guardian	Deputy Chief Executive (Health & Wellbeing)

THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Regulation	Purpose	Proper Officer
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Director of Public Health

LOCALISM ACT 2011

Section	Purpose	Proper Officer
29	Establish, maintain and publish a Register of Interests	Director of Governance

31	Receipt of notice of members' disclosable pecuniary interests and entering such interests in the authority's register	Director of Governance
32	Consideration of whether a member's interest is a sensitive interest	Director of Governance
33(1)	Receiving applications for dispensations	Director of Governance
33(2)	Grant dispensations to members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Director of Governance
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Head of Democratic Services

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) REGULATIONS 2011

Regulation	Purpose	Proper Officer
7, 8, 11 and 13	Various steps relating to petitions	Director of Governance

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Purpose	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions, including exclusion of information from agenda and reports relating to private meeting matters	Director of Governance
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Director of Governance
12-14	Recording of executive decisions and by individual members and making documents available for inspection by members of the public	Director of Governance

NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Purpose	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Deputy Chief Executive (Health & Wellbeing)
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Deputy Chief Executive (Health & Wellbeing)

DATA PROTECTION ACT 2018

Section	Purpose	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Deputy Chief Executive (Health & Wellbeing)

Non-Executive Scheme of Officer Delegation

- 1.15. Full Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.
- 1.16. Officers may, in turn, delegate their powers to more junior officers, or escalate the making of those decisions to the relevant Director, the relevant committee or Council, but must ensure that such delegations are documented to the satisfaction of the Chief Executive and Director of Governance and are regularly reviewed.
- 1.17. Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others. Any Non-Executive function may be exercised by the Chief Executive notwithstanding its delegation to another Director, except those reserved by law to others.
- 1.18. Officers (or officers authorised by them) may take action on urgent matters, which would otherwise require reference to, or consultation with Full Council or a committee, if there is no time for such reference or consultation to be made; relevant committee Chairs should be consulted if time permits. All such decisions should be reported to the next meeting of Full Council or committee.
- 1.19. Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with the Guide to Recording and Publishing Officer Decisions (see Part 2 Section 12).

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
<i>Titles in italics in column 3 indicate full delegation to the named officer. Where only council or a committee name is shown indicates no delegations to officers. Statutory references are as amended or replaced from time to time.</i>		
A. Functions relating to town and country planning and development control <i>Delegations in this section should be read in conjunction with the separate delegations contained in the Code of Practice for members and Officers Dealing with Planning Matters (see Part 5 Section 11).</i>		
5. Power to determine application for planning permission or permission in principle.	Sections 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or Director for Economy & Housing

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
8. Power to decline to determine application for planning permission or permission in principle.	Section 70A, 70B and 70C of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
9. Duties relating to the making of determinations of planning applications.	Sections 69, 69A, 76, 91, 92 and 96A of the Town and Country Planning Act 1990 and Parts 2, 6 and 8 of the Town and Country Planning (General Development Procedure) Order 2015 (as amended) and directions made thereunder	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
10. Power to determine application for planning permission or permission in principle made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (as amended). Sections 69, 91, 92 and 96A of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	The Town and Country Planning (General Permitted Development) (England) Order 2015	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
12. Power to enter into agreement regulating development or use of land.	Sections 106, 106A and 106BA of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
13. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191, 192(2) and 193 of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
15. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 2007	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
16. Power to authorise entry onto land.	Sections 196A, B and C of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 183(1) and 187A of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
18A. Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
19. Power to issue, vary and withdraw an enforcement notice.	Section 172 and 173A of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act	PLANNING COMMITTEE and/or <i>Director for Economy & Housing</i>
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990	<i>Director for Economy & Housing</i>
24. Power to determine application for listed	Sections 16(1) and (2), 17 and 33(1) of the Planning	<i>Director for Economy & Housing</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
building consent, and related powers.	(Listed Buildings and Conservation Areas) Act 1990	
26. Duties relating to applications for listed building consent	Sections 13(1) and 14(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990; and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01	<i>Director for Economy & Housing</i>
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	<i>Director for Economy & Housing</i>
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<i>Director for Economy & Housing</i>
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<i>Director for Economy & Housing</i>
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990	<i>Director for Economy & Housing</i>
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	<i>Director for Economy & Housing</i>
32. Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017	<i>Director for Economy & Housing</i>
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)		
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions Order 2006 ("the Gambling Act Order"))	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) of the Gambling Act Order	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinemas Act 1985	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14A. Any function of a licensing authority	Licensing Act 2003 and any regulations or orders made under that Act	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14AZA. Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and regulations made thereunder	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
14AB. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14AC. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14B. Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005	<i>Director of Environment & Communities</i>
14CA. Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the Gambling Act 2005	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
14D. Power to institute criminal proceedings	Section 346 of the Gambling Act 2005	<i>Director of Governance</i>
14E. Power to exchange information	Section 350 of the Gambling Act 2005	<i>Director of Environment & Communities</i>
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007	<i>Director of Environment & Communities</i>
14G. Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
16. Power to license performances of hypnotism.	The Hypnotism Act 1952	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907	<i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982	<i>Director of Environment & Communities</i>
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972	<i>Director of Environment & Communities</i>
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964	<i>Director of Environment & Communities</i>
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975	<i>Director of Environment & Communities</i>
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987	<i>Director of Environment & Communities</i>
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971	<i>Director of Environment & Communities</i>
29. Power to grant or renew a licence for a licensable activity (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition).	Regulation 4 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981	LICENSING COMMITTEE and/or <i>Director of Environment & Communities</i>
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976	LICENSING COMMITTEE and/or

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
		<i>Director of Environment & Communities</i>
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974 and the Animal By-Products Order 1999	<i>Director of Environment & Communities</i>
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Parts I and II of the Children and Young Persons Act 1963	<i>Director of Environment & Communities or Director of Children's Social Care</i>
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (as amended by SI 2003/1961 and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 and amended by SIs 2011/2661 and SI 2013/2294)	<i>Director of Environment & Communities</i>
37. Power to register common land or town or village greens, except where solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under s.19(3) of, or para 6(4) of Sch.3 to, the Acquisition of Land Act 1981 or (b) an order under s.147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969	<i>Director of Economy & Housing</i>
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966	<i>Director of Economy & Housing</i>
39. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	<i>Director of Environment & Communities</i>
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993	<i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991	<i>Director of Environment & Communities</i>
43. Power to issue licences for the movement of pigs.	The Pigs (Records, Identification and Movement) Order 2011	<i>Director of Environment & Communities</i>
44. Power to license the sale of pigs.	The Pigs (Records, Identification and Movement) Order 2011	<i>Director of Environment & Communities</i>
45. Power to license collecting centres for the movement of pigs.	The Pigs (Records, Identification and Movement) Order 2011	<i>Director of Environment & Communities</i>
46. Power to issue a licence to move cattle from a market.	Reg.3 of the Cattle Identification Regulations 2007	<i>Director of Environment & Communities</i>
46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980	<i>Director Highways & Transport</i>
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980	<i>Director Highways & Transport</i>
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	Section 115G of the Highways Act 1980	<i>Director Highways & Transport</i>
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980	<i>Director Highways & Transport</i>
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980	<i>Director Highways & Transport</i>
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980	<i>Director Highways & Transport</i>
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980	<i>Director Highways & Transport</i>
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980	<i>Director Highways & Transport</i>
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980	<i>Director Highways & Transport</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980	<i>Director Highways & Transport</i>
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980	<i>Director Highways & Transport</i>
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994	<i>Director of Environment & Communities</i>
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995	<i>Director of Environment & Communities</i>
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995	<i>Director of Environment & Communities</i>
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993	<i>Director of Environment & Communities</i>
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995	<i>Director of Environment & Communities</i>
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<i>Director of Environment & Communities</i>
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<i>Director of Environment & Communities</i>
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<i>Director of Environment & Communities</i>
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<i>Director of Environment & Communities</i>
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	<i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991	<i>Director of Environment & Communities</i>
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991	<i>Director of Environment & Communities</i>
71. Power to register motor salvage operators.	Part I of the Vehicles (Crime) Act 2001	<i>Director of Environment & Communities</i>
72. Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006, the Commons Registration (England) Regulations 2008 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007	<i>Director of Economy & Housing</i>
C. Functions relating to health and safety at work		
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	<i>Chief Operating Officer</i>
D. Functions relating to elections		
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983	FULL COUNCIL
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983	FULL COUNCIL
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	FULL COUNCIL
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972	FULL COUNCIL
5. Power to make orders for grouping parishes, dissolving groups and	Section 11 of the Local Government Act 1972	FULL COUNCIL

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
separating parishes from groups.		
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983	FULL COUNCIL
8. Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983	FULL COUNCIL
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983	FULL COUNCIL
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983	FULL COUNCIL
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983	FULL COUNCIL
12. Power to fill vacancies in the event of insufficient nominations at an ordinary election of parish councillors.	Section 21 of the Representation of the People Act 1985	FULL COUNCIL
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972	<i>Chief Executive</i>
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972	<i>Chief Executive</i>
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972	FULL COUNCIL
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000	<i>Chief Executive</i>
18. Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act	<i>Chief Executive</i>
19. Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act	<i>Chief Executive</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
20. Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act	<i>Chief Executive</i>
21. Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act	<i>Chief Executive</i>
22. Functions relating to change of name of electoral area.	Section 59 of the 2007 Act	<i>Chief Executive</i>
E. Functions relating to name and status of areas and individuals		
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972	FULL COUNCIL
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972	FULL COUNCIL
3. Power to confer title of honorary alderman or alderwoman or to admit an honorary freeman or freewoman.	Section 249 of the Local Government Act 1972	FULL COUNCIL
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972	FULL COUNCIL
EB. Functions relating to community governance		
1. Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007	FULL COUNCIL and COMMUNITY GOVERNANCE REVIEW COMMITTEE
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007	FULL COUNCIL and COMMUNITY GOVERNANCE REVIEW COMMITTEE
3. Functions relating to terms of reference of review.	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007	COMMUNITY GOVERNANCE REVIEW COMMITTEE
4. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007	COMMUNITY GOVERNANCE REVIEW COMMITTEE
5. Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007	COMMUNITY GOVERNANCE REVIEW COMMITTEE
6. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007	COMMUNITY GOVERNANCE REVIEW COMMITTEE

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
7. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007	COMMUNITY GOVERNANCE REVIEW COMMITTEE
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007	<i>Director of Governance</i>
9. Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007	<i>Director of Governance</i>
F. Power to make, amend, revoke, re-enact or enforce bylaws		
	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	<i>Chief Officers</i>
FA. Functions relating to smoke-free premises, etc		
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006	<i>Director of Environment & Communities</i>
2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006	<i>Director of Environment & Communities</i>
3. Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007	<i>Director of Environment & Communities</i>
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006	<i>Director of Environment & Communities</i>
G. Power to promote or oppose local or personal Bills		
	Section 239 of the Local Government Act 1972	FULL COUNCIL
H. Functions relating to pensions etc		
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972	<i>Chief Operating Officer</i>
I. Miscellaneous functions		
Part I: functions relating to public rights of way		
1. Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980	<i>Director Highways & Transport</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
2. Power to create footpaths, bridleways and restricted byways.	Section 26 of the Highways Act 1980	<i>Director Highways & Transport</i>
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980	<i>Director Highways & Transport</i>
4. Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980	<i>Director Highways & Transport</i>
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980	<i>Director Highways & Transport</i>
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980	<i>Director Highways & Transport</i>
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980	<i>Director Highways & Transport</i>
8. Power to divert footpaths, bridleways and restricted byways	Section 119 of the Highways Act 1980	<i>Director Highways & Transport</i>
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980	<i>Director Highways & Transport</i>
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980	<i>Director Highways & Transport</i>
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980	<i>Director Highways & Transport</i>
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980	<i>Director Highways & Transport</i>
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980	<i>Director Highways & Transport</i>
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980	<i>Director Highways & Transport</i>
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980	<i>Director Highways & Transport</i>
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980	<i>Director Highways & Transport</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980	<i>Director Highways & Transport</i>
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980	<i>Director Highways & Transport</i>
19. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.	Section 135 of the Highways Act 1980	<i>Director Highways & Transport</i>
20. Power temporarily to divert footpath, bridleway or restricted byway.	Section 135A of the Highways Act 1980	<i>Director Highways & Transport</i>
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980	<i>Director Highways & Transport</i>
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980	<i>Director Highways & Transport</i>
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981	PLANNING COMMITTEE and <i>Director of Highways & Transport</i>
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981	<i>Director of Economy & Housing</i>
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981	<i>Director of Economy & Housing</i>
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981	<i>Director of Economy & Housing</i>
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	<i>Director of Economy & Housing</i>
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984	<i>Director Highways & Transport</i>
30. Power to extinguish public right of way over	Section 294 of the Housing Act 1985	<i>Director of Economy & Housing</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
land acquired for clearance.		
30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990	<i>Director Highways & Transport</i>
31. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990	<i>Director Highways & Transport</i>
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990	<i>Director Highways & Transport</i>
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000	<i>Director Highways & Transport</i>
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000	<i>Director Highways & Transport</i>
Part II: other miscellaneous functions		
35. Functions relating to sea fisheries.	Ch.1 of Part 6 of the Marine and Coastal Access Act 2009	<i>Director of Environment & Communities</i>
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	FULL COUNCIL
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972	<i>Chief Executive</i>
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972	FULL COUNCIL
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972	<i>Chief Operating Officer</i>
40. Power to appoint officers for particular purposes (appointment of proper officers).	Section 270(3) of the Local Government Act 1972	FULL COUNCIL
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981	<i>Director of Environment & Communities</i>
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982	LICENSING COMMITTEE and <i>Director of Environment & Communities</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989	FULL COUNCIL
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989	FULL COUNCIL
44A. Duty to provide staff, etc to person nominated by Monitoring Officer.	Sections 82A(4) and (5) of the Local Government Act 2000	FULL COUNCIL
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	FULL COUNCIL
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996	AUDIT AND GOVERNANCE COMMITTEE
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997	<i>Director Highways & Transport</i>
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999	<i>Deputy Chief Executive (Communities, Environment & Economy)</i>
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003	<i>Director Highways & Transport</i>
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000	FULL COUNCIL
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001	<i>Director of Environment & Communities</i>
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	The Local Authorities (Alcohol Disorder Zones) Regulations 2008	<i>Director of Environment & Communities</i>
51. Power to apply for an enforcement order	Section 41 of the Commons Act 2006	<i>Director of Economy & Housing</i>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
against unlawful works on common land.		
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006	<i>Director of Economy & Housing</i>
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006	<i>Director of Governance</i>

Executive Scheme of Officer Delegation

Introduction

- 1.20. Officers are appointed to undertake particular roles. Those roles may be established by the terms of their appointment, job or role description, their position in the organisation, or from a specific instruction or the allocation of specific responsibilities by their manager. Officers' roles may vary from time to time to reflect changes in service delivery.
- 1.21. In order to ensure the smooth functioning of the authority and the efficient delivery services, the Council and the Cabinet delegates to officers all of the powers that they need to do whatever their role requires of them from time to time.
- 1.22. All powers and functions not specifically reserved to members in this Constitution (see Part 2 Section 12) or by statute stand delegated to officers in accordance with the cascade principle set out below.

Cascade of Powers

- 1.23. Officers' powers have been delegated by means of a cascade of powers. This means there is a standing delegation of all necessary powers from the Leader to the Chief Executive and from there to the Deputy Chief Executive, Chief Operating Officer and Directors. The cascade continues down through the Directors to team managers and relevant officers in each Service.
- 1.24. Officers may, in turn, delegate their powers to more junior officers, or escalate the making of those decisions to the relevant Director or to Cabinet, but must ensure that such delegations are documented to the satisfaction of the Chief Executive and Director of Governance and are regularly reviewed.
- 1.25. In each case the powers delegated are the full range and extent of powers vested in the authority from time to time as necessary in order to discharge functions, implement decisions, and undertake the efficient operational management of the Services that the Deputy Chief Executive, Chief Operating Officer and/or Director are responsible for.
- 1.26. This includes the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions delegated to officers.

Use of powers

- 1.27. When officers act under delegated powers, they do so in the name of the relevant Director, Deputy Chief Executive or Chief Operating Officer who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.

- 5.20. If any member is concerned that an officer has taken, or proposes to take, a decision or action contrary to the Budget or Policy Framework, the matter must be referred in the first instance to the Chief Executive to deal with as a matter of management and discipline. If the member's concern persists, the matter should be referred to the Chair of the Cheshire West & Chester Overview & Scrutiny Committee to discuss with the Chief Executive and, if necessary, the Director of Governance.

In-year changes to the Policy Framework

- 5.21. No changes to any policy or strategy that make up the Policy Framework may be made by the Leader, Cabinet or officers acting under delegated authority except those changes:
- (a) that will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint, or
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance, or
 - (c) in respect of a policy that would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration
- 5.22. A plan or strategy within the Policy Framework may be amended by the relevant Director where it is considered, in the opinion of the Director of Governance and the Chief Executive (after consultation with the Leader and relevant Cabinet Member), not to be contrary to the principles of the plan or strategy and can be contained within the approved budget. Such an amendment does not require the approval of the Council.

6. Local Choice Functions

- 6.1. By law some local authority functions cannot be the responsibility of the Council's Cabinet and these are called the "Non-Executive" functions. Other functions, particularly the preparation and approval of certain plans and strategies, are partly "Executive" and partly "Non-Executive". Those functions not otherwise specified fall within the responsibility of the Cabinet.
- 6.2. In addition, there are a few "Local Choice" functions (set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) where the Council is free to choose whether the function is "Executive" or "Non-Executive". The Cabinet may delegate or allocate any of its functions to an individual Cabinet Member, a committee of the Cabinet or an officer, and the Council may delegate any of the "Non-Executive" functions to a committee, sub-committee or an officer.
- 6.3. The list below shows where these "Local Choice" functions are allocated in this Constitution and the body or person expected to exercise the delegated

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/DECISION MAKER
against unlawful works on common land.		
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006	<i>Director of Economy & Housing</i>
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006	<i>Director of Governance</i>

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Introduction

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- 1.22. All powers and functions not specifically reserved to members in this Constitution (see Part 2 Section 12) or by statute stand delegated to officers in accordance with the cascade principle set out below.

Cascade of Powers

- 1.23. Officers' powers have been delegated by means of a cascade of powers. This means there is a standing delegation of all necessary powers from the Leader to the Chief Executive and from there to the Deputy Chief Executive, Chief Operating Officer and Directors. The cascade continues down through the Directors to team managers and relevant officers in each Service.
- 1.24. Officers may, in turn, delegate their powers to more junior officers, or escalate the making of those decisions to the relevant Director or to Cabinet, but must ensure that such delegations are documented to the satisfaction of the Chief Executive and Director of Governance and are regularly reviewed.
- 1.25. In each case the powers delegated are the full range and extent of powers vested in the authority from time to time as necessary in order to discharge functions, implement decisions, and undertake the efficient operational management of the Services that the Deputy Chief Executive, Chief Operating Officer and/or Director are responsible for.
- 1.26. This includes the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions delegated to officers.

Use of powers

- 1.27. When officers act under delegated powers, they do so in the name of the relevant Director, Deputy Chief Executive or Chief Operating Officer who will retain ultimate responsibility for ensuring that powers are exercised at the appropriate level by suitably competent and qualified officers.

Recording and Publishing Officer Decisions

- 1.44. This protocol sets out the procedural framework to decision making and establishes a system to document decisions taken by officers under delegated authority.

Types of officer decisions

- 1.45. An 'Executive decision' is one made in connection with the discharge of a function which is the responsibility of the Leader and Cabinet and which has been delegated to officers.
- 1.46. A 'Non-Executive decision' is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.
- 1.47. The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions need to exercise judgment in determining whether decisions are significant enough to require formal recording and publishing.
- 1.48. Although administrative and operational decisions are not required to be formally reported, they must be recorded within the service area so as to provide an audit trail.
- 1.49. Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:

Key Decisions are Executive decisions that are likely to:

- (a) result in expenditure (except internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities, etc) or savings of £1million or more; or
- (b) have a significant effect on communities living or working in an area comprising two or more wards.

Material Decisions are Executive decisions (other than purely operational or administrative in nature) taken by officers under delegated powers by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:

- (a) That are contentious, controversial or politically sensitive; or
- (b) Where there is likely to be a strong public interest; or
- (c) Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or
- (d) Raise new issues of policy

Significant Decisions are Non-Executive decisions (other than purely operational or administrative in nature) taken by officers under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and

having wide public impact/interest; where the effect of the decision:

- (a) is to grant a permission or licence
- (b) affects the legal rights of an individual
- (c) is to award a contract or incur expenditure which ‘materially’ affects the authority’s financial position

Urgent Decisions are decisions made in circumstances where:

- (a) a decision is required by statute or otherwise within a specified timescale; or
- (b) any delay likely to be caused by not making the decision would seriously prejudice the Council’s or the public’s interests; or
- (c) any delay likely to be caused by not making the decision would be likely to expose the Council, its members or the public to a significant level of risk, loss, damage or disadvantage

1.50. The following types of officer decision must be formally recorded and published subject to the exceptions set out:

Type of Officer Decision	Exception	Publication
<p>Key Decisions</p> <p>Executive decisions that are likely to result in spending or savings that are ‘significant’:</p> <ul style="list-style-type: none"> • in relation to the budget for the service or function in question or • in terms of the effect on communities living or working in two or more electoral divisions <p>Includes internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities, etc or savings of £1million or more</p>	<p>Officers do not take Key Decisions except the Chief Executive in the case of urgent decisions (see Part 2 Section 9).</p>	<p>As soon as reasonably practicable after an officer has made a Key, Material or Significant decision, they must produce a written statement, available for inspection at Council offices and published on the Council’s website, that includes details of:</p> <ul style="list-style-type: none"> • the decision and the date it was made; • the reasons for it; • any alternative options considered and rejected; • any conflicts of interests declared by
<p>Material Decisions</p> <p>Executive decisions under powers delegated by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of</p>	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p>	

<p>Delegation:</p> <ul style="list-style-type: none"> • That are contentious, controversial or politically sensitive; or • Where there is likely to be a strong public interest; or • Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or • That raise new issues of policy. 	<p>(ii) Where the expenditure or saving has already been approved by Cabinet or Cabinet Member and the decision has been published;</p> <p>(iii) Confidential or Exempt Information; or</p> <p>(iv) Where the expenditure or saving is already recorded and published under separate statutory requirements.</p>	<p>any Cabinet Member consulted by the officer and any dispensations granted by the Chief Executive in respect of any declared conflict;</p> <ul style="list-style-type: none"> • the report considered by the decision-maker; • any background documents disclosing facts or matters on which the decision was based and which were relied on to a material extent in making the decision.
<p>Significant Decisions</p> <p>Non-Executive decisions under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/interest; where the effect of the decision:</p> <ul style="list-style-type: none"> • is to grant a permission or licence • affects the legal rights of an individual • is to award a contract or incur expenditure which 'materially' affects the authority's financial position 	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p> <p>(ii) Confidential or Exempt information;</p> <p>(iii) Where the date, details of and reasons for the decision are already required to be produced under a statutory requirement;</p> <p>(iv) If only the rights of an individual or business are affected, unless there is a wider public impact/ interest in the action.</p>	<p>The decision record must be kept for inspection for 6 years and the background papers for 4 years.</p>

The process

- 1.51. Before taking any decision, the authorised officer must consider the principles of decision making set out in Part 2 Section 2.
- 1.52. Details of all proposed Key Decisions must be published at least 28 clear days before the decision is made (unless the general exceptions procedure or special urgency procedure is applicable) via the Key Decisions Plan.
- 1.53. Where an officer makes an urgent Key Decision they must comply with the legal requirements set out in the Access to Information Rules (see Part 4 Section 1).

Call-in

- 1.54. Key Decisions made by officers are subject to call-in by Overview & Scrutiny committees and cannot be implemented until either the Call-in period has expired or the relevant Overview & Scrutiny committee has made a decision regarding the Call-in. The Call-in procedure is set out in Part 2 Section 11.
- 1.55. Although the formal Call-in process only applies to officer Key Decisions, Overview & Scrutiny committees may call an officer to account over any decision made.

Recording and publishing the decision

- 1.56. The officer decisions for publication (listed above) are recorded in the same manner as Cabinet decisions. The officer must provide Democratic Services with a completed Officer Decision Record within two clear days of the date of taking the decision. Any such forms must be copied to the relevant Director. The Decision Record will be accompanied by any relevant background papers and, where appropriate (e.g. in respect of a controversial or complex matter) a full report (based on the Cabinet report template).
- 1.57. Democratic Services will maintain a record of all officer decisions referred for publication, including any report upon which each decision was made and background papers. Subject to any exemption from publication, they will ensure that this decision is available for public inspection via the website, at the Council's offices or by post if requested and on receipt of payment for copying and postage.
- 1.58. A written record of such decisions must be available for public inspection for at least 6 years and the background papers for at least 4 years.

Consultation with members

- 1.59. Officers to whom specific decision-making powers have been delegated following a Cabinet decision subject to consultation with Cabinet Members, will ensure that such consultation takes place prior to making the decision.
- 1.60. Officers acting within the remit of their general delegated powers within the Constitution will ensure that they identify issues upon which members should be consulted and will ensure that appropriate consultation takes place.

- 1.28. It is for team managers and Directors, in conjunction with the Deputy Chief Executive or Chief Operating Officer, to determine, record and keep under review the extent to which officers in their service are authorised to exercise delegated powers in their name. They shall do this by ensuring that there is clarity in setting out their service and team structures and defining the respective roles of their officers.
- 1.29. It is the responsibility of each officer in the chain of cascade to ensure that powers are being exercised at the most appropriate level by suitably competent and qualified officers. They shall at all times have due regard for the nature, subject matter, and likely impact of any decision and liaise closely with those above them in the chain of cascade, including relevant members, especially where a matter has potentially significant strategic, policy or operational implications.
- 1.30. Any ambiguity that may arise as to whether or not a particular officer is, by reference to the terms of their appointment, job or role description, or their position in the organisation, authorised in respect of any particular function is to be resolved by reference back up through the chain of cascade to team managers, Director, Deputy Chief Executive, Chief Operating Officer or ultimately to the Chief Executive as appropriate who shall, where necessary, give written confirmation of the allocation of any given responsibility.
- 1.31. In exceptional circumstances, and with the agreement of those above them in the chain of cascade, officers may decline to exercise powers which rest with them where it is considered, in all the circumstances, that it would be more appropriate for another officer (whether or not further up the chain of cascade) or for members to exercise the power instead.
- 1.32. Unless specifically prohibited by the terms of any authorisation, officers may arrange for any power which rests with them to be discharged by another suitably competent and qualified officer but they shall remain responsible for any powers so exercised.
- 1.33. Officers may direct that certain types of decisions, or decisions on particular matters, be reserved to them (or to another officer) notwithstanding that they would ordinarily be taken at a point further along the chain of cascade.
- 1.34. Where the duly empowered officer closest to the point of service delivery is unavailable or unable to act then, subject to any specific arrangements that may have been put in place, a suitably qualified and competent officer who is most proximate to the absent officer in the chain of cascade is empowered to act in place of that officer. This will usually follow the chain of cascade or line of management back up through team managers and Directors to the Chief Executive.

Controls on the use of powers

- 1.35. Officers are not empowered in respect of matters that are specifically reserved to members or which amount to the adoption or implementation of new policy (see Part 2 Section 12).

- 1.36. Officers are only empowered to act in respect of matters which fall foursquare within their Service area, suite of responsibilities and sphere of competence.
- 1.37. Officers who propose to exercise powers in respect of any matter that is not wholly within their Service area, suite of responsibilities or sphere of competence shall be obliged to act in consultation with and take appropriate advice from those officers with the relevant responsibilities and expertise and particularly from the Director of Finance and the Director of Governance in respect of financial and legal considerations.
- 1.38. Before taking decisions officers shall be satisfied that they can demonstrate, by keeping appropriate records, that they are duly authorised to act and that they have undertaken all appropriate consultation.
- 1.39. Officers must at all times observe and abide by the principles governing decision making (see Part 2 Section 2).

Notices, authorisations, determinations, orders, licences, agreements and consents

- 1.40. For the avoidance of doubt the cascade of power through the officer structure includes the power to take all action necessary in connection with or ancillary to:
 - (a) The instruction of the Director of Governance in respect of legal (or quasi legal) proceedings.
 - (b) The authorisation of officers to undertake certain roles, or to exercise or discharge any powers, duties or functions including investigatory or regulatory functions and affecting entry to land or premises.
 - (c) The issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand.
 - (d) The making, confirmation, variation or withdrawal of any order or regulation.
 - (e) The formation, variation or termination of any contract or agreement.
 - (f) The grant, variation, withdrawal or termination of any permission, authorisation, license or consent.

Authorising expenditure and signing and sealing agreements

- 1.41. The Finance and Contract Procedure Rules and individual Service Schemes of Financial Delegation set out the financial limits that officers must work within and procedures that they must follow when authorizing expenditure.
- 1.42. The Finance and Contract Procedure Rules (see Part 3 Section 6) set out which documents can be signed by officers within individual Services and which documents must be signed and/or sealed by the Director of Governance.

Legal Proceedings and Protecting the Council's Interests

- 1.43. All matters in respect of the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Director of Governance (and their duly authorised officers) who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions or protect the interests of the Authority.

Decisions Reserved to Members

Cabinet Member for Legal & Finance approvals:

- (i) Supplementary revenue estimate or a virement not originally identified in the approved budget or where there is an overall increase in the cash income or expenditure of the Council where the source of funding does not include general reserves, earmarked reserves, contingency provisions or grant funding between £250,001 and £500,000.
- (ii) Use of general contingency between £500,001 and £1 million.
- (iii) New schemes to be added to the approved capital programme, or increases to existing schemes, where the funding does not include ringfenced funding, funding as a result of an external grant bid or the use of additional Council resources (which includes borrowing, capital receipts and capital reserves) between £250,001 and £500,000.
- (iv) In-year carry forward of underspends in service budgets over £100,000.
- (v) Disposal of farm assets with a value over £1 million provided that this is in line with the overarching policy for the disposal of farm assets.
- (vi) Disposal or acquisition of land, not covered under section C9.6 (a) and (b) of the Finance Procedure Rules, with a value between £500,001 and £1 million.
- (vii) Write-off of losses on the disposal of property between £50,000 and £100,000 and non-property assets over £20,000.
- (viii) Write-off of debts for a reason other than one listed in D6.3 of the Financial Procedure Rules of a value between £100,001 and £500,000
- (ix) Granting any new lease, easement, wayleave or other right or interest in land, the acceptance of the surrender or forfeiture of any lease with financial implications and the settlement of dilapidations with a value between £500,001 and £1 million.
- (x) Disposal of non-property assets with a value between £50,001 and £500,000
- (xi) Allocation of grants, donations and other discretionary contributions not originally included in the annual report to Cabinet where the value of the contribution is between £50,001 and £500,00.

- (xii) Decisions relating to the Council's role as shareholder or owner of any Alternative Service Delivery Vehicle (ASDV).

Relevant Cabinet Member approvals:

- (xiii) Increases in charges above or below inflation with a financial impact of between £250,001 and £500,000.

Cabinet approvals:

- (xiv) Supplementary revenue estimate or a virement not originally identified in the approved budget or where there is an overall increase in the cash income or expenditure of the Council where the source of funding does not include general reserves, earmarked reserves, contingency provisions or grant funding between £500,001 and £1 million.
- (xv) Creation of new earmarked reserves (not technical or statutory), or for the use of a reserve for a different purpose than originally agreed, of a value between £500,000 and £1 million.
- (xvi) Use of general contingency over £1 million.
- (xvii) Transfer of funding between specific approved schemes in the capital programme over £1 million.
- (xviii) New schemes to be added to the approved capital programme, or increases to existing schemes, where the funding does not include ringfenced funding, funding as a result of an external grant bid or the use of additional Council resources (which includes borrowing, capital receipts and capital reserves) between £500,001 and £1 million.
- (xix) Disposal or acquisition of land, not covered under section C9.6 (a) and (b) of the Finance Procedure Rules, with a value over £1 million.
- (xx) Write-off of losses on the disposal of property over £100,000.
- (xxi) Granting of any new lease, easement, wayleave or other right or interest in land, the acceptance of the surrender or forfeiture of any lease with financial implications and the settlement of dilapidations, with a value over £1 million
- (xxii) Disposal of non-property assets with a value over £500,000.
- (xxiii) Provision of new services to be provided by the Council to third parties in the public sector and on a commercial basis, where the financial impact is between £500,001 and £1 million.
- (xxiv) Increases in charges above or below inflation with a financial impact between £500,001 and £1 million
- (xxv) Write-off of debts for a reason other than one listed in D6.3 of the Financial Procedure Rules of a value over £500,000.

- (xxvi) Submit and accept external funding grants where total value where match funding required is over £1 million.
- (xxvii) Allocation of grants, donations and other discretionary contributions not originally included in the annual report to Cabinet, where the value of the contribution is over £500,000.
- (xxviii) Winding up or liquidation of an ASDV where set out in the shareholder agreement or articles of the ASDV.

Staffing Committee approvals:

- (xxix) Any severance or early retirement payment over £100,000 (including actuarial costs).

Council approvals:

- (xxx) Supplementary revenue estimate or a virement not originally identified in the approved budget or where there is an overall increase in the cash income or expenditure of the Council where the source of funding does not include general reserves, earmarked reserves, contingency provisions or grant funding over £1 million.
- (xxxi) Supplementary revenue estimates that are to be funded wholly or in part from general reserves, regardless of value and where there are significant implications (as determined by the Director of Finance) for future years' budgets.
- (xxxii) Creation of new earmarked reserves (not technical or statutory), or the use of a reserve for a different purpose than originally agreed, of a value over £1 million.
- (xxxiii) New schemes to be added to the approved capital programme, or increases to existing schemes, where the funding does not include ringfenced funding, funding as a result of an external grant bid or the use of additional Council resources (which includes borrowing, capital receipts and capital reserves) over £1 million.
- (xxxiv) New schemes or increases to existing schemes in the capital programme that result in an increase to the overall approved Council funding within the capital programme, i.e. increase in the use of reserves (which includes the capital reserve), borrowing and capital receipts.
- (xxxv) Provision of new services to be provided by the Council to third parties in the public sector and on a commercial basis where the financial impact is over £1 million.
- (xxxvi) Increases in charges above or below inflation with a financial impact of over £1 million.
- (xxxvii) Bids requiring funding from general reserves (including the capital reserve) regardless of value.

Recording and Publishing Officer Decisions

- 1.44. This protocol sets out the procedural framework to decision making and establishes a system to document decisions taken by officers under delegated authority.

Types of officer decisions

- 1.45. An 'Executive decision' is one made in connection with the discharge of a function which is the responsibility of the Leader and Cabinet and which has been delegated to officers.
- 1.46. A 'Non-Executive decision' is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.
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- 1.48. Although administrative and operational decisions are not required to be formally reported, they must be recorded within the service area so as to provide an audit trail.
- 1.49. Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:

Key Decisions are Executive decisions that are likely to:

- (a) result in expenditure (except internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities, etc) or savings of £1million or more; or
- (b) have a significant effect on communities living or working in an area comprising two or more wards.

Material Decisions are Executive decisions (other than purely operational or administrative in nature) taken by officers under delegated powers by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:

- (a) That are contentious, controversial or politically sensitive; or
- (b) Where there is likely to be a strong public interest; or
- (c) Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or
- (d) Raise new issues of policy

Significant Decisions are Non-Executive decisions (other than purely operational or administrative in nature) taken by officers under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and

having wide public impact/interest; where the effect of the decision:

- (a) is to grant a permission or licence
- (b) affects the legal rights of an individual
- (c) is to award a contract or incur expenditure which ‘materially’ affects the authority’s financial position

Urgent Decisions are decisions made in circumstances where:

- (a) a decision is required by statute or otherwise within a specified timescale; or
- (b) any delay likely to be caused by not making the decision would seriously prejudice the Council’s or the public’s interests; or
- (c) any delay likely to be caused by not making the decision would be likely to expose the Council, its members or the public to a significant level of risk, loss, damage or disadvantage

1.50. The following types of officer decision must be formally recorded and published subject to the exceptions set out:

Type of Officer Decision	Exception	Publication
<p>Key Decisions</p> <p>Executive decisions that are likely to result in spending or savings that are ‘significant’:</p> <ul style="list-style-type: none"> • in relation to the budget for the service or function in question or • in terms of the effect on communities living or working in two or more electoral divisions <p>Includes internal operational expenditure on things like advertising, locum staff, office cleaning services, library books, vehicles, consumables, utilities, etc or savings of £1million or more</p>	<p>Officers do not take Key Decisions except the Chief Executive in the case of urgent decisions (see Part 2 Section 9).</p>	<p>As soon as reasonably practicable after an officer has made a Key, Material or Significant decision, they must produce a written statement, available for inspection at Council offices and published on the Council’s website, that includes details of:</p> <ul style="list-style-type: none"> • the decision and the date it was made; • the reasons for it; • any alternative options considered and rejected; • any conflicts of interests declared by
<p>Material Decisions</p> <p>Executive decisions under powers delegated by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of</p>	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p>	

<p>Delegation:</p> <ul style="list-style-type: none"> • That are contentious, controversial or politically sensitive; or • Where there is likely to be a strong public interest; or • Where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or • That raise new issues of policy. 	<p>(ii) Where the expenditure or saving has already been approved by Cabinet or Cabinet Member and the decision has been published;</p> <p>(iii) Confidential or Exempt Information; or</p> <p>(iv) Where the expenditure or saving is already recorded and published under separate statutory requirements.</p>	<p>any Cabinet Member consulted by the officer and any dispensations granted by the Chief Executive in respect of any declared conflict;</p> <ul style="list-style-type: none"> • the report considered by the decision-maker; • any background documents disclosing facts or matters on which the decision was based and which were relied on to a material extent in making the decision.
<p>Significant Decisions</p> <p>Non-Executive decisions under powers delegated by a specific resolution of Full Council, a committee or under the Scheme of Delegation and having wide public impact/interest; where the effect of the decision:</p> <ul style="list-style-type: none"> • is to grant a permission or licence • affects the legal rights of an individual • is to award a contract or incur expenditure which 'materially' affects the authority's financial position 	<p>Does not apply:</p> <p>(i) To routine operational, organisational or administrative decisions;</p> <p>(ii) Confidential or Exempt information;</p> <p>(iii) Where the date, details of and reasons for the decision are already required to be produced under a statutory requirement;</p> <p>(iv) If only the rights of an individual or business are affected, unless there is a wider public impact/ interest in the action.</p>	<p>The decision record must be kept for inspection for 6 years and the background papers for 4 years.</p>

The process

- 1.51. Before taking any decision, the authorised officer must consider the principles of decision making set out in Part 2 Section 2.
- 1.52. Details of all proposed Key Decisions must be published at least 28 clear days before the decision is made (unless the general exceptions procedure or special urgency procedure is applicable) via the Key Decisions Plan.
- 1.53. Where an officer makes an urgent Key Decision they must comply with the legal requirements set out in the Access to Information Rules (see Part 4 Section 1).

Call-in

- 1.54. Key Decisions made by officers are subject to call-in by Overview & Scrutiny committees and cannot be implemented until either the Call-in period has expired or the relevant Overview & Scrutiny committee has made a decision regarding the Call-in. The Call-in procedure is set out in Part 2 Section 11.
- 1.55. Although the formal Call-in process only applies to officer Key Decisions, Overview & Scrutiny committees may call an officer to account over any decision made.

Recording and publishing the decision

- 1.56. The officer decisions for publication (listed above) are recorded in the same manner as Cabinet decisions. The officer must provide Democratic Services with a completed Officer Decision Record within two clear days of the date of taking the decision. Any such forms must be copied to the relevant Director. The Decision Record will be accompanied by any relevant background papers and, where appropriate (e.g. in respect of a controversial or complex matter) a full report (based on the Cabinet report template).
- 1.57. Democratic Services will maintain a record of all officer decisions referred for publication, including any report upon which each decision was made and background papers. Subject to any exemption from publication, they will ensure that this decision is available for public inspection via the website, at the Council's offices or by post if requested and on receipt of payment for copying and postage.
- 1.58. A written record of such decisions must be available for public inspection for at least 6 years and the background papers for at least 4 years.

Consultation with members

- 1.59. Officers to whom specific decision-making powers have been delegated following a Cabinet decision subject to consultation with Cabinet Members, will ensure that such consultation takes place prior to making the decision.
- 1.60. Officers acting within the remit of their general delegated powers within the Constitution will ensure that they identify issues upon which members should be consulted and will ensure that appropriate consultation takes place.