Part 3

Responsibility for Functions
Responsibility for functions

1.1 The functions of the local authority are the responsibility of either the Council or the Executive of the authority.

1.2 Some functions are, by law, Council functions and others Executive functions. Some ‘local choice’ functions may be the responsibility of the Council or the Executive (according to the wishes of the Council).

1.3 Some, but not all, Council functions may be delegated. Executive functions may, but need not, be delegated.

1.4 In this Part of the Constitution, responsibilities for Council and Executive functions are described and, where functions are delegated, the functions and those responsible for them are identified.

1.5 Functions and responsibilities are described by reference to the following:
   - Section 1: Council
   - Section 2: Regulatory Committees
   - Section 3: Scrutiny Committees
   - Section 4: Audit Committee
   - Section 5: Standards Committee
   - Section 6: Health and Wellbeing Board
   - Section 7: Executive
   - Section 8: Shareholder’s Advisory Board
   - Section 9: Officers

1.6 Unless the context otherwise requires:
   (i) references to legislative provisions should be construed as extending to any statutory re-enactment or modification thereof and to any subordinate legislation made thereunder
   (ii) ‘budget’ includes the authority’s budget requirement (as provided for in the Local Government Finance Act 1992), all the components of the budget such as the budgetary allocations to different services and projects, proposed taxation levels, contingency funds (‘reserves’ and ‘balances’) and any plan or strategy for the control of the authority’s borrowing or capital expenditure
   (iii) ‘officers’ means those officers for the time being holding the positions described in Part 7 of this Constitution and references to their responsibilities shall be construed as meaning those responsibilities shown as assigned to them in Part 7. Decisions shall be taken in the name of (but not necessarily personally by) the officers.

1.7 The arrangements described in this Part of the Constitution provide for the concurrent delegation and exercise of functions and are intended to allow those empowered to discharge the functions to determine co-operatively when and by whom a particular decision is to be made. The arrangements are intended to operate flexibly and are to be interpreted broadly and purposively.

1.8 Any body or person authorised to discharge a function is authorised to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of that function.
Section 1: Council

The Council has responsibility for all the authority’s non-executive functions. Listed below are the Council functions which have not been delegated and which therefore remain the sole responsibility of the whole Council.

1. Policy framework

1.1 The approval or adoption (with or without modification) of the plans and strategies set out in Part 8 of the Constitution (Strategic Planning Process) which constitute the Council’s policy framework.

1.2 The amendment, modification, variation or revocation of any plan or strategy forming part of the policy framework save to the extent that the making of any such amendment, modification, variation or revocation:

(i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted

(ii) is authorised by the Council when approving or adopting the plan or strategy

1.3 The determination of any matter in the exercise of an Executive function if the determination may not reasonably be regarded as urgent and is to be made in terms contrary to an adopted or approved plan or strategy forming part of the policy framework.

1.4 The approval, for the purposes of public consultation in accordance with Regulations 10 or 22 of the Town and County Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan.

2. Financial

2.1 Approval or adoption of the budget.

2.2 The determination of any matter in the exercise of an Executive function which is concerned with the authority’s budget where the determination is to be made:

(i) is contrary to, or not wholly in accordance with the budget

(ii) is not authorised by the authority’s Executive arrangements, financial regulations, standing orders or other rules or procedures.

2.3 Duty to make arrangements for the proper administration of the authority’s financial affairs and to secure that one of the authority’s Officers has responsibility for the administration of those affairs.

3. Policy framework and financial

3.1 The giving of instructions requiring the Executive to reconsider any draft plan, strategy or budget submitted by the Executive for the Council’s consideration and the amendment of any such document.
4. Members’ allowances and expenses

4.1 Making, amending, revoking or replacing the Members’ Allowances Scheme.

4.2 Determining the amount or rate of any allowance or expenses payment to be made to a member.

5. Approvals and appointments

5.1 The adoption and amendment of the following:
   • Constitution
   • Procedure Rules
   • Code of Conduct for Members.

5.2 The appointment of the following:
   • the Mayor and Deputy Mayor
   • the Executive Leader
   • committees
   • officers for particular purposes (appointment of ‘Proper Officers’).

5.3 The approval of the appointment or the dismissal (on recommendations of the Chief Officers’ Employment Committee) of the head of the authority’s paid service.

5.4 Designation of an officer as the head of the authority’s paid service and the provision of staff etc.

5.5 Designation of an officer as the Monitoring Officer and the provision of staff etc.

6. Functions relating to elections

6.1 Duty to appoint an electoral registration officer.

6.2 Power to assign Officers in relation to requisitions of the registration officer.

6.3 Functions in relation to parishes and parish councils.

6.4 Power to dissolve small parish councils.

6.5 Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.

6.6 Duty to appoint returning officer for local government elections.

6.7 Duty to provide assistance at European Parliamentary elections.

6.8 Duty to divide constituency into polling districts.

6.9 Power to divide electoral divisions into polling districts at local government elections.

6.10 Powers in respect of holding of elections.
6.11 Power to pay expenses properly incurred by electoral registration officers.

6.12 Power to fill vacancies in the event of insufficient nominations.

6.13 Duty to declare vacancy in office in certain cases.

6.14 Duty to give public notice of a casual vacancy

6.15 Power to make temporary appointments to parish councils.

6.16 Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.

6.17 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.

7. Functions relating to name and status of areas and individuals

7.1 Power to change the name of a county, district or London borough.

7.2 Power to change the name of a parish.

7.3 Power to confer title of honorary alderman or to admit to be an honorary freeman.

7.4 Power to award the Blackpool medal.

7.5 Power to petition for a charter to confer Borough status.

8. Local Legislation

8.1 Power to make, amend, revoke or re-enact byelaws

8.2 Power to promote or oppose local or personal Bills.

9. Functions relating to pensions

9.1 Functions relating to local government pensions etc.

9.2 Functions under the Fireman’s Pension Scheme relating to pensions, etc as respects persons employed as members of fire brigades maintained pursuant to Section 4 of the Fire Services Act 1947.

10. Miscellaneous functions

10.1 Any non-executive function of the authority not otherwise identified or delegated.

10.2 Functions relating to sea fisheries.
10.3 The making of arrangements under Section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.

10.4 Authorising the making by the Executive of applications of the following kinds:

(i) for the inclusion of a disposal in a disposals programme (under Section 135(5) of the Leasehold Reform, Housing and Urban Development Act 1993)

(ii) for consent to such a disposal (under Sections 32 or 43 of the Housing Act 1985).

10.5 In relation to non-executive functions, the function of authorising a person to exercise a function to which Section 70 of the Deregulation and Contracting Out Act 1994 applies and revoking any such authorisation.

10.6 The consideration of Petitions which contain at least 1,500 signatures and meet the requirements of the Council’s Petition Scheme.
Section 2: Regulatory Committees

1. The Council has appointed the following Regulatory Committees and has delegated to them the functions specified.

2. In respect of the functions delegated (and in exercise of any function under a local Act), the Regulatory Committees shall, as appropriate, have the functions of:

   (i) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted

   (ii) determining any other terms to which any such approval, consent, licence, permission or registration is subject

   (iii) determining whether and in what manner to enforce:

      (a) any failure to comply with an approval, consent, licence, permission or registration granted;

      (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or

      (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive.

   (iv) amending, modifying or varying any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject

   (v) revoking any such approval, consent, licence, permission or registration

   (vi) determining whether a charge should be made for any approval, consent, licence, permit or registration and, where a charge is made, the amount of the charge.
Planning Committee

1. Functions relating to town and country planning and development control

1.1 The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.


1.3 Power to determine application for planning permission.

1.4 Power to determine applications to develop land without compliance with conditions previously attached.

1.5 Power to grant planning permission for development already carried out.

1.6 Power to decline to determine application for planning permission.

1.7 Duties relating to the making of determinations of planning applications.

1.8 Power to determine application for planning permission made by a local authority, alone or jointly with another person.

1.9 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.

1.10 Power to enter into agreement regulating development or use of land.

1.11 Power to issue a certificate of existing or proposed lawful use or development.

1.12 Power to serve a completion notice.

1.13 Power to grant consent for the display of advertisements.

1.14 Power to authorise entry onto land.

1.15 Power to require the discontinuance of a use of land.

1.16 Power to serve a planning contravention notice, breach of condition notice or stop notice.

1.17 Power to issue an enforcement notice.

1.18 Power to apply for an injunction restraining a breach of planning control.

1.19 Power to determine applications for hazardous substances consent, and related powers.

1.20 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.
1.21 Power to require proper maintenance of land.

1.22 Power to determine application for listed building consent, and related powers.

1.23 Power to determine applications for conservation area consent.

1.24 Duties relating to applications for listed building consent and conservation area consent.

1.25 Power to serve a building preservation notice, and related powers.

1.26 Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.

1.27 Powers to acquire a listed building in need of repair and to serve a repairs notice.

1.28 Power to apply for an injunction in relation to a listed building.

1.29 Power to execute urgent works.

1.30 Powers relating to the preservation of trees.

2. Functions relating to highway use and regulation

2.1 Power to grant a street works licence

2.2 Power to permit deposit of builder’s skip on highway.

2.3 Power to licence planting, retention and maintenance of trees etc in part of highway.

2.4 Power to authorise erection of stiles etc. on footpaths or bridleways.

2.5 Power to licence works in relation to buildings etc. which obstruct the highway.

2.6 Power to consent to temporary deposits or excavations in streets.

2.7 Power to dispense with obligation to erect hoarding or fence.

2.8 Power to restrict the placing of rails, beams etc over highways.

2.9 Power to consent to construction of cellars etc under street.

2.10 Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.

3. Function relating to public rights of way

3.1 Power to create footpath or bridleway by agreement.

3.2 Power to create footpaths and bridleways.

3.3 Duty to keep register of information with respect to maps, statements and declarations.
3.4 Power to stop up footpaths and bridleways.
3.5 Power to determine application for public path extinguishment order.
3.6 Power to make a rail crossing extinguishment order.
3.7 Power to make a special extinguishment order.
3.8 Power to divert footpaths and bridleways.
3.9 Power to make a public path diversion order.
3.10 Power to make a rail crossing diversion order.
3.11 Power to make a special diversion order.
3.12 Power to require applicant for order to enter into agreement.
3.13 Power to make an SSSI diversion order.
3.14 Duty to keep register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
3.15 Power to decline to determine certain applications.
3.16 Duty to assert and protect the rights of the public to use and enjoyment of highways.
3.17 Duty to serve notice of proposed action in relation to obstruction.
3.18 Power to apply for variation of order under Section 130B of the Highways Act 1980.
3.19 Power to authorise temporary disturbance of surface of footpath or bridleway.
3.20 Power temporarily to divert footpath or bridleway.
3.21 Functions relating to the making good of damage and the removal of obstructions.
3.22 Powers relating to the removal of things so deposited on highways as to be a nuisance.
3.23 Power to extinguish certain public rights of way.
3.24 Duty to keep definitive map and statement under review.
3.25 Power to include modifications in other orders.
3.26 Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
3.27 Duty to reclassify roads used as public paths.
3.28 Power to prepare map and statement by way of consolidation of definitive map and statement.
3.29 Power to designate footpath as cycle track.
3.30 Power to extinguish public right of way over land acquired for clearance.
3.31 Power to authorise stopping-up or diversion of footpath or bridleway.
3.32 Power to extinguish public rights of way over land held for planning purposes
3.33 Power to enter into agreements with respect to means of access.
3.34 Power to provide access in absence of agreement.

4. Miscellaneous
4.1 Power to make limestone pavement orders.
4.2 Powers relating to the protection of important hedgerows.
4.3 Powers relating to the preservation of trees.
4.4 Registration, licensing and regulatory functions under any local Act.
Appeals Committee

1. The determination of an appeal against any decision made by or on behalf of the authority.

2. The power to appoint staff and determine the terms and conditions on which they hold office (including procedures for their dismissal).

3. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
Chief Officers’ Employment Committee

(The definition of those posts which are regarded as Chief Officer posts is listed in Part 7 of the Constitution).

1. The appointment of:

   (i) the Officer designated as the Head of the Authority’s Paid Service

   (ii) a statutory Chief Officer within the meaning of:

       • Section 2(6) of Local Government and Housing Act 1989 (known as the ‘Monitoring Officer’)

       • Section 151 of the Local Government Act 1972 (known as the ‘Statutory Finance Officer’)

       • Section 18 of the Children Act 2004 (known as the ‘Director of Children’s Services)

       • Section 6(1) of the Local Authorities Social Services Act 1970 (known as the ‘Director of Adult Services’)

       • Section 73A of the National Health Service Act 2006 (known as the ‘Director of Public Health’) upon consideration and recommendation from an Advisory Panel in accordance with the Health and Social Care Act 2012

   (iii) a non-statutory Chief Officer

   (iv) the HM Coroner for the Blackpool and Fylde Coronial district.

2. The dismissal of, or disciplinary action against, any Officer referred to in paragraph (i) to (iv) above.
Licensing Committee

1. Functions relating to the Council as a licensing authority

1.1 To carry out on behalf of the Council its functions under the Licensing Act 2003 with a view to promoting the following licensing objectives:
   (i) the prevention of crime and disorder
   (ii) public safety
   (iii) the prevention of public nuisance
   (iv) the protection of children from harm.

1.2 In carrying out these licensing functions, to have regard to:
   (i) the Council’s statement of licensing policy
   (ii) any guidance issued by the Secretary of State.

1.3 In respect of each three year period to formulate or prepare for approval by the Council:
   (i) its policy with respect to the exercising of its licensing functions under the Licensing Act 2003
   (ii) to publish a statement of that policy (a “licensing statement”) before the beginning of the period. The period to commence on a date specified by the Secretary of State.

1.4 To keep the policy with respect to the exercise of its licensing functions under the Licensing Act 2003 under review and recommend any revisions to the policy to the Council.

1.5 To carry out on behalf of the Council its duties under the Gambling Act 2005.

1.6 To deal with applications for the requisition of small society lotteries.

1.7 To undertake the functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to:
   (i) licensing and registration
   (ii) health and safety at work;
   (iii) associated functions under any local act
   (iv) the power to make an order identifying a place as a designated public place for the purpose of police powers in relation to alcohol consumption.
Public Protection Sub-Committee

1. Functions relating to licensing and registration

1.1 Any function relating to contaminated land.
1.2 The discharge of any function relating to the control of pollution or the management of air quality.
1.3 The service of an abatement notice in respect of a statutory nuisance.
1.4 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough.
1.5 The inspection of the authority’s area to detect any statutory nuisance
1.6 The investigation of any complaint as to the existence of a statutory nuisance.
1.7 Power to issue licences authorising the use of land as a caravan site ("site licences").
1.8 Power to license the use of moveable dwellings and camping sites.
1.9 Power to license hackney carriages and private hire vehicles.
1.10 Power to license drivers of hackney carriages and private hire vehicles.
1.11 Power to license operators of hackney carriages and private hire vehicles.
1.12 Power to issue entertainments licences.
1.13 Power to license sex shops and sex cinemas.
1.14 Power to license performances of hypnotism.
1.15 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.
1.16 Power to license pleasure boats and pleasure vessels.
1.17 Power to license market and street trading.
1.18 Duty to keep list of persons entitled to sell non-medicinal poisons.
1.19 Power to license dealers in game and the killing and selling of game.
1.20 Power of register and license premises for the preparation of food.
1.21 Power to license scrap yards
1.22 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
1.23 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.

1.24 Power to issue fire certificates.

1.25 Power to license premises for the breeding of dogs.

1.26 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.

1.27 Power to register animal trainers and exhibitors.

1.28 Power to license zoos.

1.29 Power to license dangerous wild animals.

1.30 Power to license knackers' yards.

1.31 Power to license the employment of children.

1.32 Power to approve premises for the solemnisation of marriages.

1.33 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:

   (i) an exchange of lands effected by an order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or
   (ii) an order under Section 147 of the Inclosure Act 1845.

1.34 Power to register variation of rights of common.

1.35 Power to license persons to collect for charitable and other causes.

1.36 Power to grant consent for the operation of a loudspeaker.

1.37 Power to license agencies for the supply of nurses.

1.38 Power to issue licences for the movement of pigs.

1.39 Power to license the sale of pigs.

1.40 Power to license collecting centres for the movement of pigs.

1.41 Power to issue a licence to move cattle from a market.

1.42 Power to sanction use of parts of buildings for storage of celluloid.

1.43 Power to approve meat product premises.

1.44 Power to approve premises for the production of minced meat or meat preparations.
1.45 Power to approve dairy establishments.

1.46 Power to approve egg product establishments.

1.47 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.

1.48 Power to approve fish products premises.

1.49 Power to approve dispatch or purification centres.

1.50 Power to register fishing vessels on board which shrimps or molluscs are cooked.

1.51 Power to approve factory vessels and fishery product establishments.

1.52 Power to register auction and wholesale markets.

1.53 Duty to keep register of food business premises.

1.54 Power to register food business premises.

1.55 Power to issue near beer licence.

1.56 Power to register premises or stalls for the sale of goods by way of competitive bidding.

1.57 Power to make closing orders with respect to take-away food shops.

2. Functions relating to health and safety at work

2.1 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.

3. Miscellaneous

3.1 Registration, licensing and regulatory functions under any local Act.

3.2 Power to make an order identifying a place as a designated public place for the purpose of police powers in relation to alcohol consumption.
Licensing Panels

1. On behalf of the Licensing Committee to deal with the following matters under the Licensing Act 2003 and the Gambling Act 2005, in the circumstances specified:

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<th>Licensing Panel to determine</th>
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<td>Application for premises licence/club premises certificate</td>
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<td>Application to review premises licence/club premises certificate</td>
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<td>Application for a premises licence</td>
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<td>All cases</td>
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Section 3: Overview and Scrutiny

Scrubutiny Leadership Board

1. To co-ordinate the work of the scrutiny function, ensuring no duplication or gaps across the three committees and ensuring each committee is undertaking an effective programme of in-depth work.
2. To ensure a learning approach to scrutiny is taken, sharing lessons across the three committees and seeking to continuously improve the function.
3. To lead on the design and provision of any necessary development and training for scrutiny members and review of key scrutiny policies and documents including the role descriptions related to scrutiny.
4. To ensure robust systems capturing the added value of scrutiny and impact of reviews.
5. To raise the profile of scrutiny both internally and externally.
6. To meet with Executive Members both individually and collectively (and where appropriate the Corporate Leadership Team) during the municipal year on an informal basis, to discuss respective work programmes and future developments.
7. To undertake specific scrutiny activities in the following areas:
   a. Oversight of key corporate cross-cutting strategies and plans, including the Council Plan and overarching performance against those strategies and plans.
   b. To assist in identification of value for money reviews to be carried out by scrutiny committees to inform the budget scrutiny process.
   c. Overarching role relating to monitoring key performance data of the Council.
   d. To instigate task and finish working on key financial or strategic scrutiny topic areas.
   e. To receive referrals for scrutiny work from the Audit Committee and develop the relationship between scrutiny and audit.

Scrubutiny Committees

1. To discharge the Council’s overview and scrutiny responsibilities as detailed in the Local Government Act 2000. In order to carry out the functions effectively, the Committees will:
   - Hold the Executive and Cabinet Members to account in terms of both decisions taken and proposed Key decisions published in the Forward Plan
   - Undertake policy development task and finish work and monitor the implementation and impact of new and existing policies
   - Make reports or recommendations to the Executive with respect to the discharge of any executive or non-executive function of the Council and other public bodies in the area
   - Scrutinise relevant service performance information to ensure that targets are met in order to improve outcomes in these specific areas
   - Monitor the implementation of accepted scrutiny recommendations
   - Ensure compliance with the approved Protocol on Overview and Scrutiny Committee / Cabinet member relations
   - Undertake a series of scrutiny review panels
   - Carry out value for money reviews in order to contribute to the Council’s budget setting process
2. To deal with any decisions that have been ‘called-in’ in line with the approved procedure, i.e. to recommend that a decision made, but not implemented be reconsidered by the body or person who made it, or be referred to full Council in accordance with the Council’s Overview and Scrutiny Procedure Rules.

3. To receive reports from the Local Government Ombudsman, when the Council is recommended to ensure the outcomes of decisions are presented to elected members.

**Specific functions for the Tourism, Economy and Communities Scrutiny Committee**

1. To scrutinise all functions and responsibilities of the Council except for Children’s Services, Adult Services and Public Health.

2. To undertake financial management monitoring of the services that fall under the remit of the Committee including holding relevant budget holders to account.

3. To monitor and comment on the Council’s treasury management strategy, medium term financial strategy and any other overarching financial strategies deemed appropriate.

4. To discharge the Council’s additional statutory responsibilities in terms of crime and disorder scrutiny (Sections 19 to 22 of the Police and Justice Act, 2006)

5. To discharge the Council’s additional statutory responsibilities in terms of flood risk (Chapter 2, 9FH of the Localism Act 2011)

**Specific functions for the Adult Social Care and Health Scrutiny Committee**

1. To scrutinise the functions and responsibilities of the Council relating to Adult Services and Public Health.

2. The scrutiny of local health services in accordance with the Health and Social Care Act 2001, S190 of the Health and Social Care Act 2012, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and any consequential regulations, directions or guidance issued by the Secretary of State and in particular:

   (i) To challenge local health services on their performance and improve health outcomes for residents of Blackpool.

   (ii) To review how and to what effect health policy is being implemented, and health improvement achieved, by the Council and local National Health Service bodies and to make reports and recommendations, as appropriate.

   (iii) To promote greater awareness of health issues within the borough and to engage the people of Blackpool in the health improvement agenda.

   (iv) To scrutinise any proposals for a substantial development or variation of health services within the authority’s area, or any substantive changes that affect National Health Service patients residing within the authority’s area.
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(v) To consider such other proposals as are referred to it by National Health Service bodies and the Council and to report back the result of its considerations to the referring body and others as appropriate.

(vi) To agree the appointment of and to appoint members to Joint Overview and Scrutiny Committees with other local authorities, as directed under the Health and Social Care Act 2001, to respond to consultation initiated by a National Health Service body, which is consulting more than one local authority on proposals for substantial development or variation in health services.

(vii) To engage with Healthwatch Blackpool, the Health and Wellbeing Board and community and voluntary groups as appropriate in order to ensure the views of the service user are reflected.

3. To undertake financial management monitoring of the Council services that fall under the remit of the Committee including holding relevant budget holders to account.

Specific functions for the Children and Young People’s Scrutiny Committee

1. To scrutinise the functions and responsibilities of the Council relating to Children’s Services.

2. To undertake financial management monitoring of the services that fall under the remit of the Committee including holding relevant budget holders to account.
Section 4: Audit Committee

Governance, risk and control

1. To review the Council’s corporate governance arrangements against the governance framework and consider annual governance reports and assurances.

2. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit’s opinion on the overall adequacy and effectiveness of the council’s framework of governance, risk management and control.

3. To consider the Council’s arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

4. To consider the Council’s framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

5. To monitor the effective development and operation of risk management in the Council.

6. To monitor progress in addressing risk-related issues reported to the Committee.

7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

9. To monitor the counter-fraud strategy, actions and resources.

10. To review and approve the risk management strategy.

Internal audit

11. To approve the internal audit charter.

12. To approve the risk-based internal audit plan, including internal audit’s resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

13. To receive updates on significant interim changes to the risk-based internal audit plan and resource requirements.

14. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

15. To consider reports from the head of internal audit on internal audit’s performance during the year, including the performance of external providers of internal audit services. These will include:
RESPONSIBILITY FOR FUNCTIONS

a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.

b) Regular reports on the results of the Quality Assurance and Improvement Programme.

c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

16. To consider the head of internal audit’s annual report:

   a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.

   b) The opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.

17. To consider summaries of specific internal audit reports as requested.

18. To 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 authority or there are concerns about progress with the implementation of agreed actions.

19. To contribute to the 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.

20. To 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.

21. To support the development of effective communication with the head of internal audit.

External audit

22. To consider the external auditor’s annual letter, relevant reports, and the report to those charged with governance.

23. To consider the external auditor’s audit plan and subsequent reports as agreed with the external auditor.

24. To comment on the scope and depth of external audit work and to ensure it gives value for money including the fees charged.

25. To commission work from internal and external audit.

26. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.
Financial reporting

27. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

28. To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

29. Duty to approve the authority’s statement of accounts, income and expenditure and balance sheets.

Accountability arrangements

30. To report to those charged with governance on the Committee’s findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

31. To report to full Council on a regular basis on the Committee’s performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
Section 5: Standards Committee

1. To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Council.

2. To monitor and advise the Council about the adoption, revision and operation of its Code of Conduct in the light of best practice and any changes in the law.

3. To keep under review the arrangements for dealing with allegations that a member of the Council or a member of a town or parish council within the Council’s district has failed to comply with the relevant Code of Conduct.

4. To determine whether a member for the Council or a member of a town or parish council within its district has failed to comply with the relevant Code of Conduct.

5. Where it finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take.

6. To assist the Council with the appointment of an Independent Person as required by the Localism Act 2011.

7. To determine any request for a dispensation under Section 33 of the Localism Act 2011.

8. To advise the Council on, and review as necessary, any local Protocols regulating the conduct of Members and to deal with allegations of breach of any such Protocol.

9. To consider reports referred by the Monitoring Officer.

10. To monitor and review as necessary the operation of the Council’s Whistleblowing Policy.

11. To respond on behalf of the Council to national reviews and consultations on standards related issues.

12. To consider and make recommendations to the Council on any other matter that may be referred to the Standards Committee relating to the conduct of Members within the Authority.

[The Standards Committee may establish sub-committees from its full membership to deal with any of its functions].
Section 6: Health and Wellbeing Board

1. To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).

2. To encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.

3. To encourage close working between commissioners of health related services and the Board itself.

4. To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
Section 7: Executive

1. The Leader has made the arrangements described in this section for the discharge of those functions of the authority, which are the responsibility of the Executive (‘executive functions’).

2. The Council has decided that the following ‘local choice’ functions shall be the responsibility of the Executive:

   (i) All functions under any local Act except those relating to registration, licensing and regulatory functions.

   (ii) The appointment of review boards under regulations under sub-section (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998.

   (iii) The making of arrangements pursuant to Sub-Section (1) of Section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils).

   (iv) The making of arrangements pursuant to Section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).

   (v) The making of arrangements pursuant to Section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom Section 87 applies: appeals by governing bodies).

   (vi) The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under Section 3) to the Police Act 1996.

   (vii) The obtaining of information under Section 330 of the Town and Country Planning Act 1990, as to interests in land insofar as it relates to functions preliminary to the exercise of powers to make compulsory purchase orders.


   (ix) The making of agreements for the execution of highways works.

   (x) The appointment of any individual:

       (a) to any office other than an office in which he is employed by the authority

       (b) to any body other than

           • the authority

           • a Joint Committee of two or more authorities

       (c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment

   (xi) Any function of the authority in their capacity as a harbour authority.
3. The Executive may discharge any Executive function.

4. Without prejudice to the generality of the foregoing, the Executive may:

   (i) Formulate or prepare, for approval or adoption by the Council, a plan or strategy which is or may become part of the authority’s policy framework (including any plan or strategy for the control of the authority’s borrowing or capital expenditure).

   (ii) Amend, modify, vary or revoke any plan or strategy forming part of the authority’s policy framework, to the extent that the making of the amendment, modification, variation or revocation:
      (a) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted
      (b) is authorised by a determination made by the authority when approving or adopting the plan or strategy.

   (iii) In relation to the authority’s budget
      (a) prepare the budget for consideration by the authority
      (b) reconsider the budget in accordance with the authority’s requirements
      (c) submit for the authority’s consideration any appropriate revision of the budget.

   (iv) Consult with or seek the advice of committees or members of the authority or other authorities, bodies, agencies or persons as the Executive thinks fit.

   (v) Make recommendations to the Council in relation to any of the authority’s functions or responsibilities.

5. The Leader or, in respect of his/her areas of responsibility, a Cabinet Member may arrange for an executive function to be discharged by an officer.
Executive Members

Individual Executive Members appointed to the positions or holding the cabinet member responsibilities mentioned below may discharge any Executive function falling within or to any extent touching upon the areas of responsibility described, subject to the limitations identified.

In circumstances where a Cabinet Member is absent or otherwise unable to act or the position is vacant, the Leader may arrange for Executive functions in respect of the relevant areas of responsibility to be discharged, in whole or in part, by one or more other Cabinet Members (including the Deputy Leader and Cabinet Secretary).

Leader of the Council - Councillor Simon Blackburn

The Leader will provide Executive Leadership to the Council on all matters and particularly all major strategic, corporate cross-cutting, financial reputational and commercially sensitive issues.

The Leader will be the ‘Lead Member’ for Adult Social Care.

The Leader may without prejudice discharge any executive function and has a particular responsibility for the following functional areas:

<table>
<thead>
<tr>
<th>Functional areas</th>
<th>Functional areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Public communications</td>
<td>• Customer First</td>
</tr>
<tr>
<td>• Strategy development and research</td>
<td>• Audit</td>
</tr>
<tr>
<td>• Human Resources</td>
<td>• Legal and governance services</td>
</tr>
<tr>
<td>• Financial management</td>
<td>• Commissioned services for adults</td>
</tr>
<tr>
<td>• Relationships with Blackpool Airport companies</td>
<td>• Council’s representative on the Local Enterprise Partnership</td>
</tr>
<tr>
<td>• Lancashire Combined Authority</td>
<td>• Adult social care assessment and support</td>
</tr>
<tr>
<td>• Regulated care sector/ inspection/ quality monitoring</td>
<td>• Provider market development</td>
</tr>
<tr>
<td>• Adult respite, day services, Care at Home, supported living and residential services</td>
<td>• Adult provider services</td>
</tr>
<tr>
<td>• Reablement and intermediate care</td>
<td>• Adult mental health, learning disability, frail older people and physical disability services</td>
</tr>
<tr>
<td>• Adult safeguarding</td>
<td>• Health and Wellbeing Strategy</td>
</tr>
<tr>
<td>• Health integration including funding and services delivery</td>
<td>• Public Health – commissioning of public health services</td>
</tr>
<tr>
<td>• Joint Strategic Needs Assessment</td>
<td>• Affordable warmth</td>
</tr>
<tr>
<td>• Mental health and wellbeing</td>
<td>• Drug and alcohol harm reduction</td>
</tr>
<tr>
<td>• Local Authority Declaration on Healthy Weight</td>
<td>• Sexual health and blood bourne virus prevention</td>
</tr>
</tbody>
</table>
Leader of the Council - Councillor Simon Blackburn

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<table>
<thead>
<tr>
<th>Tobacco harm reduction</th>
<th>Hospital discharge and prevention of admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>NHS Health Checks</td>
<td>Council’s representation on Learning Disability Partnership Board</td>
</tr>
</tbody>
</table>

Cabinet Member for Projects and Partnerships – Councillor Ivan Taylor

<table>
<thead>
<tr>
<th>Functional areas:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Large projects</td>
</tr>
<tr>
<td>• Delivery Unit progress</td>
</tr>
<tr>
<td>• Relationship with Police and Crime Commissioner</td>
</tr>
<tr>
<td>• Partnerships</td>
</tr>
<tr>
<td>• Council Efficiency Programme</td>
</tr>
<tr>
<td>• Shareholder’s Advisory Board</td>
</tr>
</tbody>
</table>

Cabinet Assistant for Leader – Councillor Jo Farrell

The Cabinet Assistant while not a member of the Executive and without decision making powers will assist the Leader and the Cabinet Member above by undertaking research, communicating with stakeholders and helping to develop policy.
Deputy Leader of the Council (Tourism and Place) - Councillor Gillian Campbell

In the absence of the Leader, the Deputy Leader may without prejudice discharge any executive function.

The Deputy Leader (Tourism and Place) may also without prejudice discharge any executive function within the ‘Place’ portfolio which covers the following Cabinet Member areas:

- Housing and welfare reform
- Environmental, transport and climate change
- Business, enterprise and job creation
- Community cohesion and leisure

and also provides strategic leadership with overall responsibility for strategy, policy and plan development, in these cabinet member areas.

A Cabinet Assistant (Councillor Kim Critchley) has been appointed under para 6.1 of article 7 of the Constitution to assist the Deputy Leader (Tourism and Place).

The Deputy Leader has direct responsibility for the following functional areas (Tourism, Economic Growth and Jobs):

<table>
<thead>
<tr>
<th>Functional areas:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism and marketing services</td>
</tr>
<tr>
<td>Illuminations</td>
</tr>
<tr>
<td>Highways and transportation policy</td>
</tr>
<tr>
<td>Blackpool Museum Project</td>
</tr>
<tr>
<td>Contracts, policy and purchasing</td>
</tr>
<tr>
<td>“BSafe” – Blackpool Community Safety Partnership and its plan</td>
</tr>
<tr>
<td>Relationships with Blackpool Entertainment Company Limited (Winter Gardens) and other leisure assets (Merlin) Blackpool Tower complex and associated buildings</td>
</tr>
<tr>
<td>Relationships with Blackpool Transport Services Limited</td>
</tr>
</tbody>
</table>
### Cabinet Member for Housing and Welfare Reform – Councillor Neal Brookes

**Functional Areas:**

<table>
<thead>
<tr>
<th>Development of affordable housing</th>
<th>Supported housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Homes Strategy</td>
<td>Homelessness</td>
</tr>
<tr>
<td>Private Sector Housing Licensing/Selective Licensing</td>
<td>Housing Options</td>
</tr>
<tr>
<td>Homes in Multiple Occupation (HMO’s)</td>
<td>Housing Related Support</td>
</tr>
<tr>
<td>Decent Homes</td>
<td>Relationships with Housing Agency and Residents Associations</td>
</tr>
<tr>
<td>Housing adaptations</td>
<td>Relationship with Blackpool Coastal Housing Ltd</td>
</tr>
<tr>
<td>Transience</td>
<td>Relationship with the Blackpool Housing Company Ltd</td>
</tr>
<tr>
<td>Housing Enforcement</td>
<td>Direct Payments, personal health budgets and Brokerage</td>
</tr>
<tr>
<td>Council Tax Reduction Scheme</td>
<td>Relationship with Department for Work and Pensions and Job Centre Plus</td>
</tr>
</tbody>
</table>

### Cabinet Member for Environment, Transport and Climate Change - Councillor Fred Jackson

**Functional areas:**

<table>
<thead>
<tr>
<th>Working to reduce the Council and partners’ footprint</th>
<th>Mitigating the impact of climate change on Blackpool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy and environment</td>
<td>Reducing single use plastics</td>
</tr>
<tr>
<td>Flood and water management</td>
<td>Coastal defence schemes</td>
</tr>
<tr>
<td>Sea water quality</td>
<td>Fylde Peninsula Water Management Partnership</td>
</tr>
<tr>
<td>Street lighting PFI including street lighting, traffic signals and illuminated bollards and signs</td>
<td>Highways and traffic management including highways maintenance, residents’ parking, network management, capital schemes, bus stops and highways inspection arrangements</td>
</tr>
<tr>
<td>Integrated Transports Services and Central Vehicle Maintenance Unit (CVMU) including adults, children and Rideability Community Transport Services and school crossing patrol</td>
<td>Street cleansing including Local Environmental Action Team and pest control.</td>
</tr>
<tr>
<td>Relationship with Blackpool Waste Company Limited</td>
<td></td>
</tr>
</tbody>
</table>
### Cabinet Member for Business, Enterprise and Job Creation – Councillor Mark Smith

**Functional areas:**

<table>
<thead>
<tr>
<th>Economic development including growth and prosperity</th>
<th>Enterprise Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regeneration opportunities</td>
<td>Getting People into Work including Positive Steps, Youth Employment and Education and Business Growth Prosperity</td>
</tr>
<tr>
<td>Business Improvement District (BID)</td>
<td>Planning and land use</td>
</tr>
<tr>
<td>Parking services</td>
<td>Building Services</td>
</tr>
<tr>
<td>Asset management/ Council owned properties</td>
<td></td>
</tr>
</tbody>
</table>

### Cabinet Member for Community Cohesion and Leisure - Councillor Maria Kirkland

**Functional areas:**

<table>
<thead>
<tr>
<th>Parks and green environment including Stanley Park, Marton Mere Nature Reserve and ecological areas and grounds maintenance</th>
<th>Support and promotion for Friends of Parks’ Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leisure services including leisure management, PE and schools’ sports and outdoor pursuits</td>
<td>Community engagement and consultation</td>
</tr>
<tr>
<td>Asset based community development</td>
<td>Fairness Commission</td>
</tr>
<tr>
<td>Promoting use of volunteers</td>
<td>Equality and diversity</td>
</tr>
<tr>
<td>Registrars and Coroner’s support</td>
<td>Cemetery and crematorium</td>
</tr>
</tbody>
</table>

### Cabinet Assistant for Deputy Leader (Tourism and Place) – Councillor Kim Critchley

The Cabinet Assistant while not a member of the Executive and without decision making powers will assist the Deputy Leader (Tourism and Place) and the Cabinet Members above by undertaking research, communicating with stakeholders, helping to develop policy and where appropriate attending partnership meetings in the following areas:

**Functional areas:**

<table>
<thead>
<tr>
<th>Arts</th>
<th>Grundy Art Gallery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture</td>
<td>Heritage</td>
</tr>
<tr>
<td>Libraries</td>
<td></td>
</tr>
</tbody>
</table>
Deputy Leader (Children) – Councillor Lynn Williams - also the Statutory Lead Member for Children’s Services under the Children’s Act 2004.

The Deputy Leader (Children) may without prejudice discharge any executive function within the ‘Children’ portfolio which covers the following Cabinet Member areas:

- Schools, education and aspiration

The Deputy Leader (Children) also provides strategic leadership with overall responsibility for strategy, policy and plan development in these cabinet member areas and has direct responsibility for the following functional areas:

### Functional areas:

<table>
<thead>
<tr>
<th>Children's social care and targeted intervention services to include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Access to services</td>
</tr>
<tr>
<td>- Children in Need/child protection</td>
</tr>
<tr>
<td>- In care - Corporate Parenting Strategy</td>
</tr>
<tr>
<td>- Fostering/adoption placements</td>
</tr>
<tr>
<td>- Combatting exploitation</td>
</tr>
<tr>
<td>- Care leavers</td>
</tr>
<tr>
<td>- Youth Offending Team (YOT)</td>
</tr>
<tr>
<td>- Early help</td>
</tr>
<tr>
<td>- Children’s homes</td>
</tr>
</tbody>
</table>

### Deputy Leader (Children) – Councillor Lynn Williams

- **Children’s commissioning**
- **Children’s Inspectorate Framework (Social care and youth offending)**
- **‘Getting to Good’ partnerships – Youth Offending Team and children’s social care**
- **Health and social care integration including Better Care Fund**

### Cabinet Member for Schools, Education and Aspiration – Councillor Kathryn Benson

#### Functional areas:

<table>
<thead>
<tr>
<th>Inclusion</th>
<th><strong>Blackpool School Improvement Board</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Children’s Inspectorate framework (Schools)</strong></td>
<td><strong>Outdoor learning</strong></td>
</tr>
<tr>
<td><strong>School place planning, organisation and buildings</strong></td>
<td><strong>Education diversity and support units/service eg Pupil Referral Units</strong></td>
</tr>
<tr>
<td><strong>Council’s representative on Schools Forum</strong></td>
<td><strong>Adult, community and family learning</strong></td>
</tr>
<tr>
<td><strong>Children with Educational Needs and Disabilities (SEND)</strong></td>
<td><strong>SEND inspectorate framework</strong></td>
</tr>
<tr>
<td><strong>Early years</strong></td>
<td><strong>Council’s representative on the Better Start Board</strong></td>
</tr>
</tbody>
</table>
### Cabinet Member for Schools, Education and Aspiration – Councillor Kathryn Benson

**Functional areas:**

- Children and young people - health visiting, Family Nurse Partnership, school nursing and Personal Social and Health Education (PHSE)
- Duke of Edinburgh’s Award

### Cabinet Assistant for Deputy Leader (Children) – Councillor Paula Burdess

The Cabinet Assistant while not a member of the Executive and without decision making powers will assist the Deputy Leader (Children) and the Cabinet Member above by undertaking research, communicating with stakeholders, helping to develop policy and where appropriate attending partnership meetings in the following areas:

**Functional areas:**

- Family Hub Board
- Representative on Corporate Parent Panel
- Virtual Schools Governing Board
- Opportunity Area Board
- Standing Advisory Committee for Religious Education (SACRE)
Section 8: Shareholder’s Advisory Board

1. To hold regular meetings with nominated Company representatives in relation to the strategic performance of each Company, in particular the business plan objectives and long term development and in doing so to provide feedback to the shareholder (as appropriate) and to each company on behalf of the shareholder.

2. To advise in relation to any reserved matters for the shareholder, as stated in relevant governance documents or as notified by the shareholder.

3. To hold the company to account to ensure that the interests and responsibilities of the Council as the sole shareholder of the company are exercised in accordance with the shareholder’s wishes.

4. To seek assurance from each company on behalf of the shareholder, that there are appropriate controls in place for good governance and risk management matters.

5. To review and monitor (as appropriate) Shareholder/ Management Agreements and Articles of Associations, in particular where there are areas of concern.
Section 9: Officers

1. Executive functions (only)

1.1 Subject as otherwise expressly provided, Officers may discharge any executive function falling within or to any extent touching upon their areas of responsibility.

2. Non-executive functions (only)

2.1. Save as otherwise expressly provided, officers may discharge any function of a Regulatory Committee falling within or to any extent touching upon their areas of responsibility.

Licensing functions

2.2. Save as otherwise expressly provided, in relation to a function delegated to the Licensing Committee, a Licensing Panel or the Public Protection Sub Committee, an officer may not refuse an application for any approval, consent, licence permission or registration.

2.3. The Director of Community and Environmental Services is authorised to deal with the following matters under the Licensing Act 2003 and the Gambling Act 2005, on behalf of the Licensing Committee, in the circumstances specified:

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Officer Delegation to the Director of Community and Environmental Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence and application for personal licence with relevant unspent convictions</td>
<td>If no police representation is made</td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If no police representation is made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If no police representation is made</td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If no police representation is made</td>
</tr>
<tr>
<td>Application to vary designated personal licence holder</td>
<td>All cases except where a police representation is made</td>
</tr>
<tr>
<td>Request to be removed as designated personal licence holder</td>
<td>All cases</td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>All cases except where a police representation is made</td>
</tr>
<tr>
<td>Applications for interim authorities</td>
<td>All cases except where a police representation is made</td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant, frivolous, vexatious, etc</td>
<td>All cases</td>
</tr>
<tr>
<td>Application for a minor variation submitted under the Legislative Reform (Minor variations to Premises Licences and Club Premises Certificates) Order 2009</td>
<td>All cases</td>
</tr>
</tbody>
</table>
Matter to be dealt with | Officer Delegation to the Director of Community and Environmental Services
---|---
The power to revoke licences and permits for the non-payment of annual fees under Section 193 Gambling Act 2005 | All cases

2.4. The Director of Community and Environmental Services is authorised to consider whether to object when the Council is a consultee and not the lead authority.

Planning functions

2.5. An officer may not in relation to a function delegated to the Planning Committee refuse planning permission pursuant to a major category application. A ‘major category application’ means an application for planning permission under Section 70 of the Town and Country Planning Act 1990 for:
   (i) the winning and working of minerals or the use of land for mineral working deposits or
   (ii) all waste developments, meaning any development designed to be used wholly or mainly for the purpose of treating, storing, processing or disposing of refuse or waste materials or
   (iii) the provision of dwelling houses where:
      (a) the number to be provided is ten or more or
      (b) the development site area is 0.5 hectare or more and it is not known whether the development falls within category I: (i) or
   (iv) the provision of a building or buildings where the floor space to be created by the development is 1,000 sq m or more or
   (v) development of a site having an area of one hectare or more.

2.6. Where an application is proposed to be granted or rejected by the Head of Development Management under delegated powers, the relevant ward councillor can request that the application be referred to the Planning Committee for further consideration.

   This is subject to the following:
   • The request must be submitted in writing to the Head of Development Management
   • The request must be received no later than ten clear working days from the validation of the application and its publication on the Council’s website.
   • The request should specify one or more reasons why he or she believes the application should be considered by the Planning Committee, this should normally highlight issues raised by their local residents. The ward councillor would normally be expected to make representations to this effect to the Committee
   • The application itself should not be one submitted by the ward councillor nor should the councillor have a Disclosable Pecuniary Interest or an interest in the matter which in accordance with the Code of Conduct for Members, requires them to withdraw from the meeting.

   This scheme applies only to original planning applications and not to re-submitted applications where no substantial change has been made to the original application.
2.7. Officers may exercise the authority’s powers under Section 92 of the Local Government Act 2000 (payments in cases of maladministration).

3. For both executive and non-executive functions

3.1 Officers may institute, defend, appear in or otherwise conduct legal proceedings only in accordance with arrangements agreed by the Head of Legal.

3.2 Without prejudice to the generality of other provisions of this Constitution, the Head of Legal may:

(i) institute, defend, appear in or otherwise conduct any legal proceedings on behalf of the authority including the exercise of the authority’s powers under Section 222 of the Local Government Act 1972 (power of local authorities to prosecute or defend legal proceedings)

(ii) settle or otherwise compromise any legal proceedings involving the authority or any claim or other matter which might give rise to such proceedings

(ii) take such measures as he/she considers appropriate

(a) in connection with the issue, enforcement, making or registration of any notice, charge, prohibition or requirement, by or in relation to the authority, or

(b) for the protection or promotion of the authority’s interests.

4. Proper Officer appointments

This section constitutes the formal appointment of Officers for the stated purposes.

4.1 CHIEF EXECUTIVE

Local Government Act 1972

S89 (1)(b) The officer to receive notice of casual vacancies from two local government electors.

Representation of the People Act 1983

S.8 The Registration Officer of any constituency coterminous with or contained in the Borough.

S.35 The Returning Officer at elections of Councillors in the Borough
4.2 **DIRECTOR OF PLACE**

Local Government Act 1972

S.191 The Officer responsible for functions in respect of Ordnance Survey

4.3 **DIRECTOR OF GOVERNANCE AND PARTNERSHIPS**

Local Government Act 1972

S83(1) (2) and (3) The Officer to whom a person elected to the office of Chairman, Vice-Chairman or Councillor of the Council shall deliver a declaration of Office in a form prescribed by rules made under Section 42 of the Act.

S.84 The Officer to whom a person elected to any office under the Act may give written notice of resignation.

S.88(2) The Officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.

S89(1)(b) Designated deputy for the purpose of receiving notice of casual vacancies from two local government electors.

S.96(1) The Officer to whom a member of the Council shall give notice to the effect that he/she or his/her spouse is a member or in the employment of a specified company or other body, or that he/she or his/her spouse is a partner or in the employment of a specified person, or that he/she or his/she spouse is the tenant of any premises owned by the Council

S.96(2) The Officer who shall record particulars of any disclosure made under Section 94 and of any Notice given under Section 96(1) of the Act.

S.100B (2) The Officer to exclude from inspection reports relating to items during which, in his opinion, the meeting is likely not to be open to the public.

S.100B (7) The Officer to supply for the benefit of any newspaper, if he/she thinks fit, any additional documents supplied to members of the Council in connection with an agenda item.

S.100C (2) The Officer to make a written summary of the proceedings where the exclusion from inspection of minutes which disclose exempt information makes such a summary necessary so as to provide the public with a reasonably fair and coherent record of the proceedings.

S.100D (1)(a) The Officer to compile a list of the background papers for any report open to inspection by members of the public.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.100F (2)</td>
<td>The Officer to determine that a document does not require to be open to inspection by Members of the Council, where it appears to him/her to disclose exempt information of a description falling within any of paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to the Act.</td>
</tr>
<tr>
<td>S.225 (1)</td>
<td>The Officer with whom documents shall be deposited.</td>
</tr>
<tr>
<td>S.248</td>
<td>The Officer who shall act in relation to the roll of freemen.</td>
</tr>
<tr>
<td>Schedule 12, Part I, para. 4(2)(b)</td>
<td>The Officer who shall sign a summons to attend a Council meeting</td>
</tr>
<tr>
<td>Schedule 12, Part I, para. 4(3)</td>
<td>The Officer to whom a member of the Council shall give a notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.</td>
</tr>
<tr>
<td>S.229(5)</td>
<td>The Officer who shall certify photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document</td>
</tr>
<tr>
<td>S.234</td>
<td>The Officer who may authenticate documents on behalf of the Council</td>
</tr>
<tr>
<td>S.238</td>
<td>The Officer who shall certify a printed copy of a byelaw of the Council</td>
</tr>
<tr>
<td>Schedule 14, Part II, para. 25(7)</td>
<td>The Officer who shall certify a resolution of the Council under this paragraph</td>
</tr>
</tbody>
</table>

**Local Government and Housing Act 1989**

| S.19 | The Officer to whom a Member of the Council shall give notice setting out such information about the Members personal and prejudicial interests as may be prescribed by regulations |

**Local Government Act 2000**

The Officer responsible for the Proper Officer requirements under the Local Government Act 2000.

**Representation of the People Act 1983**

| S8 | Designated deputy Registration Officer of any constituency coterminous with or contained in the Borough. |
S35 Designated deputy Returning Officer at elections of Councillors in the Borough.

4.4 DIRECTOR OF RESOURCES

Local Government Act 1972

S.115(2) The Officer who shall receive all money due from every officer employed by the Council.

S.146(1) The Officer responsible in relation to transfers of securities on alteration of areas etc.

S.151 The Officer responsible for the administration of the financial affairs of the Council.

Local Authority (Stocks and Bonds) Regulations 1974

The Registrar in accordance with paragraph 1 of the Local Authority (Stocks and Bonds) Regulations 1974; the Registrar to be authorized to introduce and administer the Council’s local bonds scheme and to determine the terms of issue (including the amounts, the period and the rate of interest) at the time of issue of the bonds upon which the life of any existing bonds might be extended.

Accounts and Audit Regulations 1996

The Officer responsible in respect of the discharge of the responsibility of the Council as the relevant body under the Accounts and Audit Regulations 1996 for the maintenance of an adequate and effective system of internal audit.

Council Tax (Administration and Enforcement) Regulations 1992

The Officer responsible for the service of Attachment of Earning Orders in respect of Council Tax under Regulation 7 of the Council Tax (Administration and Enforcement) Regulations 1992.

4.5 CHIEF ACCOUNTANT

Deputy Proper Officer of those Proper Officer responsibilities assigned to the Director of Resources.

4.6 HEAD OF DEMOCRATIC GOVERNANCE

Deputy Proper Officer for the purposes of those Proper Officer responsibilities assigned to the Director of Governance and Partnerships.
4.7 HEAD OF LEGAL

Local Government Act 1972

S.210(6) and (7)  The Officer who shall act in relation to Charities

Schedule 16, para 28  The Officer who shall receive on deposit lists of protected buildings under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990

4.8 DEPUTY HEAD OF LEGAL

Deputy Proper Officer for the purposes of those Proper Officer responsibilities assigned to the Head of Legal.

4.9 HEAD OF BEREAVEMENT AND REGISTRATION SERVICES

Registration Service Act 1953

The Officer responsible for the Registration of Births, Deaths and Marriages.

4.10 SCRUTINY MANAGER

The Local Democracy, Economic Development and Construction Act 2009

Section 31  Statutory Scrutiny Officer with responsibility:

(i) To promote the role of the authority’s overview and scrutiny committee or committees

(ii) To provide support to the authority’s overview and scrutiny committee or committees and the members of that committee or those committees

(iii) To provide support and guidance to:

• members of the authority
• members of the executive of the authority and
• officers of the authority

in relation to the functions of the authority’s overview and scrutiny committee or committees.

The Officer responsible for the Council’s Petitions Scheme.
4.11 CONSULTANTS IN COMMUNICABLE DISEASE CONTROL

The Council has appointed and authorised the following persons as Proper Officers, for the purposes listed below:

♦ Kate Brierley
♦ John Astbury
♦ Kenneth Lamden
♦ Nicola Schinaia
♦ Grainne Nixon
♦ Mark McGivern

Public Health Act 1936

Section 84 The cleansing or destruction of filthy or verminous articles
Section 85 To report to the local authority that a person is verminous and to authorise cleansing

Public Health Act 1961

Section 37 To disinfest, destroy or remove verminous articles for sale from any premises

Public Health (Control of Disease) Act 1984

Section 11 Being told about cases of notifiable disease or food poisoning
Section 18 Getting information about cases of notifiable disease or food poisoning
Section 20 Stopping of work to prevent disease spreading
Section 21 Excluding children from school if they are likely to carry a notifiable disease
Section 22 Asking for the names and addresses of pupils at a school or department of a school
Section 35 and 36 Issuing certificates to get an order to examine people believed to be carrying notifiable diseases
Section 37 Removal to hospital of a person with notifiable disease
Section 38 Detention in hospital of a person with notifiable disease
Section 40 Getting a warrant to examine residents of a common lodging house
Section 42 Certifying a common lodging house to be free from infection
RESPONSIBILITY FOR FUNCTIONS

Section 43  Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated

Section 48  Certifying that it would be a health risk to keep a body in a building

Section 59  Authorising documents under this Act on behalf of the authority

Section 61-62  Power to enter premises

Health Protection (Notification) Regulations 2010

Sections 2, 3 and 6  Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.

For the purposes of the Public Health (Control of Disease Act 1984 and Regulations made there under, to issue notices on behalf of the Council under Regulation 9 and Schedule 3 and Schedule 4 of the Public Health (Infectious Disease) Regulations 1988.

For the purposes of the Milk and Dairies (General) Regulations 1959 including the issuing of notices on behalf of the Council as provided by Part VII of those Regulations; and to make applications under Section 47 of the National Assistance Act 1948.

4.12  PORT MEDICAL OFFICERS

The Council has appointed and authorised the following persons as Proper Officers (Port Medical Officers) under the Public Health (Ships) Regulations 1979 and/or Public Health (Aircraft) Regulations 1979 as amended

- Dr John Astbury
- Dr Nicola Schinaia
- Dr Anjila Shah
- Dr Caroline Rumble
- Dr Evdokia Dardamissis
- Dr Joanna Cartwright
- Dr Kristina Poole
- Dr Matthieu Pegorie
- Dr Merav Kliner
- Dr Richard Jarvis
- Dr Rosemary McCann
- Dr Samuel Ghebrehewet
- Dr William Welfare

4.13  GENERALLY

Local Government Act 1972

S100D  In relation to any report prepared in his/her name and in relation to any report prepared in joint names and to which he/she has made a contribution, an officer is duly appointed Proper Officer for the purposes of identifying the
background papers which disclose any facts or matters on which, in his/her opinion, the report or an important part of the report open to inspection by members of the public is based or which have, in his opinion, been relied on to a material extent in preparing the report.