



**Wyre Borough Council**  
**Date of Publication: 20 October 2021**  
**Please ask for : Peter Foulsham**  
**Democratic Services and Scrutiny**  
**Manager**  
**Tel: 01253 887606**

Dear Councillor,

You are hereby summoned to attend a meeting of Wyre Borough Council to be held at the Civic Centre, Breck Road, Poulton-le-Fylde on **Thursday, 28 October 2021** commencing at 7.00 pm.

Yours sincerely,

A handwritten signature in black ink that reads 'Garry Payne'.

**Garry Payne**  
**Chief Executive**

The Mayor will invite Councillor Jonny Leech to say prayers.

**COUNCIL AGENDA**

1. **Apologies for absence**
2. **Confirmation of minutes** (Pages 5 - 10)  
  
To approve as a correct record the Minutes of the meeting of the Council held on 16 September 2021.
3. **Declarations of Interest**  
  
To receive any declarations of interest from any Member on any item on this agenda.
4. **Announcements**  
  
To receive any announcements from the Mayor, Leader of the Council, Deputy Leader of the Council, Members of the Cabinet, a Chairman of a Committee or the Chief Executive.
5. **Public questions or statements**

To receive any questions or statements from members of the public under Procedure Rule 9.1.

**6. Questions "On Notice" from councillors** (Pages 11 - 12)

To receive any questions from Members of the Council to the Mayor, a member of the Cabinet or the Chairman of a Committee under Council Procedure Rule 12.1

One question has been received from Councillor Fail.

**7. Executive reports**

To receive reports from Cabinet Members. (In accordance with Procedure Rule 11.3 Councillors will be able to ask questions or make comments).

(a) Leader of the Council (Councillor Henderson) (Pages 13 - 14)

(b) Resources Portfolio Holder (Councillor Michael Vincent) (Pages 15 - 16)

(c) Street Scene, Parks and Open Spaces Portfolio Holder (Councillor Bridge) (Pages 17 - 18)

(d) Planning Policy and Economic Development Portfolio Holder (Councillor Collinson) (Pages 19 - 20)

(e) Neighbourhood Services and Community Safety Portfolio Holder (Councillor Berry) (Pages 21 - 24)

(f) Leisure, Health and Community Engagement Portfolio Holder (Councillor Bowen) (Pages 25 - 28)

**8. Mid-year Treasury Management report** (Pages 29 - 40)

Report of Councillor Michael Vincent, Resources Portfolio Holder and Clare James, Corporate Director Resources.

**9. Localised Council Tax Support** (Pages 41 - 46)

Report of Councillor Michael Vincent, Resources Portfolio Holder and Clare James, Corporate Director Resources.

**10. Public Sector Audit Appointments (PSAA) report** (Pages 47 - 60)

Report of Councillor Michael Vincent, Resources Portfolio Holder and Clare James, Corporate Director Resources.

**11. Calendar of Meetings 2022/23** (Pages 61 - 70)

Report of Councillor David Henderson, Leader of the Council

and Garry Payne, Chief Executive.

- 12. Constitution amendments** (Pages 71 - 184)  
Report of Councillor David Henderson, Leader of the Council and Garry Payne, Chief Executive.
- 13. Independent Remuneration Panel membership** (Pages 185 - 188)  
Report of Councillor David Henderson, Leader of the Council and Clare James, Corporate Director Resources.
- 14. Periodic report - Licensing Committee** (Pages 189 - 196)  
Report of Councillor Julie Robinson, Chairman of the Licensing Committee.
- 15. Periodic report - Armed Forces Champion** (Pages 197 - 200)  
Report of Councillor Peter Le Marinel.
- 16. Notices of Motion**  
None.

If you have any enquiries on this agenda, please contact Peter Foulsham, tel: 01253 887606, email: [peter.foulsham@wyre.gov.uk](mailto:peter.foulsham@wyre.gov.uk)

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## Council Minutes

The minutes of the Council meeting of Wyre Borough Council held on Thursday, 16 September 2021 in the Council Chamber, Civic Centre, Poulton-le-Fylde.

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### **Council members present:**

Councillors Kay, Ballard, A Turner, Berry, Bowen, Bridge, Catterall, Collinson, Cropper, E Ellison, Fail, George, Henderson, Holden, Leech, McKay, O'Neill, Raynor, Smith, A Vincent, Matthew Vincent, M Vincent and Webster

### **Apologies for absence:**

None.

NOTE – due to ongoing restrictions on indoor gatherings being imposed as a result of the COVID-19 pandemic, the capacity of the Council Chamber was currently limited. As a result, a number of councillors had been unable to attend the meeting, for which they would not be penalised.

### **Other councillors present:**

Councillor Swales.

### **Officers present:**

Garry Payne, Chief Executive  
Peter Foulsham, Democratic Services and Scrutiny Manager  
Duncan Jowitt, Democratic Services Officer  
Amy Collier, Apprentice

Two members of the public attended the meeting.

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## **18 Confirmation of minutes**

The minutes of the meeting of 8 July were approved subject to the following amendments:

- (i) Councillor Stirzaker was present at the meeting.
- (ii) Minute 12  
The words, "Cllr Collinson responded to questions from Cllr D Atkins and Longton" to be replaced with "Cllr Collinson responded to questions from Cllr Stirzaker, Cllr Lady Atkins and Cllr Longton".

(iii) Minute 14

The following text be added after the sentence: "An amendment was proposed by Cllr Fail and seconded by Cllr Stirzaker":

"Wyre will align with the government's new climate change commitments, bringing the net-zero emissions targets for the council operations and the wider borough forward, from 100% by 2050 to 100% by 2035".

The amendments, proposed by Cllr Henderson, seconded by Cllr Michael Vincent, were approved by 10 votes to 0, with no abstentions.

**19        Declarations of Interest**

None.

**20        Announcements**

The Leader announced that he attended the 'Make a Difference' awards in Blackpool on Saturday 11 September. Fleetwood Together had been nominated for the Community Hero Award, which they won.

The Mayor announced that a number of fund-raising events had taken place.

The Deputy Mayor referred to three forthcoming events:

- (i) A Dog Show in Cleveleys this weekend
- (ii) A meal to be held at the Clay Oven on 13 October
- (iii) The Mayor's Ball to be held at the Marine Hall on 1 December.

**21        Public questions or statements**

None.

**22        Questions "On Notice" from councillors**

None.

**23        Executive reports**

- (a)     Leader of the Council (Councillor David Henderson)

The Leader of the Council (Councillor David Henderson) submitted a report.

Cllr Henderson responded to questions and comments from Cllrs Fail, Cropper and Beavers.

In response to a question from Cllr Fail, Cllr Henderson referred to the Lancashire District Leaders and Lancashire Leaders meetings and confirmed that he would bring all important matters back to the Council for discussion and/or a decision if so required but that he would, as he

has done so far, keep Full Council up to date via his Executive Report.

Cllr Henderson explained, in response to a question from Cllr Cropper, how the Greater Lancashire Plan fitted with the County Deals.

In response to a question from Cllr Beavers the Leader referred to the current arrangements for Full Council Meetings and the six-month rule. The Chief Executive clarified that the rule covered attendance at any arranged meetings of the Council to which Members were invited, including all committees appointed by the Council, task and working groups.

Report noted.

(b) Resources Portfolio Holder (Councillor Michael Vincent)

The Resources Portfolio Holder (Cllr Michael Vincent) submitted a report.

Cllr Vincent responded to a question from Cllr George regarding ICT issues at the Fleetwood and Garstang Tourist Information Centres.

Cllr McKay made a statement thanking the Corporate Director Resources and her team for getting the financial statements prepared within a very tight timescale and with the added pressures brought about by changing legislation and the pandemic.

Report noted.

(c) Street Scene, Parks and Open Spaces Portfolio Holder (Councillor Simon Bridge)

The Street Scene, Parks and Open Spaces Portfolio Holder (Cllr Bridge) submitted a report.

Cllr O'Neill praised officers involved in dealing with fly tipping and street cleaning. Cllr Bridge responded to a further question about weed spraying.

Cllr Catterall thanked Alan Fitzpatrick and his team for their work.

Cllr Matthew Vincent praised officers for the way in which they had kept residents informed about recent difficulties over bin collection.

Cllr Bridge agreed to provide a written response to Cllr Fail about the consideration being given to the location of Changing Places facilities.

Report noted.

(d) Planning Policy and Economic Development Portfolio Holder

(Councillor Alice Collinson)

The Planning Policy and Economic Development Portfolio Holder (Cllr Collinson) submitted a report.

Cllr Fail commented about the recent decision, on appeal, not to list the Burn Naze pub as an asset of community value. He was advised by the Chief Executive to address his concerns to the Head of Planning Services in the first instance.

Report noted.

- (e) Neighbourhood Services and Community Safety Portfolio Holder (Councillor Roger Berry)

The Neighbourhood Services and Community Safety Portfolio Holder (Cllr Berry) submitted a report.

Cllr Berry responded to questions and comments from Cllrs George, Matthew Vincent and, O'Neill, commenting on police response times and staffing. He also referred to the Afghan Resettlement Lancashire Group, who would take Wyre's situation into account, although no formal discussions had yet been held.

Report noted.

- (f) Leisure, Health and Community Engagement Portfolio Holder (Councillor Lynne Bowen)

The Leisure, Health and Community Engagement Portfolio Holder (Cllr Bowen) submitted a report.

Cllr Bowen responded to questions and comments from Cllrs Matthew Vincent, Leech, O'Neill and Webster. Comments were made about the good use being made of the Fleetwood pool, the effective use of social media to promote facilities, the Holiday Club (which Cllr Bowen hoped could be repeated in the Christmas holidays), the recent visit to Wyre of the Silcocks Travelling Fairground and the successful Wyre Walking Festival.

Report noted

## **24 Lead Member for Older People**

The Leader of the Council, Cllr David Henderson, submitted a report.

Cllr Henderson's proposal, seconded by Cllr Michael Vincent, that Cllr Lynne Walmsley be appointed to the role of Lead Member for Older People until the elections in 2023, was approved unanimously.

## **25 Notices of Motion**



None.

The meeting started at 7.00 pm and finished at 8.11 pm.

**Date of Publication:** 22 September 2021

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# Agenda Item 6

Meeting of Wyre Council on Thursday 28 October 2021

Agenda Item 6 – Questions “On Notice” from councillors, under Part 4.01, Paragraph 12 of the Council’s Constitution.

Question from Councillor Fail to the Resources Portfolio Holder:

**“In March 2019 the Cabinet made a decision to re-designate the land owned by Wyre Council at Bourne Hill for development, concluding that the land was no longer required for the use as a cemetery, burial ground or crematorium.**

**At the 27 March 2019 Cabinet meeting I asked whether a forward plan was in place showing that Wyre had the stipulated 10-year supply of grave space. Although it appeared that forward plan didn’t exist the report to Cabinet suggested that Fleetwood had a 10.4-year capacity, Poulton 27.2 years capacity, and Preesall 16.7 years.**

**In July this year, Cabinet agreed to declare the land at Bourne Hill, Thornton surplus to requirements, and for it to be sold off, with expressions of interest expected to be considered by Cabinet in due course.**

**Once the land is sold there is no going back so could the Resources Portfolio Holder, please provide up to date projections on the current capacity at Wyre’s cemeteries along with details of the Council’s plans for new cemeteries once the current cemeteries have no more capacity”.**

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Report of:	To:	Date
Councillor David Henderson, Leader of the Council	Council	28 October 2021

<b>Executive Report: Leader of the Council</b>
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**1. Purpose of report**

**1.1** To inform Council of progress on key objectives and the current position on a number of issues, as set out below.

**2. Lancashire District Leaders and Lancashire Leaders**

**2.1** On 11 October Lancashire District Leaders met in the morning followed by a meeting of Lancashire Leaders in the afternoon.

**2.2** In the morning meeting District Leaders received a presentation from the North West Mutual Bank and discussions took place on a number of topics including those outlined below.

**2.3** COVID recovery; the Lancashire Enterprise Partnership; the Ministerial Task Force and the Lancashire County Deal.

**2.4** In the afternoon Lancashire Leaders met and the main topic of discussion was the Lancashire County Deal.

**2.5** Members will recall that at our last meeting of full Council I informed you that all 15 Leaders had agreed to a model that ensured the Districts had an equal part in any future formal decision making Lancashire County Deal structure (Model A).

**2.6** Lancashire Leaders agreed that further work should be undertaken on a Lancashire County Deal and as a consequence a Group of Senior Officers will work together to scope out a potential Lancashire County Deal based on Model A covering Governance; Scope and Initial Timescales with an Annex on potential Outcomes. The Lancashire County Deal will be provided in conjunction with the Greater Lancashire Plan Evidence Base including the Independent Economic Review and Environment Commission. I am pleased to report that we will be represented on the Senior Officer Group by Marianne Hesketh, Corporate Director Communities.

**2.7** I am sure Members will be aware that the Government intend to rebalance the economy through the Levelling Up agenda and a White Paper formally setting out how this will be achieved is expected either later this year or early next year. It is anticipated that County Deals will be referenced in the White Paper and a Lancashire County Deal would provide a formal structure via which significant funding could be devolved down and Members can be assured that I will bring before full Council any Lancashire County Deal for your formal approval but owing to timing this may require an Extraordinary meeting.

### **3. Climate Change**

**3.1** I am delighted to inform Members that we are the the first Carbon Literate council in Lancashire and have been awarded a Bronze level accreditation from the Carbon Literacy Project in recognition of our awareness of the impacts of carbon dioxide in everyday activities as well as our ambition to reduce emissions. The Carbon Literacy Project was recognised by the United Nations at the COP21 climate negotiations in 2015 as one of 100 'Transformative Actions Projects' worldwide that could materially change the way we deal with climate change. This is just one step on our journey to be carbon neutral in the future and a wider roll out is planned.

### **4. Comments and Questions**

**4.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.

dem/cou/cr/21/2810 Leader



Report of:	To:	Date
Councillor Michael Vincent, Resources Portfolio Holder and Deputy Leader	Council	28 October 2021

<b>Executive Report: Resources Portfolio Holder</b>
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## 1. Purpose of report

- 1.1 To inform Council of progress on key objectives and the current position on issues within the Resources Portfolio, as set out below.

## 2. Finance

- 2.1 The Council's Medium Term Financial Plan went before Cabinet on 20 October. The plan shows our financial forecast for the current year and four years ahead with a revised projected gap of £2.3m in 2025/26, largely owing to the reduction in central government funding, inflationary pressures and the uncertainty around New Homes Bonus and Business Rates Retention. A technical consultation paper on the 2022/23 Local Government Finance Settlement is expected to be produced for local authorities to consider. Ultimately the full details and their impact on Wyre's finances is only expected to be known in December and as a result, the forecast will be further updated in the new year to reflect the outcome of the wider consultation process on the settlement.

## 3. Human Resources

- 3.1 The hybrid working sessions with staff mentioned last time have been going well with good attendance and constructive, largely positive feedback from staff, both office based and non-office-based. The project will continue to progress with the roll out of the discussion form informing the next phase around ICT equipment requirements.
- 3.2 Linked to this project and in addition to the new e-learning system 'Learning Pool' that went live in September, training for managers is being arranged to update skills for managing hybrid working staff, recognising that this is a significant cultural shift in the organisation.

#### **4. Comments and questions**

- 4.1** In accordance with procedure rule 10.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 10.5.

dem/cou/cr/21/2810 resources





Report of:	To:	Date
Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder	Council	28 October 2021

<b>Executive Report: Street Scene, Parks and Open Spaces Portfolio Holder</b>
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## 1. Purpose of report

- 1.1 To inform council of progress on key objectives and the current position on issues within the Street Scene, Parks and Open Spaces Portfolio as set out below.

## 2. Parks and Open Spaces

- 2.1 I am pleased to advise members that The Mount has gained the Green Flag Award following the completion of the recent restoration works. In addition Wyre Estuary Country Park, Memorial Park, Hawthorn Park and Jean Stansfield/Vicarage Park have once again successfully retained their Green Flag status. I would also like to pass on my congratulations to Catterall Parish Council who have secured the award for Queen Elizabeth II Playing Field, Catterall.
- 2.2 Recent activities held within our parks and open spaces include bump and buggy walks to encourage new mums to explore Wyre Estuary Country Park, heritage walks looking at the development of Fleetwood's Seafront and a geology of the beach walk.
- 2.3 Once again we have supported the Marine Conservation Society Big Beach Clean with local groups and visitors from further afield collecting tidal litter and recording data.
- 2.4 In late summer and early autumn, as wildflowers set seed, our programme of meadow management began. Our teams, supported by volunteers, undertook cutting and the removal of hay from parkland and coastal areas managed for biodiversity and carbon sequestration.

### **3. Waste and recycling**

- 3.1** As I am sure you are all aware, the waste and recycling service has been impacted again over recent weeks; due to staffing shortages linked to both COVID-19 and the national shortage of HGV drivers. I have discussed the issues with Veolia and can confirm that they are committed to recruiting more drivers and developing skills from within. Again, I am sure you will join me in thanking all our frontline teams for their continued hard work and dedication in such challenging times.
- 3.2** The annual waste and recycling leaflet will be delivered to households next month. Information will include collection dates and key information on recycling household waste. Unfortunately we have seen a slight increase of contamination rates in recycling bins; we continue to utilise all communication channels available to educate residents including face to face engagement with householders.
- 3.3** We celebrated National Recycling Week during September and officers attended schools to address assemblies and class activities to strengthen the key messages of reduce, reuse and recycle and take the message home to parents and carers.

### **4. Street Scene**

- 4.1** Further to the update in September, a bid has been submitted for Changing Places Toilet facilities at Fleetwood Beach Front and Wyre Estuary Country Park. I will update members on this application in due course. Opportunities for this type of facility at other locations will continue to be explored.
- 4.2** The team will work again with Lancashire Police and Lancashire Fire and Rescue Service in the run up to bonfire night to deal with the building of unofficial fires and the build-up of waste on public land. We discourage unauthorised bonfires and ask our residents and businesses to act responsibly.

### **5. Comments and questions**

- 5.1** In accordance with procedure rule 11.3 any member of council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with procedure rule 11.5.



Report of:	To:	Date
Councillor Alice Collinson, Planning Policy and Economic Development Portfolio Holder	Council	28 October 2021

## Executive Report: Planning Policy and Economic Development Portfolio Holder

### 1. Purpose of report

- 1.1 To inform Council of progress on key objectives and the current position on issues within the Planning Policy and Economic Development Portfolio, as set out below.

### 2. Local Plan Partial Review

- 2.1 Work continues on a number of technical documents related to the partial review of the Wyre Local Plan 2031. Current evidence suggests that publication of Regulation 19 documents (the pre-submission draft which is subject to public consultation) will be November/December 2021 with submission of the Partial Review for Examination in early 2022 in full accordance with the requirements of Policy LPR1 of the Wyre Local Plan 2031. Submission of the Partial Review is likely to be put before the full Council in April 2022.

### 3. Town Centre Strategy Fund

- 3.1 As part of the council's ongoing response to the challenges faced by our town centres, town centre frameworks are currently under preparation working with Town Centre Partnership Boards. Each of the town centres and Partnership Boards are at differing stages of the process and are being supported by various council officers and a consultant team led by IBI Group.
- 3.2 Greater Garstang Partnership Board has held a public consultation event and board workshops and are currently working on developing a number of priority projects. Cleveleys Together has held a board workshop and a public consultation has been scheduled for late October.

#### **4. Welcome Back Fund**

**4.1** Officers have been progressing the Welcome Back Fund action plan. We are actively supporting Christmas lights switch on events and have provided extra funding to supplement and enhance activities. We have employed a temporary communications officer to help with promotion and communication to welcome people back to our town centres.

#### **5. Planning Enforcement**

**5.1** To date this year 235 planning enforcement complaints have been received with 162 current open cases (i.e. those still under investigation). To date this year seven enforcement notices have been served.

**5.2** To assist in reducing the current high number of open cases the council is bringing in an additional member of staff on a temporary basis (3 months initially) from an agency. The particular contractor has previously worked in our Enforcement Team for a temporary period during 2019 and is considered to have the appropriate skills and experience for the role. The contractor commenced their present three month contract on 11 October.

#### **6. Comments and questions**

**6.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.

dem/cou/cr/21/2810 planning



Report of:	To:	Date
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder	Council	28 October 2021

**Executive Report: Neighbourhood Services and Community Safety Portfolio Holder**

**1. Purpose of report**

- 1.1 To inform council of progress on key objectives and the current position on issues within the Neighbourhood Services and Community Safety Portfolio as set out below.

**2. Housing**

**2.1 Disabled Facilities Grants**

At the six month stage this year spend on Disabled Facilities Grants stands at £1,119,395 with 138 adaptations being completed. A further £534,000 of work has been approved therefore I am pleased to report that we are making good progress following the removal of restrictions resulting from the pandemic.

**3. Wyre Beach Management Scheme**

- 3.1 The construction of the site compound at Jubilee Gardens has been delayed whilst we await clarity regarding the anticipated date of obtaining the license from the Marine Management Organisation (MMO) to enable works on site to commence. In the interim, planning conditions for Phase 1 works have been discharged relating to noise, light and vibration.
- 3.2 The team will be presenting the scheme at the Rossall resident’s group meeting on 3 November. This will include discussion on the proposed new crest sea wall.
- 3.3 The Phase 2 design is progressing well with the Environmental Impact Assessment anticipated later this month. A planning application will then be made under the Coastal Concordat. Fairhurst Planning consultants have been appointed to assist with the delivery of the scheme. A pre-construction study is being prepared by Balfour Beatty and as part of this a value engineering exercise has been undertaken to identify cost savings and improved benefits. Early indications are the costs will be below the feasibility report costs.

#### **4. Environmental Community Owned Coastal Buffer Strips Innovative Resilience Fund Project; ECO-CoBS**

- 4.1** We were successful in our expression of interest for the above project and recently gained approval for studies to develop the business case. This is an innovative scheme across the North West coast supported by the DEFRA Innovation Resilience Fund. Looking at working with nature to provide coastal defences that allow natural processes to occur without impacting on the integrity of the coastal protection to communities.
- 4.2** This gives a buffer in space and time to adapt to the effects of climate change, through community innovative works on the ground. The project will create greater resilience to vulnerable coastal communities whilst benefiting ecology, carbon capture and improved land usage.
- 4.3** The project will provide significant benefit to coastal communities including three schemes within Wyre at:

Arnhill Site on the River Wyre: Improvement of the existing saltmarsh for resilience and environmental benefits: Led by Wyre Rivers trust

Pilling: Intertidal lagoon: Reducing load on the pumping station and increased high tide water storage: Led by Wyre working in partnership with the NFU, RSPB and Wyre Rivers Trust.

Fleetwood Docks site: Preferential use of dredging to form an extended saltmarsh: led by Wyre in partnership with EA and ABP.

#### **5. Community Safety**

- 5.1** The police geographic Inspector for Wyre, Kevin Lister, retired in July this year and we would like to wish Kevin a long and happy retirement. We would also like to welcome the new geographic Inspector for Wyre - Martin Wyatt who we look forward to working with particularly within the Wyre Community Safety Partnership.
- 5.2** Domestic Homicide Reviews (DHRs) were established on a statutory basis under the Domestic Violence, Crime and Victims Act 2004. Unfortunately in the last 12 months Wyre Community Safety Partnership have had to commission their first DHR. With the assistance of the Police and Crime Commissioner an independent chair was appointed to oversee the review, and a number of agencies who had contact with the victim participated in the review. The report has been produced and the findings acknowledged by Wyre Community Safety Partnership and have been agreed. The document has now been submitted to the home office for them to undertake quality assurance checks, and amend as they see fit. Once the report has been signed off by the Home Office the document will be publicly available.

## **6. Comments and questions**

- 6.1** In accordance with procedure rule 11.3 any member of council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with procedure rule 11.5.

dem/cou/cr/21/2810 Neighbourhood

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Report of:	To:	Date
Councillor Lynne Bowen, Leisure, Health and Community Engagement Portfolio Holder	Council	28 October 2021

**Executive Report: Leisure, Health and Community Engagement Portfolio Holder**

**1. Purpose of report**

- 1.1 To inform Council of progress on key objectives and the current position on issues within the Leisure, Health and Community Engagement Portfolio, as set out below.

**2. Environmental Health Update**

- 2.1 Covid-19 continues to impact on our communities, the focus for the Wyre task force is to continue to encourage the uptake of vaccinations within the borough. We have worked with Lancashire County Council Public Health teams to identify areas within our Borough where the uptake is lowest and we have worked with Blackpool Council to ensure that walk-in facilities are available during October. It is not too late to get vaccinated and this still remains the best protection against contracting a serious illness. At the same time in order to reduce the amount of infections in our area we should all have regard to government guidance, to ventilate rooms and maintain good hand hygiene, this will have the added bonus of reducing the spread of other respiratory illnesses at the same time. The Council is also continuing to support the national test and trace team, to make sure that people who should be self-isolating are doing so.

**3. Finding Fleetwood Heritage Trails**

- 3.1 Finding Fleetwood, a heritage action zone and coastal community funded project has started with a series of workshops and drop-ins. The project will see a year long programme of community engagement in the design and skills development of digital walking trails around Fleetwood town centre. The project draws from multi agency and resident collaboration to bring the town's heritage to life through online apps and way markers creating an interactive experience for visitors and locals. The aim is to encourage people to connect with more areas of the town centre and to dwell longer and visit local shops and businesses. The digital aspects of the project will also improve digital skills for young and old alike. Five themed trails are being developed, one being a festive

trail, which is to be delivered for the end of November 2021. Next year will see themes for nature and climate, arts and health and wellbeing as well as a youth developed trail. As part of the Welcome Back fund, for Garstang, established trails are being digitised and we are also exploring the potential for something similar along the coast in Cleveleys.

#### **4. Men's Shed Over Wyre**

**4.1** This exciting project will hopefully lead to the development of a new Men's Shed project for Over Wyre. Initial meetings have been held to take this forward supported by Councillor Robinson in her role as Mental Health Champion. Representatives from Fleetwood's Men's Shed are generously supporting the project and are talking with the new group about how to get started and what worked for them. The Over Wyre group's focus will be led by the wishes of the attendees and we will continue to support the group as they get going.

#### **5. Arts and Health Activities**

**5.1** A number of successful arts sessions have been held recently. These included a children's arts and crafts session at the outdoor classroom at Wyre Estuary County Park where children collaborated to make leaf/nature artworks. There have also been regular arts and health sessions run by local artists at Fleetwood Market. These sessions are going really well and we have received fantastic positive feedback from participants about how attending the sessions is making them feel so much better about themselves and is enabling them to get out and about again.

#### **6. Leisure Centre Update**

**6.1** The re-opening of Poulton Health and Fitness Centre has gone very well with the gym, pool and classes now back open for business. School swimming and lessons at Poulton swimming pool have been running for a number of weeks now and on 11 October the first public swimming sessions started back up. Demand and bookings are good at the centre and it has been great to welcome members back. I would like to thank the Poulton YMCA staff for the smooth re-opening and for the important role they played in operating a Lateral Flow Test centre from the centre, and at other locations, throughout lockdown.

**6.2** Across all the centres the numbers of members returning are good with recent membership offers resulting in memberships across all centres standing at well over 6,000 at the end of September. During September alone there were over 43,000 visits across the centres and with more services coming on stream over recent weeks at Poulton, visitor numbers are expected to increase further.

## **7. Tourism**

- 7.1** Officers attended the British Travel Trade Show with Fylde Coast colleagues (Blackpool and Fylde) to promote things to see and do in Wyre for coach groups and group travel decision makers. Officers spoke to around 60 people during the event. Key areas of interest were Fleetwood Market, Cleveleys shopping and events and Fleetwood Museum. We have collated a database of companies that would be pleased to receive further information and this has been shared with colleagues at various local attractions. This was also an opportunity to promote the 'Welcome Back' coach familiarisation visits to interested groups, including the Coach Passenger Transport Federation, which will take place in February 2022.
- 7.2** The first Discover Wyre podcast took place at the end of September. Working with Market House Studios at Fleetwood Market, it was another opportunity to promote Wyre and raise awareness of the borough to visitors and local people. Activities at the Market House Studios and discussions regarding forthcoming events were held.

## **8. Marine Hall and Thornton Little Theatre**

- 8.1** A diverse and exciting programme of Autumn and Winter shows launched in September at Marine Hall. Customer confidence and support has been growing and as a result ticket sales are now increasing steadily. Full details about all of the shows currently on sale can be found at [www.wyretheatres.co.uk](http://www.wyretheatres.co.uk).
- 8.2** Torentum Primary Care Network have restarted their vaccination programme at Thornton Little Theatre – with Covid Booster and Flu jabs which will continue into December. Covid vaccinations are also being offered at Marine Hall during October. Drop in clinics for first or second doses are taking place on various dates with no appointment necessary.
- 8.3** Arrangements are well underway for this year's Christmas Festival which will take place over two days on the weekend of 27/28 November. On the Saturday evening the festival will incorporate Fleetwood's Christmas Lights Switch On outside Marine Hall. For the first time also, The Mount Pavilion will become Santa's Grotto from the Sunday and on following weekends into December.

## **9. Market House Studios**

- 9.1** After many months of renovation and a global pandemic to deal with the new creative hub 'Market House Studios' is finally up and running for business and projects. "In House" is our official launch exhibition presenting artworks by our eight residential artists that have taken up studios. The launch event took place on 23 and 24 October and the studios were officially opened by the Mayor.

**10. Comments and questions**

- 10.1** In accordance with procedure rule 11.3 any member of Council will be able to ask me a question or make a comment on the contents of my report or on any issue, which falls within my area of responsibility. I will respond to any such questions or comments in accordance with Procedure Rule 11.5.

dem/cou/cr/21/2810 Leisure



Report of:	Meeting	Date
Councillor Michael Vincent, Resources Portfolio Holder and Clare James, Corporate Director Resources	Council	28 October 2021

<b>Treasury Management Activity April to September 2021</b>
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**1. Purpose of report**

- 1.1 To report on the overall position and activities in respect of Treasury Management for the first half of the financial year 2021/22, covering the six month period from April to September 2021.

**2. Outcomes**

- 2.1 An informed Council who have an understanding of Treasury Management activity, in line with the approved Treasury Management Policy and Strategy Statements and Treasury Management Practices.

**3. Recommendation**

- 3.1 That the Mid-year Review Report on Treasury Management Activity for the first half of the 2021/22 financial year be noted, in line with requirements of CIPFA's 'Treasury Management in the Public Services: Code of Practice (revised 2017)'.

**4. Background**

**4.1 Treasury Management**

- 4.1.1 The Chartered Institute of Public Finance and Accountancy (CIPFA), has set out a clear definition of treasury management activities:

“The management of the organisation’s borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

- 4.1.2** The council operates a balanced budget, which broadly means cash raised during the year will fund cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, making sure that there is adequate liquidity cover before considering optimisation of investment returns.
- 4.1.3** Another function of the treasury management service is the funding of the council's capital plans. The capital plans provide a guide to the borrowing need of the council, essentially the longer term cash flow planning, to ensure the council can meet its capital spending operations. This management of longer term cash flow may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet council risk or cost objectives.
- 4.1.4** This report has been written in accordance with the requirements of the CIPFA's 'Treasury Management in the Public Services: Code of Practice (revised 2017)' (the Code). The primary requirements of the Code are as follows:
- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
  - Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
  - Receipt by the full Council of an annual Treasury Management Strategy Statement – including the Annual Investment Strategy, Capital Strategy and Minimum Revenue Provision Policy – for the year ahead, a Mid-year Review Report and an Annual Report, covering activities during the previous year.
  - Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions. For this Council the Finance Director is responsible for treasury management.
  - Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is the Overview and Scrutiny Committee.
- 4.1.5** As recommended by the Code, this mid-year report covers the following:
- An economic update for the first half of the 2021/22 financial year;
  - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
  - The Council's capital expenditure, as set out in the Capital Strategy, and related prudential indicators;

- A review of the Council's investment portfolio for 2021/22;
- A review of the Council's borrowing strategy for 2021/22;
- A review of any debt rescheduling undertaken during 2021/22;
- A review of compliance with Treasury and Prudential Limits for 2021/22.

## 5. Key issues and proposals

### 5.1 Economic update

(This economic update is extracted from an update provided by the Council's Treasury Advisors, Link Group, issued on 8 September 2021.)

- 5.1.1** The Monetary Policy Committee (MPC) voted unanimously to leave Bank Rate unchanged at 0.10% and made no changes to its programme of quantitative easing purchases due to finish by the end of this year at a total of £895bn.
- 5.1.2** While that was all very much unchanged from previous MPC decisions over the last year, there was a major shift from indicating no expected tightening any time soon to now flagging up that interest rate increases were now on the horizon. There was disagreement among MPC members, some of whom felt that the forward guidance that the MPC won't tighten policy until inflation "is achieving the 2% inflation target sustainably", had already been met.
- 5.1.3** The MPC was more upbeat in its new 2-3 year forecasts so whereas they had expected unemployment to peak at 5.4% in Q3, the MPC now thought that the peak had already passed. (It is to be noted though, that the recent spread of the Delta variant has damaged growth over the last couple of months and has set back recovery to the pre-pandemic level of economic activity till probably late 2021.)
- 5.1.4** The MPC has concluded its review of its monetary policy and it will start to tighten monetary policy by:
1. Placing the focus on raising Bank Rate as "the active instrument in most circumstances".
  2. Raising Bank Rate to 0.50% (1.50% previously), before starting on reducing its holdings.
  3. Once Bank Rate is at 0.50% it would stop reinvesting maturing gilts.
  4. Once Bank Rate had risen to at least 1%, it would start selling its holdings.
- 5.1.5** Inflation is currently expected to peak at over 4% during 2021. The key issue then is whether this is just going to be transitory inflation or whether it will morph into inflation which will exceed the MPC's 2% target on an ongoing basis. In his press conference, Governor Andrew Bailey said, "the challenge of avoiding a steep rise in unemployment has been replaced by that of ensuring a flow of labour into jobs" and

that “the Committee will be monitoring closely the incoming evidence regarding developments in the labour market, and particularly unemployment, wider measures of slack, and underlying wage pressures.” In other words, the MPC is worried that labour shortages will push up wage growth by more than it expects and that, as a result, CPI inflation will stay above the 2% target for longer. This then raises an interesting question as to whether the million or so workers who left the UK during the pandemic, will come back to the UK and help to relieve wage inflation pressures. We also have an unknown as to how trade with the EU will evolve once the pandemic distortions have dissipated now that the UK no longer has tariff free access to EU markets.

- 5.1.6** At the current time, the MPC’s forecasts are showing inflation close to, but just below, its 2% target in 2 to 3 years’ time. The initial surge in inflation in 2021 and 2022 is due to a combination of base effects, one off energy price increases and a release of pent-up demand, particularly from consumers who have accumulated massive savings during the pandemic, hitting supply constraints. However, these effects will gradually subside or fall out of the calculation of inflation. The issue for the MPC will, therefore, turn into a question of when the elimination of spare capacity in the economy takes over as being the main driver to push inflation upwards and this could then mean that the MPC will not start tightening policy until 2023.
- 5.1.7** One of the key results of the pandemic has been a fundamental rethinking and shift in monetary policy by major central banks like the Fed, the Bank of England and the ECB, to tolerate a higher level of inflation than in the previous two decades when inflation was the prime target to bear down on so as to stop it going above a target rate. There is now also a greater emphasis on other targets for monetary policy than just inflation, especially on ‘achieving broad and inclusive “maximum” employment in its entirety’ in the US before consideration would be given to increasing rates. Although there are nuances between the monetary policy of all three banks, the overall common ground is allowing the inflation target to be symmetrical so that inflation averages out the dips down and surges above the target rate, over an unspecified period of time. For local authorities, this means that interest rates will not be rising as quickly or as high as in previous decades when the economy recovers from a downturn and the recovery eventually runs out of spare capacity to fuel continuing expansion.
- 5.1.8** In the EU the slow roll out of vaccines initially delayed economic recovery in early 2021 but the vaccination rate has picked up sharply since then. After a contraction of -0.3% in Q1, Q2 came in with strong growth of 2.2% which is likely to continue into Q3, though some countries more dependent on tourism may struggle. There is little sign that underlying inflationary pressures are building to cause the ECB any concern.



**5.1.9** In China, after a concerted effort to get on top of the virus outbreak in Q1 2020, economic recovery was strong in the rest of the year; this enabled China to recover all the initial contraction. Policy makers both quashed the virus and implemented a programme of monetary and fiscal support that was particularly effective at stimulating short-term growth. At the same time, China's economy benefited from the shift towards online spending by consumers in developed markets. These factors helped to explain its comparative outperformance compared to western economies during 2021. However, the pace of economic growth will fall back after this initial surge of recovery from the pandemic. China is also now struggling to contain the spread of the Delta variant through sharp local lockdowns which will damage economic growth. There are also questions as to how effective Chinese vaccines are proving.

**5.1.10** Globally further progress on vaccine roll outs, continued policy support, and the re-opening of most major economies should mean that global GDP growth in 2021 will grow at its fastest rate since 1973. The spread of the Delta variant poses the greatest risk to this view, particularly in large parts of the emerging world where vaccination coverage is typically lower than in advanced economies. Continued strong recovery will be accompanied by higher inflation. While most of the arithmetic and commodity price effects boosting inflation in recent months are behind us, goods shortages will last well into 2022 as order backlogs are worked through and inventories are replenished. What's more there is mounting evidence that rapid re-opening of economies generates labour shortages, which could exert further upward pressure on firms' costs. So, global inflation is unlikely to drop back until next year.

## **5.2 Interest Rates Forecast**

**5.2.1** The Council's treasury advisor, Link Group, provided the following forecasts on 10 August 2021 (PWLB rates are certainty rates):

Link Group Interest Rate View – 10/08/2021											
	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
Bank Rate View	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.25	0.25	0.25	0.50
3 Month average earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.30	0.30	0.30	0.50
6 Month average earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.20	0.30	0.40	0.50	0.50
12 Month average earning	0.20	0.20	0.20	0.20	0.20	0.30	0.30	0.40	0.50	0.60	0.70
5yr PWLB Rate	1.20	1.20	1.20	1.30	1.30	1.30	1.40	1.40	1.40	1.50	1.50
10yr PWLB Rate	1.60	1.60	1.70	1.70	1.80	1.80	1.90	1.90	1.90	2.00	2.00
25yr PWLB Rate	1.90	2.00	2.10	2.20	2.30	2.30	2.30	2.40	2.40	2.40	2.50
50yr PWLB Rate	1.70	1.80	1.90	2.00	2.10	2.10	2.10	2.20	2.20	2.20	2.30

**5.2.2** The coronavirus outbreak has done huge economic damage to the UK and to economies around the world. After the Bank of England took emergency action in March 2020 to cut Bank Rate to 0.10%, it left Bank

Rate unchanged at its subsequent meetings, although some forecasters had suggested that a cut into negative territory could have happened prior to more recent months when strong recovery started kicking in. However, the minutes of the MPC in February 2021 made it clear that commercial banks could not implement negative rates within six months; by that time the economy would be expected to be recovering strongly and so there would be no requirement for negative rates. As shown in the forecast table above, one increase in Bank Rate from 0.10% to 0.25% has now been included in quarter 1 of 2023/24 and another increase to 0.50% in quarter 4 of 23/24, as an indication that the Bank of England will be starting monetary tightening during this year.

### **5.3 The balance of risks to the UK**

**5.3.1** The overall balance of risks to economic growth in the UK is now to the upside though there are still residual risks from Covid variants - both domestically and their potential effects worldwide, and from various shortages.

**5.3.2** There is relatively little domestic risk of increases in Bank Rate exceeding 0.50% in the next two to three years and, therefore, in shorter-term PWLB rates.

### **5.4 Treasury Management Strategy Statement and Annual Investment Strategy Update**

**5.4.1** The Treasury Management Strategy Statement (TMSS), for 2021/22 was approved by this Council on 22 April 2021.

In accordance with the CIPFA's Treasury Management Code of Practice, it sets out the council's investment priorities as being:

1. Security of capital;
2. Liquidity;
3. Yield.

The council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the council's risk appetite. In the current economic climate it is considered appropriate to keep investments short-term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit rated financial institutions, using the Link suggested creditworthiness approach.

### **5.4.2 TMSS Update**

There are no policy changes to the TMSS; the details in this report update the position in light of the updated economic position and budgetary changes already approved.

### **5.4.3 Investment Portfolio**

In accordance with the Code, it is the council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the council's risk appetite. As shown by the forecasts in section 5.2, it is now impossible to earn the level of interest rates commonly seen in previous decades as all investment rates up to 12 months are either negative or barely above zero now that Bank Rate is at 0.10%. Given this risk environment and the fact that increases in Bank Rate are unlikely to occur before the end of the current forecast horizon of 31 March 2023, investment returns are expected to remain low.

**5.4.4** The council has continued to invest any surplus balances with the council's Bank, NatWest on-call deposit facility, Money Market Funds (MMF) with Prime Rate Capital Management, LGIM, Insight, the Bank of Scotland (Overnight/Call account and 95 day notice facility), Handelsbanken (Instant Access account and 35 day notice facility) Santander (35 day corporate notice facility) and Qatar National bank (1 month and a 3 month fixed notice facility).

**5.4.5** Our current policies and practices allow us to invest up to £6m with any one institution or 20% of the investment balance per individual counterparty or 25% per whole counterparty group whichever is higher. During the first six months of 2021/22 this facility was not used.

**5.4.6** Within the council's current Annual Investment Strategy, the Investment Policy criteria are based on Link Asset Services creditworthiness service and it is meeting the requirement of the treasury management function. The council, to date, has adopted a very cautious approach and regularly monitors organisations with which investments are held to ensure they meet the Investment Policy criteria.

### **5.4.7 Investment Counterparty criteria**

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

**5.4.8** Interest receivable on investments for the first half of the year was £11,652 compared to an annual budget of £70,000. The level of interest received is expected to reduce through the second part of the year. This is a result of a number of factors including the low level of interest rates available and the amount of funds available for investment diminishing as a result of the Covid-19 business grants being paid out, capital expenditure and reduced levels of Council Tax income in the last quarter of the year. As a result, the forecast will be adjusted down to reflect a more realistic target.

**5.4.9** The equated investments for the first half of 2021/22 are detailed in the following table indicating that investments earned an average return of 0.10% which means that we have performed better than the benchmark LIBID (London Interbank Bid Rate) 7-day average of 0.08%. As referred to above, negative rates are common on investments of up to 12 months and whilst we have avoided using these, it has meant that at times we have deposited funds in zero interest earning accounts in order to maintain security and liquidity of funds.

	Equated Investment Principle	Interest Due	Rate of Return	Benchmark Return	Number of days invested
Santander 35 Day Corp. Notice	£3,172,600	£9,518	0.30%	0.08%	183
Qatar 3 month	£1,602,740	£3,686	0.23%	0.08%	105
Qatar 3 month	£427,400	£1,154	0.27%	0.08%	78
Qatar 6 month	£1,405,480	£5,903	0.42%	0.08%	92
Handelsbanken I.A. Account	£3,008,220	£0	0.00%	0.08%	183
Bank of Scotland (Call Acc)	£1,007,750	£101	0.01%	0.08%	183
Nat West - Liquid Select	£1,733,200	£173	0.01%	0.08%	183
LGIM	£2,569,040	£0	0.00%	0.08%	183
Insight	£2,834,250	£0	0.00%	0.08%	183
Prime Rate	£3,008,220	£300	0.01%	0.08%	183
<b>TOTAL</b>	<b>£20,768,900</b>	<b>£20,835</b>	<b>0.10%</b>	<b>0.08%</b>	<b>-</b>

## 5.5 The Council's Capital Position (Prudential Indicators)

### 5.5.1 Prudential Indicator for Capital Expenditure

The following table shows the updated budget position for capital expenditure and the changes since the 2021/22 capital programme was agreed as part of the 2021/22 budget process.

	2021/22 Original Estimate £	Movements		Current Position as at 30/09/21 £
		2020/21 Slippage £	Portfolio Holder Decisions £	
Total Capital Expenditure	2,742,622	4,869,885	8,483,298	16,095,805

### 5.5.2 Changes to the Financing of the Capital Programme

The table below shows how the capital expenditure (as set out in paragraph 5.4.1) will be financed, with any shortfall of resources resulting in a need to borrow. The current planned expenditure is fully funded resulting in a nil additional borrowing requirement. Just under 79% of planned expenditure is funded by grants and contributions; with

around 21% being funded from a combination of capital receipts and revenue contributions/utilisation of reserves.

	<b>2021/22 Original Estimate £</b>	<b>Current Position as at 30/09/21 £</b>
<b>Total Expenditure</b>	<b>2,742,622</b>	<b>16,095,805</b>
Financed by:		
Capital Receipts	0	24,242
Capital Grants and Contributions	2,349,127	12,794,627
Revenue/reserves	393,495	3,276,936
<b>Total Financing</b>		
<b>Borrowing Requirement</b>	<b>2,742,622</b>	<b>16,095,805</b>

### 5.5.3 Changes to the Prudential Indicators for the Capital Financing Requirement (CFR), External Debt and the Operational Boundary

The table below shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed the Operational Boundary.

<b>Prudential Indicators</b>	<b>2021/22 Original Estimate £m</b>	<b>2021/22 Mid- Year Estimate £m</b>
Capital Financing Requirement:		
<b>Total CFR</b>	<b>11,069</b>	<b>11,069</b>
Operational Boundary for external debt:		
Debt	13,452	13,452
Other long term liabilities	50	50
<b>Total Operational Boundary</b>	<b>13,502</b>	<b>13,502</b>

5.5.4 The CFR has been updated and has seen minor adjustments, based upon the 2020/21 outturn position. Planned capital expenditure for 2021/22 has been fully funded. The CFR requirement represents historical capital expenditure which has yet to be financed.

5.5.6 There has been no change to the prudential indicator setting out the operational boundary for external debt; we are currently operating below the operational boundary level of external debt. The operational boundary is based on probable external debt during the course of the year. It is not a limit but it acts as an early warning indicator to ensure

that the Authorised Limit is not breached. If external debt levels are close to the operational boundary, they will be monitored closely to ensure that the Authorised Limit, which is the maximum level of external borrowing that the council can incur, is not exceeded.

### **5.5.7 Limits to Borrowing Activity**

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2021/22 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

**5.5.8** The Corporate Director Resources reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.

**5.5.9** A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Council. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The approved Authorised Limit for 2021/22 is set at £20.1m; this limit is still sufficient for the council.

## **5.6 Borrowing**

**5.6.1** The council's capital financing requirement (CFR) for 2021/22 is £11.1m. The CFR denotes the Council's underlying need to borrow for capital purposes. This borrowing can be external, from the Public Works Loan Board (PWLB) or the market, or internal, from balances on a temporary basis. The 2021/22 budget assumed no additional long-term borrowing and that capital schemes were to be funded by grants and contributions, capital receipts, revenue or reserves.

**5.6.2** There were no short-term borrowing transactions (i.e. less than 365 days) during the first six months of 2021/22.

**5.6.3** Interest payments in respect of short-term and long-term borrowing for the first half of the financial year are on target and total £34,415 compared to a budgeted figure of £68,830 for the full year. There is also an additional budget of £1,000 to cover interest payments in the latter part of the financial year in case there are any temporary borrowing

requirements as income from Council Tax reduces during February and March.

**5.6.4** The council incurs charges at 4% over the current base rate for net overdrawn balances with no annual arrangement fee. The council's net bank account position was not overdrawn during the period April to September 2021.

**5.7 Debt Rescheduling**

**5.7.1** Debt rescheduling opportunities have been very limited in the current economic climate given the consequent structure of interest rates, and following the increase in the margin added to gilt yields which has impacted PWLB new borrowing rates since October 2010. No debt rescheduling has therefore been undertaken to date in the current financial year although it is reviewed at least annually.

**5.7.2** The following table provides details of the council's outstanding long term borrowing:

<b>Date</b>	<b>Source</b>	<b>Value (£)</b>	<b>Period (Yrs)</b>	<b>Rate (%)</b>	<b>Maturing</b>
05/03/08	PWLB	552,000	30	4.48	September 2037
05/03/08	PWLB	1,000,000	50	4.41	September 2057
		<b>1,552,000</b>			

**5.8 Compliance with Treasury and Prudential Limits**

**5.8.1** It is a statutory duty for the council to determine and keep under review the affordable borrowing limits. During the half year ended 30 September 2021, the council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2021. The Corporate Director Resources reports that no difficulties are envisaged for the current or future years in complying with these indicators.

**5.8.2** All treasury management operations have also been conducted in full compliance with the Council's Treasury Management Practices.

<b>Financial and legal implications</b>	
Finance	Considered in detail in the report above.
Legal	The approval of the recommendation will ensure that the CIPFA Code of Practice on Treasury Management and statutory requirements have been complied with.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Ben Ralphs	01253 887309	<a href="mailto:ben.ralphs@wyre.gov.uk">ben.ralphs@wyre.gov.uk</a>	07/10/2021

List of background papers:		
name of document	date	where available for inspection
None		

### List of appendices

None





Report of:	Meeting	Date
Councillor Michael Vincent, Resources Portfolio Holder and Clare James, Corporate Director Resources	Council	28 October 2021

<b>Localised Council Tax Support</b>
--------------------------------------

**1. Purpose of report**

- 1.1 To confirm the continuation of the current Localised Council Tax Support (LCTS) Scheme for the 2022/23 financial year.

**2. Outcomes**

- 2.1 Improved incentives to work, ensuring resources are used more effectively, so reducing worklessness and ending a culture of benefit dependency.
- 2.2 Compliance with the Welfare Reform Act 2012 and specifically its provisions for the abolition of Council Tax benefit and replacement with new localised schemes (from 1 April 2013).

**3. Recommendations**

- 3.1 That the current LCTS Scheme be continued into the 2022/23 financial year noting the maximum percentage contribution from working age claimants remains unchanged at 8.5%.
- 3.2 That the current policy be confirmed, recognising that it includes a number of specified amounts used to calculate entitlement, which may change in line with up-ratings published by the DWP. Recognising also that there may be minor adjustments to the scheme should further guidance be received from the Department for Levelling Up, Housing and Communities and that the roll out of Universal Credit (UC) will ultimately replace existing social benefits. The Head of the Contact Centre is to have the delegated authority to make these minor adjustments.

## **4. Background**

- 4.1** As part of the 2012 Welfare Reform Act the national Council Tax Benefit (CTB) scheme was abolished and in accordance with the Local Government Finance Act 2012 local authorities were required to introduce Localised Council Tax Support (LCTS) schemes from April 2013.
- 4.2** Support for Council Tax is offered as reductions within the Council Tax system with claimants of state pension credit age receiving a discount of up to 100% depending on their circumstances, thereby ensuring that they experience no reduction in support as a direct result of the reform.
- 4.3** Localisation provided local authorities with the flexibility to design LCTS schemes for working age claimants taking into account the needs of vulnerable groups and the importance of supporting work incentives. Following a consultation exercise, the Council agreed at their meeting of 29 November 2012 to adopt a scheme that mirrored the outgoing CTB scheme with one main difference. Under the new LCTS scheme working age claimants previously entitled to 100% CTB would have to meet 8.5% of their council tax liability from 1 April 2013. This change allowed the council to qualify for transitional grant for one year.
- 4.4** After consultation in 2018, the original scheme was simplified for 2019/20, with the introduction of:
- A “flat” rate of non-dependent deduction of £5 per week per non-dependent, to replace tiered non-dependent deductions based on non-dependent income;
  - An income “cushion” of £10 per week “up or down” in order to minimise the number of changes to claimants’ LCTS awards, and;
  - The discontinuation of the Second Adult Rebate Scheme.
- 4.5** An equality impact assessment was completed prior to the amended scheme being introduced.
- 4.6** The amended scheme was agreed by full Council on 17 January 2019 and this was reconfirmed as the 2020/21 scheme on 9 January 2020. The scheme for 2021/22 was agreed on 12 November 2020 and again remained unchanged. This consistency has been beneficial during the pandemic and a more comprehensive review is expected for the 2023/24 scheme.

## **5. Key issues and proposals**

- 5.1** Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 requires the authority to consider whether for each financial year the scheme is to be revised or replaced. The authority must make any revision to its scheme, or any replacement scheme, no later than 31 March in the financial year preceding that for which the revision or replacement scheme is to have effect. Where this is the case then the procedural requirements in paragraph 3 of that schedule will apply, namely that the authority must:

- Consult any major precepting authority;
- Publish a draft scheme; and
- Consult such other persons as it considers are likely to have an interest in the operation of the scheme.

As no amendments are proposed to the current LCTS scheme, no consultations have been undertaken.

- 5.2** As at the end of September 2021, the number of working age claimants eligible for council tax support was 5,581 compared to 5,717 at the end of September 2020, a decrease of 136 cases. This decrease is largely due to the return to work of some of those furloughed or made redundant as a consequence of the Covid-19 pandemic.
- 5.3** The number of pensioners eligible for council tax support at the end of September 2021 was 3,881 compared to 4,052 in September 2020, a reduction of 171. The reduction being attributable to a combination of the ongoing review of pension credit eligibility that has subsequently nullified some pensioners' entitlement to LCTS, and also to the increase in deaths amongst the pensioner population as a consequence of the Covid-19 pandemic.
- 5.4** The value of LCTS awarded as at the end of September 2021 was £9,586,173 compared to £9,670,492 last year, a decrease of £84,319, with the decrease being attributable to the easing of the Covid-19 pandemic lockdown restrictions and the return to work of some of those furloughed/made redundant.
- 5.5** The council tax collection rate for 2020/21 was 95.73%, a decrease of 1.13% when compared to the 2019/20 rate of 96.86%. This decrease is a consequence of the Covid-19 pandemic and in particular the closing of the Magistrates Courts, which meant that throughout 2020/21 formal recovery action could not be taken to collect unpaid council tax.
- 5.6** Instead, various informal correspondence was sent to non-payers during 2020/21, advising them of the options open to them if they were impacted financially by the pandemic and couldn't afford to pay their council tax. As a result in excess of 1,200 extended payment arrangements were made, allowing payers to spread their 2020/21 council tax over a longer period of up to 36 months in order to make it more affordable.
- 5.7** In addition, £847,779 was awarded in council tax Hardship Grant payments to council tax payers in receipt of LCTS, or experiencing severe financial hardship as a result of the pandemic. The Government provided total funding of £1,043,738 for this purpose. The remaining balance of the funding is being distributed this financial year to help pay the outstanding 2020/21 council tax of those who are still struggling to pay, but as yet haven't stepped forward for assistance.
- 5.8** The Magistrates Courts are now scheduling hearings for council tax arrears cases again and the formal recovery process for the collection of outstanding council tax owing from 2020/21 has re-commenced. In May 2021 formal reminder notices were sent to payers who had not contacted

the council to make an extended payment arrangement to clear their council tax for 2020/21 and had not subsequently either maintained that arrangement, or paid the outstanding balance owing. In June 2021, 3,707 Liability Orders were obtained from the Magistrates Courts, allowing the council to take further recovery action to collect unpaid council tax from 2020/21.

- 5.9** A number of local authorities were originally considering changes to their current LCTS schemes for 2022/23, including increasing the minimum contribution required from those council tax payers in receipt of social benefits to upwards of 40%. Given the financial impact of the pandemic on the finances of many Wyre residents, and the substantially increased difficulties this council now faces in collecting minimum contributions of 8.5% from taxpayers, making any changes to the LCTS scheme for 2022/23 would be likely to increase further the amount of uncollectable council tax debt.
- 5.10** In addition, the council tax debt management initiative led by Her Majesty's Revenue and Customs, which was due to go live in 2020, has been further delayed because of the pandemic, and is not now expected to be implemented nationally until 2022. As the council will rely heavily on this initiative to identify debtors' employers in order to make attachments to their earnings, this further delay means that it is considered prudent not to make any further changes to the current working age LCTS scheme at this time.
- 5.11** In leaving the current LCTS scheme unchanged next year, Wyre will continue to protect the most vulnerable in our society by limiting the maximum contribution to LCTS for those on full benefit to 8.5%. Our neighbouring Fylde Coast council, Blackpool currently ask their residents to pay between 13.56% and 27.11%, while Fylde charge 22%, and their collection rates for 2020/21 were 87.8% and 95.2% respectively.

<b>Financial and legal implications</b>	
Finance	<p>The council was previously reimbursed by the DWP for expenditure in relation to correctly awarded CTB but as part of the welfare reforms, expenditure on Localised Council Tax Support was reduced by 10%. The Local Government Finance Settlement included £8,077,777 for Council Tax Support in 2013/14 and of this, £963,119 was retained by Wyre.</p> <p>The Government claim that the total level of localised council tax support funding remained unchanged in cash terms in 2014/15 although there has been no separately identifiable amount for localised council tax support at local authority level since it was subsumed within the Revenue Support Grant (RSG) and Baseline Funding. It is also worth remembering that the Council suffered a reduction in grant</p>

	<p>funding of £1.022m or 13.6% in 2014/15 and no longer receives any RSG (from 2019/20).</p> <p>The 2022/23 budgets are not yet known but by inflating the updated 2021/22 anticipated expenditure on LCTS of £9,700,000 (revised down from £10,079,270) by 4.09%, Wyre's average council tax increase in 2021/22, this indicates that the estimated cost of the scheme for 2022/23 would be approximately £10,096,730. Applying these indicative start-up funding allocation of £8,077,777 leaves an unfunded gap of approximately £2,018,953 to be met by each precepting body as follows:</p> <table border="1" data-bbox="544 604 1434 884"> <thead> <tr> <th></th> <th style="text-align: right;">%</th> <th style="text-align: right;">£</th> </tr> </thead> <tbody> <tr> <td>Wyre</td> <td style="text-align: right;">10.6</td> <td style="text-align: right;">214,009</td> </tr> <tr> <td>Parish/Town Councils*</td> <td style="text-align: right;">1.1</td> <td style="text-align: right;">22,209</td> </tr> <tr> <td>Combined Fire Authority</td> <td style="text-align: right;">3.6</td> <td style="text-align: right;">72,682</td> </tr> <tr> <td>Lancashire Police Authority</td> <td style="text-align: right;">11.4</td> <td style="text-align: right;">230,161</td> </tr> <tr> <td>LCC</td> <td style="text-align: right;">73.3</td> <td style="text-align: right;">1,479,892</td> </tr> <tr> <td></td> <td></td> <td style="text-align: right; border-top: 1px solid black;">2,018,953</td> </tr> </tbody> </table> <p>*This is an average cost and will not necessarily be incurred by individual Parish/Town Councils.</p> <p>A Council Tax Hardship grant of £1,043,738 was awarded in 2020/21 to support those most severely affected by COVID-19 and the remaining balance carried forward of £195,959 will continue to be used to offset the impact of the additional costs in 2021/22 caused by the increased LCTS claimants. It is unknown what support will be available from central government in 2022/23, if any.</p>		%	£	Wyre	10.6	214,009	Parish/Town Councils*	1.1	22,209	Combined Fire Authority	3.6	72,682	Lancashire Police Authority	11.4	230,161	LCC	73.3	1,479,892			2,018,953
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Legal	The legal requirements are set out in the body of the report.																					

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

## **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Peter Mason	887530	<a href="mailto:peter.mason@wyre.gov.uk">peter.mason@wyre.gov.uk</a>	05/10/2021

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

None

dem/cou/cr/21/2810pm1



Report of:	Meeting	Date
Councillor David Henderson, Leader of the Council and Clare James, Corporate Director Resources	Council	28 October 2021

<b>Public Sector Audit Appointments from 2023/24</b>
--

**1. Purpose of report**

1.1 To consider the arrangements for appointing External Auditors from 2023/24.

**2. Outcomes**

2.1 External Auditor appointments are made via the Public Sector Audit Appointments (PSAA) scheme.

**3. Recommendation**

3.1 That approval is given to opt into the PSAA arrangements for the appointment of External Auditors from 2023/24.

**4. Background**

4.1 The PSAA currently manages the audit contracts originally set up by the Audit Commission and in July 2016, the Secretary of State for Communities and Local Government confirmed that the PSAA had been specified as an appointing person under the provisions of the Local Audit (Appointing Persons) Regulations 2015.

4.2 This allows the PSAA to make auditor appointments to local authorities that choose to opt into the national appointment arrangements. Their aim is to invite eligible bodies to join this scheme by 11 March 2022 to allow time for the procurement to commence immediately with auditor appointments due to be confirmed in December 2022.

4.3 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by Full Council (authority meeting as a whole).

- 4.4** The deadline by which authorities will need to opt in to the appointing person arrangements is midnight on 11 March 2022. It is important that this issue is considered by Council at a meeting prior to this in order to meet the deadline.
- 4.5** If the procurement fails to attract sufficient capacity, the PSAA have a fall-back option of extending one or more existing contracts for up to two years up to 2024/25.

## **5. Key issues and proposals**

- 5.1** Local authorities can choose to make their own arrangements independent of the PSAA either individually or in conjunction with other bodies. However, to do so would mean that significant economies of scale would be lost and substantial procedural and administrative bureaucracy, to ensure compliance with the regulations, would fall to the council along with any associated cost. There are no plans for a Lancashire wide procurement exercise and the majority, if not all, are expected to follow the national route thereby limiting opportunities for a smaller regional procurement option.
- 5.2** It is likely that a sector wide procurement conducted by PSAA will produce better outcomes for the council than any procurement we undertook by ourselves or with a limited number of partners. Use of the PSAA will also be less resource intensive than establishing an auditor panel and conducting our own procurement.
- 5.3** The success of any contract is tied to the management of that contract and having established good working relationships with our current external auditors we are confident that we can replicate this approach with a different firm if a change occurs as a result of the national approach.
- 5.4** The main advantages of using PSAA are set out in its prospectus and are copied below; these can also be viewed as the disadvantages if the council was to decide to undertake its own procurement.
- Assure timely auditor appointments
  - Manage independence of auditors
  - Secure realistic prices
  - Save on procurement costs
  - Save time and effort needed on auditor panels
  - Focus on audit quality
  - Responsive to changes to the local audit framework



<b>Financial and legal implications</b>	
Finance	The current External Audit arrangements expire after 2022/23 and the appointment of External Auditors beyond this period must be agreed by the end of December 2022. This requires eligible bodies to opt in by the 11 March 2022 deadline and for local authorities this requires a full Council decision. It is anticipated that a realistic market price will result from the national procurement which will help to avoid the additional fee requests experienced by other councils and ensure we budget appropriately in the Medium Term Financial Plan. Any changes will be reflected during the normal budget setting process.
Legal	The legal considerations are outlined in the body of this report.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Clare James	01253 887308	<a href="mailto:Clare.james@wyre.gov.uk">Clare.james@wyre.gov.uk</a>	27/09/2021

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

**List of appendices**

Appendix 1 - PSAA Invitation to opt into the national scheme for auditor appointments from April 2023

Appendix 2 - LGA – Retender of External Audit Contracts email

dem/cou/cr/21/2810cj1

22 September 2021

To: Mr Payne, Chief Executive  
Wyre Borough Council

Copied to: Ms James, S151 Officer  
Councillor McKay, Chair of Audit Committee or equivalent

Dear Mr Payne,

### **Invitation to opt into the national scheme for auditor appointments from April 2023**

I want to ensure that you are aware the external auditor for the audit of your accounts for 2023/24 has to be appointed before the end of December 2022. That may seem a long way away but, as your organisation has a choice about how to make that appointment, your decision-making process needs to begin soon.

We are pleased that the Secretary of State has confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023. Joining PSAA's national scheme for auditor appointments is one of the choices available to your organisation.

In June 2021 we issued a draft prospectus and invited your views and comments on our early thinking on the development of the national scheme for the next period. Feedback from the sector has been extremely helpful and has enabled us to refine our proposals which are now set out in the [scheme prospectus](#) and our [procurement strategy](#). Both documents can be downloaded from our website which also contains a range of useful information that you may find helpful.

The national scheme timetable for appointing auditors from 2023/24 means we now need to issue a formal invitation to you to opt into these arrangements. In order to meet the requirements of the relevant regulations, we also attach a form of acceptance of our invitation which you must use if your organisation decides to join the national scheme. We have specified the five consecutive financial years beginning 1 April 2023 as the compulsory appointing period for the purposes of the regulations which govern the national scheme.

Given the very challenging local audit market, we believe that eligible bodies will be best served by opting to join the scheme and have attached a short summary of why we believe that is the best solution both for individual bodies and the sector as a whole.

I would like to highlight three matters to you:

1. if you opt to join the national scheme, we need to receive your formal acceptance of this invitation by Friday 11 March 2022;

2. the relevant regulations require that, except for a body that is a corporation sole (e.g. a police and crime commissioner), the decision to accept our invitation and to opt in must be made by the members of the authority meeting as a whole e.g. Full Council or equivalent. We appreciate this will need to be built into your decision-making timetable. We have deliberately set a generous timescale for bodies to make opt in decisions (24 weeks compared to the statutory minimum of 8 weeks) to ensure that all eligible bodies have sufficient time to comply with this requirement; and
3. if you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2023. We are required to consider such requests and agree to them unless there are reasonable grounds for their refusal. PSAA must consider a request as the appointing person in accordance with the Regulations. The Regulations allow us to recover our reasonable costs for making arrangements to appoint a local auditor in these circumstances, for example if we need to embark on a further procurement or enter into further discussions with our contracted firms.

If you have any other questions not covered by our information, do not hesitate to contact us by email at [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk). We also publish answers to [frequently asked questions](#) on our website.

If you would like to discuss a particular issue with us, please send an email also to [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk), and we will respond to you.

Yours sincerely

Tony Crawley  
Chief Executive

Encl: Summary of the national scheme

## Why accepting the national scheme opt-in invitation is the best solution

### Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit, independent company limited by guarantee incorporated by the Local Government Association in August 2014.

We have the support of the LGA, which in 2014 worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national body.

We have the support of Government; MHCLG's Spring statement confirmed our appointment because of our "strong technical expertise and the proactive work they have done to help to identify improvements that can be made to the process".

We are an active member of the new Local Audit Liaison Committee, chaired by MHCLG and attended by key local audit stakeholders, enabling us to feed in body and audit perspectives to decisions about changes to the local audit framework, and the need to address timeliness through actions across the system.

We conduct research to raise awareness of local audit issues, and work with MHCLG and other stakeholders to enable changes arising from Sir Tony Redmond's review, such as more flexible fee setting and a timelier basis to set scale fees.

We have established an advisory panel, which meets three times per year. Its membership is drawn from relevant representative groups of local government and police bodies, to act as a sounding board for our scheme and to enable us to hear your views on the design and operation of the scheme.

### The national scheme for appointing local auditors

In July 2016, the Secretary of State specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing an auditor and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme. 98% of eligible bodies made the choice to opt-in for the five-year period commencing in April 2018.

We will appoint an auditor for all opted-in bodies for each of the five financial years beginning from 1 April 2023.

We aim for all opted-in bodies to receive an audit service of the required quality at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local audit. The focus of our quality assessment will include resourcing capacity and capability including sector knowledge, and client relationship management and communication.

### What the appointing person scheme from 2023 will offer

We believe that a sector-led, collaborative, national scheme stands out as the best option for all eligible bodies, offering the best value for money and assuring the independence of the auditor appointment.

The national scheme from 2023 will build on the range of benefits already available for members:

- transparent and independent auditor appointment via a third party;
- the best opportunity to secure the appointment of a qualified, registered auditor;
- appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiatives, if the parties believe that it will enhance efficiency;
- on-going management of any independence issues which may arise;
- access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members - in 2019 we returned a total £3.5million to relevant bodies and more recently we announced a further distribution of £5.6m in August 2021;
- collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- updates from PSAA to Section 151 officers and Audit Committee Chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships; and
- concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

We are committed to keep developing our scheme, taking into account feedback from scheme members, suppliers and other stakeholders, and learning from the collective post-2018 experience. This work is ongoing, and we have taken a number of initiatives to improve the operation of the scheme for the benefit of all parties.

Importantly we have listened to your feedback to our recent consultation, and our response is reflected in [the scheme prospectus](#).

## **Opting in**

The closing date for opting in is 11 March 2022. We have allowed more than the minimum eight-week notice period required, because the formal approval process for most eligible bodies is a decision made by the members of the authority meeting as a whole [Full Council or equivalent], except police and crime commissioners who are able to make their own decision.

We will confirm receipt of all opt-in notices. A full list of eligible bodies that opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters which may need to be taken into consideration when appointing your auditor.

## **Local Government Reorganisation**

We are aware that reorganisations in the local government areas of Cumbria, Somerset, and North Yorkshire were announced in July 2021. Subject to parliamentary approval shadow elections will take place in May 2022 for the new Councils to become established from 1 April 2023. Newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015. These Regulations also set out that a local government body that ceases to exist is automatically removed from the scheme.

If for any reason there is any uncertainty that reorganisations will take place or meet the current timetable, we would suggest that the current eligible bodies confirm their acceptance to opt in to avoid the requirement to have to make local arrangements should the reorganisation be delayed.

## **Next Steps**

We expect to formally commence the procurement of audit services in early February 2022. At that time our procurement documentation will be available for opted-in bodies to view through our e-tendering platform.

Our recent webinars to support our consultation proved to be popular, and we will be running a series of webinars covering specific areas of our work and our progress to prepare for the second appointing period. Details can be found on [our website](#) and in [the scheme prospectus](#).

From the Chairman of the Association  
Cllr James Jamieson



**To: Mayors/Leaders/Chief Executives/Chief Finance Officers  
of English Principal Councils**

23 September 2021

Dear Clare James,

**Retender of External Audit Contracts**

I am writing because your council must shortly make a decision whether to opt into the national arrangement for the procurement of external audit or procure external audit for itself, and to set out the LGA's view on that decision.

In most councils this matter will be considered first in detail by the Audit Committee. You will therefore no doubt wish to pass on a copy of this letter and the more detailed attachment to the colleague who chairs the relevant committee.

Legislation requires a resolution of Full Council if a local authority wishes to opt into the national arrangement. The practical deadline for this decision is 11<sup>th</sup> March 2022. As this is a decision for the Full Council, I wanted to ensure that you had sight of the letter that has been sent to audit and finance colleagues and that you are aware of the crucial issues to be considered.

The way external audit has operated over the last couple of years has been extremely disappointing. This has led to many audits being delayed and dozens of audits remain uncompleted from 2019/20. Dealing with these issues is not a quick or easy fix.

Nevertheless, the LGA's view is that the national framework remains the best option for councils. There are many reasons for favouring the national arrangements and we think those reasons have become more compelling since 2016/17 when councils were last asked to make this choice.

We believe that in a suppliers' market it is imperative that councils act together to have the best chance of influencing the market and for nationally coordinated efforts to improve the supply side of the market to be effective.

The information attached goes into more detail about the background to this decision. My officers will be happy to answer any questions you may have. Please contact Alan Finch ([alan.finch@local.gov.uk](mailto:alan.finch@local.gov.uk)) if you have any issues you would like to raise.

Yours sincerely

Cllr James Jamieson

Chairman

cc: Chief Executive

Chief Finance Officer

**RETENDER OF EXTERNAL AUDIT CONTRACTS**

**Information from the LGA for those charged with governance**

The process for retendering for external audit in local authorities in England, for contracts due to start from 2023/24, is now underway and shortly the council will need to decide whether to procure its own external auditor or opt into the national procurement framework.

Legislation requires a resolution of Full Council if a local authority wishes to opt into the national arrangement. The deadline for this decision is the 11<sup>th</sup> March 2022. If the council doesn't make such a decision, the legislation assumes that the council will procure its own external audit, with all the extra work and administration that comes with it.

The national framework remains the best option councils can choose. There are many reasons for favouring the national arrangements and we think those reasons have become more compelling since 2016/17 when councils were last asked to make this choice.

The way external audit has operated over the last couple of years has been extremely disappointing. A lack of capacity in the audit market has been exacerbated by increased



requirements placed on external auditors by the audit regulator. There is also a limited number of firms in the market and too few qualified auditors employed by those firms. This has led to a situation where many audits have been delayed and dozens of audit opinions remain outstanding from 2019/20 and 2020/21. Auditors have also been asking for additional fees to pay for extra work.

As the client in the contract, a council has little influence over what it is procuring. The nature and scope of the audit is determined by codes of practice and guidance and the regulation of the audit market is undertaken by a third party, currently the Financial Reporting Council. Essentially, councils find themselves operating in what amounts to a suppliers' market and the client's interest is at risk of being ignored unless we act together.

Everyone, even existing suppliers, agrees that the supply side of the market needs to be expanded, which includes encouraging bids from challenger firms. Public Sector Audit Appointments Ltd (PSAA), the body nominated by the Government to run the national arrangements, has suggested various ways this could be done, but these initiatives are much more likely to be successful if a large number councils sign up to the national scheme. It is therefore vital that councils coordinate their efforts to ensure that the client voice is heard loud and clear. The best way of doing this across the country is to sign up to the national arrangement.

To summarise, the same arguments apply as at the time of the last procurement:

- A council procuring its own auditor or procuring through a joint arrangement means setting up an Audit Panel with an independent chair to oversee the procurement and running of the contract.
- The procurement process is an administrative burden on council staff already struggling for capacity. Contract management is an ongoing burden.
- Procuring through the appointing person (PSAA) makes it easier for councils to demonstrate independence of process.
- Procuring for yourself provides no obvious benefits:
  - The service being procured is defined by statute and by accounting and auditing codes
  - Possible suppliers are limited to the small pool of registered firms with accredited Key Audit Partners (KAP).
  - Since the last procurement it is now more obvious than ever that we are in a 'suppliers' market' in which the audit firms hold most of the levers.
- PSAA has now built up considerable expertise and has been working hard to address the issue that have arisen with the contracts over the last couple of years:
  - PSAA has the experience of the first national contract. The Government's selection of PSAA as the appointing person for a second cycle reflects MHCLG's confidence in them as an organisation.
  - PSAA has commissioned high quality research to understand the nature of the audit market.
  - It has worked very closely with MHCLG to enable the government to consult on changes to the fees setting arrangements to deal better with

variations at national and local level, hopefully resulting in more flexible and appropriate Regulations later this year

Councils need to consider their options. we have therefore attached a list of Frequently Asked Questions relating to this issue which we hope will be useful to you in reaching this important decision.

When the LGA set up PSAA in 2015, we did so with the interests of the local government sector in mind. We continue to believe that the national arrangement is the best way for councils to influence a particularly difficult market.

If you have any questions on these issues please contact Alan Finch, Principal Adviser (Finance) ([alan.finch@local.gov.uk](mailto:alan.finch@local.gov.uk)).

## **PROCUREMENT OF EXTERNAL AUDIT from financial year 2023/24**

### **FREQUENTLY ASKED QUESTIONS**

“Were prices set too low in the current contract?”

It is clear that firms did submit bids that reflected what seemed at the time to be very stable market conditions. Unfortunately, a series of financial collapses in the private sector have since created a very different climate and resulted in a whole series of new regulatory pressures. It is very likely that firms thought they could make savings as a result of the new timetable, essentially finishing the accounts audits by the end of July each year. Of course, that is not what has happened.

The Government opened up the market principally on the argument that costs would reduce, and views were mixed in the sector when the first contract was being let. Some councils wanted more savings and some were worried about reduced standards.

“Has the current contract helped cause these issues?”

Since the current contract is based around the Code of Audit Practice and the local government accounting code, this is unlikely. The first year of the new contract coincided with the introduction of new standards and with the emergence of some difficult audit issues such as the [McCloud judgement](#) (a legal case which affected the valuation of pension liabilities). The second year was affected by COVID-19. This laid bare the lack of capacity in the supplier side of the market and led to considerable delays. It is hard to see how the contract could have pre-empted this, but now we are clearer about the level of uncertainty in the system, the next contract can adjust for it.

“If we let our own contract, could we have more influence over auditors?”

No. The auditors are required to be independent and are bound by the Codes and need to deliver to them in line with the regulator’s expectations or face action under the regulatory framework.

As far as delays in audits is concerned, auditors are required to allocate resources according to risk and councils that procure for themselves will find themselves in the same queue as those within the national arrangement.

“If we let our own contract, can we get the auditors to prioritise our audit over others?”

Very unlikely. Auditors are running at full capacity and have to deploy resources according to their assessment of audit risks in accordance with professional standards. It is very unlikely that auditors could give preference to some clients rather than others even if they wanted to.

“Didn’t we used to get more from our auditors?”

Yes we did. For example, auditors were often prepared to provide training to audit committees on a pro-bono basis. The fact that they used to be with us for most of the year meant officers could develop professional working relationships with auditors and they understood us better, within the boundaries required of their independent status. Auditors no longer have the capacity to do extra work and the light shone on audit independence in other sectors of the economy has reinforced the rules on the way auditors and councils work together.

“Under the national framework we have had to negotiate our own fee variations. Will that continue to be the case?”

Unfortunately, virtually all councils have had to engage in discussions with auditors about fee variations linked to new regulatory requirements and, of course, the challenges of COVID-19. SAA has worked hard with MHCLG to enable the recent consultation on changes to the fee setting regime, and the resulting regulatory change will bring scope for more issues to be settled at a national level in future.

“Can we band together in joint procurements to get most of the benefits of not going it alone?”

We understand that this is lawful. However, joint procurement partners would not be part of PSAA’s efforts on behalf of the sector to increase the number of firms competing in the market, which will therefore be less likely to succeed.

At best, joint procurement spreads the pain of procuring over a larger number of councils and at worst it introduces a new layer of bureaucracy, because someone is going to have to take the lead and bring all the members of the consortium along. It’s not altogether clear to us why a joint procurement would be better than the national contract, especially as the consortium would then have to manage the contract throughout its life (for example, the implications of changes of audit scope).

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Report of:	Meeting	Date
Councillor David Henderson, Leader of the Council and Garry Payne, Chief Executive	Council	28 October 2021

<b>Calendar of Meetings 2022/23</b>
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**1. Purpose of report**

1.1 To publish the programme of meetings involving Councillors for 2022/23.

**2. Outcomes**

2.1 An effective democratic decision making process.

**3. Recommendation**

3.1 That the Calendar of Meetings for 2022/23, attached as Appendix 1, be noted.

**4. Background**

4.1 Paragraph 2 of Part 4.01 of the Constitution states that:

*“Ordinary meetings of the Council will take place in accordance with a programme published by the Chief Executive, following consultation with the Group Leaders.”*

4.2 The programme of meetings for 2022/23 follows a broadly similar pattern to the programme for the current year.

**5. Key issues and proposals**

5.1 The frequency, times and dates of each meeting are listed in Appendix 2. Any adjustments to the previous pattern are referred to in the text.

5.2 The only change of any significance is that meetings of the Audit Committee have been amended to reflect the new statutory deadlines for the accounts which will apply at least up to and including 2022/23. The

May Audit Committee has been removed from the Calendar and replaced by one in September.

<b>Financial and legal implications</b>	
Finance	The number of meetings in 2022/23 is proposed to be the same as in 2021/22 so there will be no additional financial implications.
Legal	The proposed schedule of meetings meets with the requirements of the law and the Council's constitution.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Peter Foulsham	01253 887606	Peter.foulsham@wyre.gov.uk	21/09/2021

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

**List of appendices**

Appendix 1 Calendar of Meetings for 2022/23

Appendix 2 Dates of meetings 2022/23

dem/cou/cr/21/2810pf1

## CALENDAR OF MEETINGS 2022/23

	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY
MON				1									1 BH
TUE				2			1						2
WED		1 PLA MB CAB		3 PLACMT			2 PLA MB			1 PLA CMT	1 PLA CMT		3 MB
THU		2 BH		4	1		3	1 COU		2	2		4 Elections
FRI		3 BH	1	5	2		4	2		3	3		5
SAT		4	2	6	3	1	5	3		4	4	1	6
SUN	1	5	3	7	4	2	6	4	1	5	5	2	7
MON	2 BH	6 O&S	4 LG	8	5 O&S	3	7	5	2 BH	6	6 LG	3	8
TUE	3	7 CCPWG	5 CG	9	6	4	8	6 CCPWG	3	7	7 CG	4	9
WED	4 PLA MB	8 CMT	6 PLA CMT	10 MB	7 PLA MB CAB	5 PLA MB	9 CMT	7 PLA CMT	4 PLA CMT	8 MB	8 MB	5 PLA MB	10 CMT
THU	5	9	7 COU	11	8	6	10 STA	8	5	9	9 COU*	6	11
FRI	6	10	8	12	9	7	11	9	6	10	10	7 BH	12
SAT	7	11	9	13	10	8	12	10	7	11	11	8	13
SUN	8	12	10	14	11	9	13	11	8	12	12	9	14
MON	9	13 CDG	11 E&A	15	12 LG	10	14	12 CDG	9	13	13 CDG	10 BH	15
TUE	10	14 AUDIT	12	16	13 CG	11	15 AUDIT	13	10	14	14	11	16
WED	11 CMT	15 MB	13 MB CAB	17 CMT	14 CMT	12 CMT	16 MB	14 MB	11 MB CAB	15 CMT CAB*	15 CMT	12 CMT	17 MB
THU	12 COU ANN	16 STA	14	18	15 COU	13	17	15	12	16	16 STA	13	18 COU ANN
FRI	13	17	15	19	16	14	18	16	13	17	17	14	19
SAT	14	18	16	20	17	15	19	17	14	18	18	15	20
SUN	15	19	17	21	18	16	20	18	15	19	19	16	21
MON	16	20	18 O&S	22	19 CDG	17 O&S	21 O&S	19	16 O&S	20 E&A	20	17 LG	22
TUE	17	21	19 LIC	23 LIC	20 LIC	18 LIC	22 LIC	20	17 LIC	21 LIC	21 CCPWG	18 CG	23
WED	18 MB	22 CMT	20 CMT	24 MB	21 MB	19 MB CAB	23 CMT	21 CMT	18 CMT	22 MB	22 MB CAB	19 MB CAB	24 CMT
THU	19	23	21	25	22 CCPWG	20	24	22	19	23	23	20 COU	25
FRI	20	24	22	26	23	21	25	23	20	24	24	21	26
SAT	21	25	23	27	24	22	26	24	21	25	25	22	27
SUN	22	26	24	28	25	23	27	25	22	26	26	23	28
MON	23	27	25	29 BH	26	24 LG	28 LG	26 BH	23 LG	27 O&S	27	24 O&S	29 BH
TUE	24 LIC	28 LIC	26 AUDIT	30	27 AUDIT	25 CG	29 CG	27 BH	24 CG	28 AUDIT	28 LIC	25 LIC	30
WED	25 CMT	29 MB	27 MB	31 CMT	28 CMT	26 CMT	30 MB CAB	28	25 MB		29 CMT	26 PLA CMT	31 MB
THU	26	30	28		29	27 COU		29	26 COU		30	27	
FRI	27		29		30	28		30	27		31	28	
SAT	28		30			29		31	28			29	
SUN	29		31			30			29			30	
MON	30					31 E&A			30				
TUE	31								31				

**Key**

COU ANN = Annual Council Meeting 7pm

CG = Conservative Group - 6pm  
LG = Labour Group - 6pmCAB = Cabinet – 5pm  
COU = Council - 7pm  
STA = Standards Committee - 6pm  
AUD = Audit Committee - 6pm  
E&A = Employment & Appeals Committee - 6pm  
CDG = Councillor Development Group – 6pm  
CCPWG = Climate Change Policy Working Group – 6pm

O&amp;S = Overview and Scrutiny Committee - 6pm

BH = Bank Holiday  
\* = Budget MeetingPLA = Planning Committee - 2pm  
LIC = Licensing Committee - 6pmMB = Management Board – 4pm  
CMT = Corporate Management Team

Please note these dates are correct at the time of publication and may be subject to change. Please refer to the Council's website for the most up to date information.





## **CALENDAR OF MEETINGS**

**May 2022 to May 2023**

**DATES OF MEETINGS 2022/23**

**COUNCIL**

8 meetings. Same number as in 2021/22. Thursdays at 7pm.

12 May 2022 (Annual meeting 2022/23)

7 July 2022

15 September 2022

27 October 2022

1 December 2022

26 January 2023

9 March 2023 (Budget meeting)

20 April 2023 (one week later in 2023 because of Easter)

**AUDIT COMMITTEE**

5 meetings. Scheduled to fit in with the requirements of the Audit Plan and various statutory deadlines. May meeting removed and replaced by one in September. Tuesdays at 6pm.

14 June 2022

26 July 2022

27 September 2022

15 November 2022

28 February 2023

**EMPLOYMENT AND APPEALS COMMITTEE**

3 meetings. Same number and similar pattern as in 2021/22. Mondays at 6pm.

11 July 2022

31 October 2022

20 February 2023

## **OVERVIEW AND SCRUTINY COMMITTEE**

8 meetings – Same number as in 2021/22.  
Mondays at 6pm.

6 June 2022

18 July 2022

5 September 2022

17 October 2022

21 November 2022

16 January 2023

27 February 2023

24 April 2023

## **PLANNING COMMITTEE**

12 meetings – Same pattern of meetings as in previous years.

First Wednesday of each month, at 2pm.

There is one exception, the May 2023 meeting having been brought forward by one week (to 26 April 2023) because of the Wyre Council elections on Thursday 4 May 2023.

1 June 2022

6 July 2022

3 August 2022

7 September 2022

5 October 2022

2 November 2022

7 December 2022

4 January 2023

1 February 2023

1 March 2023

5 April 2023

26 April 2023

## **LICENSING COMMITTEE**

11 meetings – last or penultimate Tuesday of each month at 6pm. As in previous years, monthly meetings have been scheduled to enable statutory deadlines to be met if applications are received. It is likely that a number of these meetings will not be needed, but it is easier to schedule meetings on a monthly basis and cancel them if necessary, than to have to add extra meetings at short notice.

24 May 2022

28 June 2022

19 July 2022

23 August 2022

20 September 2022

18 October 2022

22 November 2022

17 January 2023

21 February 2023

28 March 2023

25 April 2023

## **STANDARDS COMMITTEE**

3 meetings. Same number of scheduled meetings and similar pattern as in 2021/22. Thursdays at 6pm.

Evenly spaced throughout the year. Additional meetings will be organised, if necessary, to deal with any particular Code of Conduct issues which may arise.

16 June 2022

10 November 2022

16 March 2023

## **CABINET**

9 meetings – the same pattern as in 2021/22. Wednesdays at 5pm.

1 June 2022

13 July 2022

7 September 2022

19 October 2022

30 November 2022

11 January 2023

15 February 2023 (Budget meeting)

22 March 2023

19 April 2023

## **COUNCILLOR DEVELOPMENT GROUP**

4 Meetings. Same pattern as in 2021/22. Mondays at 6pm.

13 June 2022

19 September 2022

12 December 2022

13 March 2023

## **CLIMATE CHANGE POLICY WORKING GROUP**

4 meetings scheduled, as in 2021/22. Additional meetings to be convened on ad-hoc basis, if necessary.

Tuesdays at 6pm

7 June 2022

20 September 2022

6 December 2022

21 March 2023

**Conservative Group** Tuesday before each Council Meeting (except Annual meetings)

**Labour Group** Monday before each Council Meeting (except Annual meetings)

**Management Board:** Every 2 weeks (alternate weeks from CMT)  
Wednesdays at 4pm.

**Corporate Management Team** Every 2 weeks (alternate weeks from MB) Wednesdays usually at 9.30am.



Report of:	Meeting	Date
Councillor David Henderson, Leader of the Council and Garry Payne, Chief Executive	Council	28 October 2021

<b>Constitution amendments</b>
--------------------------------

**1. Purpose of report**

1.1 To enable changes to be made to the Council's Constitution.

**2. Outcomes**

2.1 More up to date and effective governance arrangements.

**3. Recommendations**

3.1 That Part 4.01 of the Council's Constitution (Council Procedure Rules) be amended to include a number of changes to procedure.

3.2 That Part 7.01 (Management Structure) and 7.02 (Scheme of Delegation) of the Council's Constitution be amended to reflect changes in the council's Senior Management Structure and to reflect the current Executive and Non-Executive officer delegations.

**4. Background**

4.1 The Local Government Act 2000 requires all local councils to have a written Constitution. Most still very closely follow a national model drawn up when the 2000 Act was implemented. Reports are submitted by the Chief Executive on a regular basis to enable the Council to approve changes to the Constitution to take account of new legislation, changes to functions, structures, roles, responsibilities or procedures.

**5. Key issues and proposals**

5.1 The following changes are proposed to Part 4.01 – Rules of Procedure

## Paragraph 2; Ordinary Meetings

- 5.1.1** To clarify that whilst the Chief Executive will take into consideration comments from Group Leaders, ultimate responsibility for determining the programme of Ordinary meetings lies with the Chief Executive.
- 5.1.2** To make clear that the Minutes of the last meeting are to be 'confirmed' not 'noted' and wording to be included to clarify that any debate on the Minutes must be limited to matters of fact not interpretation.
- 5.1.3** Inclusion of the requirement for periodic reports to contain the attendance record of each member of the committee for the period in question.

## Paragraph 5.1; Apologies for Absence

- 5.1.4** A section to be inserted setting out the required procedures going forward for registering apologies at meetings.

## Paragraph 13; Reports from Chairmen of the Overview & Scrutiny, Audit, Licensing, Planning Applications and Standards Committees – Frequency of Reports

- 5.1.5** The requirement for the Chairman of the Climate Change Policy Group and the Planning Policy Group to also submit a report to an Ordinary Council meeting at least once in a municipal year.

## Paragraph 19.2; Form of Minutes

- 5.1.6** Amended to reflect that only members who have attended the meeting can approve or second the accuracy of minutes.

## Paragraph 26; Substitution of members

- 5.1.7** A section to be inserted setting out the required procedures going forward regarding the substitution of members during periods of scheduled absence for a period of two months or more.
- 5.1.8** A number of other minor amendments have also been made to the Rules of Procedure. These have been 'track changed' throughout the document.
- 5.1.9** The proposed revised wording for Part 4.01 of the Constitution is attached at Appendix 1.

- 5.2** The following changes are proposed to Part 7.01 – Management Structure.



- 5.2.1** The management structure has been amended to reflect the current structure in particular following the departure of the Head of Business Support / Monitoring Officer and Head of ICT in Summer 2021. A number of other minor changes have also been made to the structure. These have been 'track changed' on the document.
- 5.2.2** The proposed revised management structure for Part 7.01 is attached at Appendix 2.
- 5.3** The following changes are proposed to Part 7.02 – Scheme of Delegation;
- 5.3.1** Executive Functions Delegated to the Chief Executive (Paragraph 7); Amended to allow face-to-face meetings to be replaced with remote or hybrid arrangements where legislation permits.
- 5.3.2** Executive Functions Delegated to the Corporate Directors (Paragraph 5); to reflect the arrangements in place for the approval of investments by the Property Investment Board.
- 5.3.3** Executive Functions Delegated to the Corporate Directors (Paragraphs 6-10); In the instances where Corporate Directors have the same executive functions as each other these have been removed from individual Corporate Director functions and included together under 'Corporate Directors'.
- 5.3.4** Non-Executive Functions Delegated to the Corporate Directors (Paragraphs 3-4); In the instances where Corporate Directors have the same non-executive functions as each other these have been removed from individual Corporate Director functions and included together under 'Corporate Directors'.
- 5.3.5** Executive Functions Delegated to the Corporate Directors and all Heads of Service (Paragraph 3b); Amended to reflect other areas in addition to maternity leave; e.g paternity, parental and adoption leave that staffing cover may be required for.
- 5.3.6** Non-Executive Functions Delegated to the Corporate Directors and all Heads of Service (Paragraph 1); Relocate the approval of street naming and numbering of properties to the Head of Contact Centre and ICT Services.
- 5.3.7** Executive Functions Delegated to the Corporate Director Environment (Paragraph 9); To include the authority to obtain licences under the Licensing Act.
- 5.3.8** Executive Functions Delegated to the Corporate Director Communities (Paragraph 2); Amended to include the overall management of the Wyre Community Lottery Scheme.

- 5.3.9** Executive Functions Delegated to the Corporate Director Resources and in their absence to the Deputy Head of Finance (Paragraph 7); Make reference to the requirement to agree the NNDR3 submission in addition to NNDR1, in accordance with the Business Rates Retention Scheme.
- 5.3.10** Executive Functions Delegated to the Head of the Contact Centre and ICT Services (interim arrangement) (Paragraph 5); Amended to include the permissions to seek authorisations from the Justice of the Peace in relation to grants, notices and RIPA authorisations.
- 5.3.11** Non-Executive Functions Delegated to the Head of the Contact Centre and ICT Services (interim arrangement) (Paragraph 1); Amended to include the delegation to approve the naming and numbering of properties.
- 5.3.12** Non-Executive Functions Delegated to the Head of Governance and Business Support (Paragraph 2); Amended to reflect that if legislation requires the Head of Governance and Business Support can appoint Independent Members to the Audit Committee.
- 5.3.13** Non-Executive Functions Delegated to the Head of Governance and Business Support (Paragraph 4-5; Amended to reflect current practice in respect of convening a panel from the Licensing Committee to consider appeals and making minor changes to the Constitution.
- 5.3.14** Executive Functions Delegated to the Head of Planning Services (Paragraph 3); Amended the explanatory schedule relating to the Neighbourhood Development Plan. Attached as a separate appendix at the end of the scheme of delegation (with track changes)
- 5.3.15** Executive Functions Delegated to the Head of Planning Services (Paragraph 4); Amended to reflect the current delegations in relation to Anti-Social Behaviour, Crime and Policing Act 2014.
- 5.3.16** Non-Executive Functions Delegated to the Head of Planning Services (Paragraphs 4, 30-32); Amended to reflect the current delegations currently being carried out by the Head of Planning Services in relation to applications for hazardous substances, injunctions and preservation orders for listed buildings and the entering of land in Part 2 of the Brownfield Land Register.
- 5.3.17** Executive Functions Delegated to the Head of Housing and Community Services (Paragraphs 2, 10-12); Amended to reflect the current delegations currently being carried out by the Head of Housing and Community Services in relation to disabled facilities and discretionary housing assistance, statutory

overcrowding, housing standards, multiple occupation and the Redress Schemes for Letting Agency Work and Property Management Work Order 2014.

- 5.3.18** Executive Functions Delegated to the Head of Housing and Community Services (Paragraphs 13); Amended to include the overall management of the Wyre Community Lottery Scheme.
- 5.3.19** Executive Functions Delegated to the Head of Built Environment (Paragraphs 15); Amended to reflect the current delegations currently being carried out by the Head of Built Environment in relation to enforcement under the Building Act and Building Regulations.
- 5.3.20** Non-Executive Functions Delegated to the Head of Built Environment (Paragraphs 1); re-word delegation in relation to the issuing and serving of notices in respect of land.
- 5.3.21** Executive Functions Delegated to the Head of Environmental Health and Community Safety (Paragraph 1, 6-7); Amended to reflect the current delegations and changes to legislation in relation to EU Food Hygiene Regulations, adult offenders and the Anti-Social Behaviour, Crime and Policing Act 2014.
- 5.3.22** Non-Executive Functions Delegated to the Head of Environmental Health and Community Safety (Paragraph 1); Amended to reflect the current delegations currently being carried out by the Head of Health and Community Safety in relation to EU Food Hygiene Regulations and the Licensing Act.
- 5.3.23** A number of other minor amendments and changes to the layout have also been made to the Scheme of Delegation following the Senior Management Structure in 2019 and the departure of the Head of Business Support / Monitoring Officer and the Head of ICT in June 2021. These have been ‘track changed’ throughout the document.
- 5.3.24** The proposed Scheme of Delegation for Part 7.02 is attached at Appendix 3.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	The Council is required to have an up to date Constitution, including Rules of Procedure and Scheme of Delegation to ensure that all decisions are taken lawfully.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Joanne Billington, Head of Governance and Business Support	01253 887372	Joanne.billington@wyre.gov.uk	8/10/2021

List of background papers:		
name of document	date	where available for inspection
None.		

### List of appendices

- Appendix 1 Part 4.01 of the Council's Constitution, Rules of Procedure (with track changes).
- Appendix 2 Part 7.01 of the Council's Constitution, Management Structure (with track changes).
- Appendix 3 Part 7.02 of the Council's Constitution, Scheme of Delegation (with track changes).

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[Appendix 1a](#)

## Council Procedure Rules

### Contents

#### **Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Time and place of meetings
5. Notice of and summons to meetings
6. Chairing of meetings
7. Quorum
8. Duration of meeting
9. Questions and statements by members of the public
10. Presentation of Petitions
11. Executive Member reports
12. Written Questions “on notice” by Councillors
13. Reports from Chairmen of the Overview and Scrutiny, Audit, Licensing, Planning and Standards Committees
14. Motions on notice
15. Motions without notice
16. Rules of debate
17. Previous decisions and motions
18. Voting
19. Minutes
20. Record of attendance
21. Exclusion of public

**Rule**

- 22. Members' conduct
- 23. Disturbance by public
- 24. Suspension and amendment of Council Procedure Rules
- 25. Application to Committees, ~~and~~ Sub-Committees
- 26. ~~26.~~ Substitution of members of Committees

**Note: All of these Council procedure rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-~~7~~8, 15, 16, 18, 19.1, 21, 22.3, 22.4, 22.5 and 23 apply to meetings of Committees ~~and~~ and Sub-Committees ~~and~~ have been marked with an \***

## 1. **Annual Meeting of the Council**

### 1.1 **Timing and Business**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The Annual Meeting will:

- (i) elect a Councillor to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) in an election year, elect the Leader;
- (vii) note the decision of the Leader as to the number of members of the Executive; who he or she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers (see also Part 4.04/1 – paragraph 1.2).
- (viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- (ix) consider any proposed changes to the Council's scheme of delegation
- (x) consider any business set out in the notice convening the meeting.

### 1.2 **Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee and outside body; and

- (v) at the Annual Council Meeting following each Wyre Council election appoint to those outside bodies, except where appointment to those bodies has been delegated by the Council or are Executive appointments.

## 2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme published by the Chief Executive following discussion with Group Leaders (the Chief Executive will take into consideration comments from Group Leaders but the Chief Executive has the ultimate responsibility for determining the programme of Ordinary meetings) which will:

- (i) elect a Councillor to preside if neither the Mayor or the Deputy Mayor are present;
- (ii) Confirm ~~note~~ the Minutes of the last meeting. Any debate on the Minutes must be limited to matters of fact not interpretation;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader, Members of the Cabinet, a Chairman of a Committee or the Chief Executive;
- (v) receive questions and/or statements from, and provide answers to, members of the public;
- (vi) receive a petition (if the requirements of the Petitions Scheme in Part 5.08 of the Constitution have been met);
- (vii) deal with any business adjourned from the last Council meeting;
- (viii) receive written questions “on-notice” from Councillors and hear responses from the Portfolio Holders to whom they are addressed;
- (ix) consider items for decision by the Council, including any recommendations from the Cabinet or Portfolio Holders that involve changes to the budget, or Policy Framework or officer reports on procedural issues, or relating to Council functions listed in Part 3 of the Constitution;
- (x) receive Executive Reports from the Leader and each Portfolio Holder and deal with questions and answers on any of those reports;
- (xi) receive periodic reports from Chairmen of Committees and deal with questions and answers on those reports. The periodic reports must contain the attendance record of each member of the committee for that period;
- (xii) consider any Notices of Motion;
- (xiii) consider any other business specified in the summons to the meeting.



### 3. Extraordinary Meetings

#### 3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### 3.2 Business

Only the business specified in the summons may be transacted at an extraordinary meeting.

### \*4. Time and Place of Meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

### \*5. Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons, signed by him or her, to every Member of the Council to their council e-mail address, by post and or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### 5.1. Apologies for absence

Any member unable to attend a meeting must send their apologies and the reason for their absence by e-mail to [democratic.services@wyre.gov.uk](mailto:democratic.services@wyre.gov.uk) as soon as practicably possible and not less than 24 hours before the start time of the meeting as stated on the summons or notice. Where there are exceptional circumstances preventing compliance with this rule, members must contact Democratic Services and / or the relevant Chair of the meeting as soon as practicably possible to give their apologies and the reason for them. It is also considered good practice to advise the Leader of their group accordingly.

When a member complies with the requirements of this rule, they shall be recorded in the minutes as having tendered their apologies. Whether exceptional circumstances apply shall be at the absolute discretion of the Chair of the meeting who is to take the reasonable advice of the relevant officer in attendance.

When a member fails to comply with this rule or it is considered that a member did not have exceptional circumstances for not doing so, they shall be recorded as having failed to attend or tender their apologies for absence.

**\*6. Chairing a Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of a Committees or a Sub-Committee.

**\*7. Quorum**

The quorum of a meeting will be one quarter of the whole number of Members (13 for full Council meetings). During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

(The quorum of the Standards Committee shall be 3 Members).

**8. Duration of Meeting**

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor or person presiding. If he/she does not fix a date (at the conclusion of the adjourned meeting or subsequently), the remaining business will be considered at the next ordinary meeting.

**9. Questions and Statements by Members of the Public**

**9.1 General**

Members of the public who live in the Borough may ask questions of Members of the Cabinet or make representations in the form of a statement or present a petition about any issue affecting the Borough at ordinary meetings of the Council. The period of time allocated for such questions and statements shall not normally exceed 30 minutes. No person may speak for longer than 5 minutes.

**9.2 Order of Questions, Statements and Petitions**

Questions will be asked, statements will be made and petitions presented in the order notice of them was received, except that the Mayor or person presiding may group together similar questions or statements, on issues which relate to the same topic.

**9.3 Notice of Questions and Statements**

A question may only be asked, or a statement be made, if notice has been given by delivering the question or statement in writing or by electronic mail to the Chief Executive no later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear

working days, usually 7 calendar days, prior to the date of the meeting.) Each question must give the name and address of the questioner and name the Member of the Cabinet to whom it is put.

#### **9.4** Supplementary Questions

Any questioner who has asked a question in person may ask one supplementary question, without notice, to the Cabinet Member who answered the original question. The supplementary question must arise directly from the original question or the reply given. The Mayor may reject a supplementary question if it does not arise directly from the original question or the reply given.

Unless the Mayor agrees otherwise, a member of the public making a statement will not be permitted to comment further following a response from the Leader or a Portfolio Holder.

#### **9.5** Scope of Questions and Representations

The Chief Executive may reject a question or refuse to allow a statement if it:

- is not about a matter for which the local authority has a responsibility or which does not affect the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

#### **9.6** Circulation of Questions

Copies of all valid questions will be published on the Council agenda..,

#### **9.7** Asking the Question at the Meeting

If a questioner is not present at the Council meeting the Mayor will request that a written response from the relevant Portfolio holder be sent to the questioner and the contents of the response will be recorded in the minutes.

If a questioner is present, the Mayor will either invite them to read their question or, if it has been published and copies have been circulated to all those present, he may ask Council to agree that it be taken as read and ask the relevant Portfolio Holder to respond.

#### **9.8** Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or any other reason, will be dealt with by a written answer.

**9.9**     Reference of a Question or a Statement to the Cabinet or a Committee

No discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be referred either to the Cabinet or to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

**9.10**    Responses to Questions and Statements

A summary of the response made to each question asked or statement made by a member of the public will be included in the Minutes and a copy will be sent to the questioner.

**10.**     Presentation of Petitions

**10.1**     If the criteria set out in the Petitions Scheme in Part 5.08 of the Constitution have been met, the organiser of a petition (or their representative) will be invited by the Mayor to present their petition to the Leader of the Council. The petition organiser (or their representative) will then be able to ask a question to the Leader of the Council or the relevant Portfolio Holder about the topic of the petition. They will have up to 5 minutes to do so.

**10.2**     The Mayor will invite the Leader of the Council, or the relevant Portfolio Holder to respond. They will have up to 5 minutes to do so.

**10.3**     There will be no opportunity for a supplementary question or a general discussion or debate on the topic of the petition.

**11.**     Executive Member Reports**11.1**     Content of Reports

At each ordinary meeting of the Council, the Leader and each Portfolio Holder will present a report to the Council. These reports will cover recent activities, current and forthcoming issues within their respective remits, achievements and progress on key objectives.

**11.2**     Presentation of Reports

The Leader and each Portfolio Holder will each have a maximum of three minutes to present their report to Council.

**11.3**     Questions and Comments on Executive Reports

Any Non-Executive Member of Council may ask a question or make a comment to the Leader or the relevant Portfolio Holder on the contents of their report or on any issue which falls within their area of responsibility. A maximum of ten minutes will be allocated for questions or comments to and responses by each Member of the Executive (Cabinet). At the end of these proceedings a further ten minutes in total will be allowed for the Executive Members to ask a question or make a comment on their respective fellow Executive Members reports/areas of responsibility.

#### **11.4 Time Limit for Questions and Comments**

There shall be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

#### **11.5 Responses to Questions and Comments**

After each question or comment, the Leader or Portfolio Holder will respond. He or she will have a maximum of three minutes to do so.

Responses may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

The Mayor will decide whether or not a question, or part of a question, is “political”.

In the absence of a Portfolio Holder the Leader will respond or nominate another Portfolio Holder to respond.

### **12. Written Questions “On-Notice” By Councillors**

#### **12.1 Questions on Notice at Council**

Subject to Rule 12.2 a Member of the Council may ask:

- the Mayor;
- a Member of the Cabinet;
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties, or which affects the area.

#### **12.2 Notice of Questions**

A Member may only ask a question under Rule 12.1 if either:

- (a) they have delivered the question in writing or by e-mail to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)
- (b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the Chief Executive by 10.30 a.m. on the day of the meeting. Urgent matters will be those that could not have been anticipated by the deadline for questions set out in 12.2 (a) above and/or they cannot await the next meeting of the Council.

### 12.3 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).  
The Mayor will decide whether or not a question or part of a question, is “political”

### 12.4 Supplementary Question

A Member asking a question under Rule 12.1 may ask one supplementary question without notice of the Cabinet Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## 13. Reports from Chairmen of the Overview & Scrutiny, Audit, Licensing, Planning Applications and Standards Committees

### 13.1 Frequency of Reports

The Chairman of the Overview and Scrutiny, Audit, Licensing, Planning and Standards Committees as well as the Chairman of the Climate Change Policy Group and the Planning Policy Group will each submit a report to an Ordinary Council meeting at least once in a municipal year. The sequence of reporting will be agreed by the Chief Executive.

### 13.2 Content of Reports

The reports will cover topical issues, achievements since the previous report, any significant issues expected to be dealt with prior to the next report or, the Committee's work generally and must comply with rule 2(xi).

### **13.3** Presentation of Reports

The Chairman of the reporting Committee will have a maximum of three minutes to present his or her report.

### **13.4** Questions and Comments

Any Member of Council may ask a question or make a comment to the Chairman of the reporting Committee on the contents of his or her report or on any issue which falls within their area of responsibility. A maximum of 10 minutes will be allocated for questions to and responses by the Chairman of the Committee submitting a report.

### **13.5** Time Limit for Questions and Comments

There will be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

### **13.6** Responses to Questions and Comments

After each question or comment the Chairman will respond. He or she will have three minutes to do so.

Responses may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

In the absence of the Chairman, the Deputy Chairman will respond.

## **14.** Motions On Notice

### **14.1** Notice

Except for motions which can be moved without notice under Rule 15 written notice of every motion, signed by at least 4 Members, must be delivered to

the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)

#### **14.2** Motions Set Out on the Agenda

Motions for which notice has been given will be listed on the Agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

#### **14.3** Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

The Proper Officer may reject a motion if it:

- (i) is not about a matter for which the Borough Council has a responsibility or is not about a matter of regional or national policy which affects the Borough disproportionately;
  - (ii) is defamatory, frivolous or offensive and in the case of the latter, which names, or clearly identifies a member of staff or other individual;
  - (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
  - (iv) requires the disclosure of confidential or exempt information;
- or
- (v) is either unlawful or incapable of having practical effect.

Such Motions submitted will be dealt with by the Proper Officer and the proposer of the Motion will be given advice accordingly in line with this criteria.

#### **\*15.** Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the factual accuracy of the Minutes;
- (c) to change the order of business in the Agenda;
- (d) to refer an issue to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;



- (f) to receive reports or the adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put (provided that a minimum period of 20 minutes has elapsed or at least two Members have spoken in favour of the motion and at least two Members spoken against the motion);
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) suspend time limit on speeches.

**\*16. Rules of Debate**

**\* 16.1 No Speeches Until Motion is Moved and Seconded**

If a motion set out in the agenda is not moved and seconded, either by a councillor who gave the notice or by some other councillor, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be considered again without fresh notice.

**\* 16.2 Right to Require Motion in Writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

**\* 16.3 Secunder's Speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

\* **16.4** Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Mayor.

\* **16.5** When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

\* **16.6** Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words and/or insert or add othersas long as the effect of (ii) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

- \* **16.7** Alteration of Motion
- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
  - (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
  - (c) Only alterations which could be made as an amendment may be made.
- \* **16.8** Withdrawal of Motion
- A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- \* **16.9** Right of Reply
- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
  - (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
  - (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- \* **16.10** Motions Which May be Moved During Debate
- (a) to withdraw a motion;
  - (b) to amend a motion;
  - (c) to proceed to the next business;
  - (d) that the question be now put;
  - (e) to adjourn a debate;
  - (f) to adjourn a meeting;
  - (g) that the meeting continue beyond 4 hours in duration;
  - (h) to exclude the public and press in accordance with the Access to Information Rules; and

- (i) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

\* **16.11** Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

\* **16.12** Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

\* **16.13** Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

**17.** Previous Decisions And Motions

**17.1** Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 Members.

**17.2** Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

**\*18.** Voting

**\*** **18.1** Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

**\*** **18.2** Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

**\*** **18.3** Show of Hands

Unless a recorded vote is demanded under Rule 18.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

**\*** **18.4** Recorded Vote

If four Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

**\*** **18.5** Recorded votes at budget meetings

For all decisions at budget meetings of the Council relating to the setting of the Council's budget and the Council Tax, including any proposed amendments, the names of councillors voting for and against a motion or abstaining from voting will be taken down in writing and recorded in the minutes.

(Budget meetings are defined in paragraph 11 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as "*a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992*").

\* **18.6** Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

\* **18.7** Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

**\*19.** Minutes

\* **19.1** Confirming the Previous Minutes

The Mayor will move that the Minutes of the previous meeting be confirmed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

**19.2** Form of Minutes

Minutes will be written in a concise style referring only to the documents considered and the decisions taken. A footnote will be included in each set of minutes providing a link to the audio reading of the meeting on the Council's website. Only Members who have attended the meeting can approve or second the accuracy of minutes.

**20.** Record of Attendance

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**\*21.** Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

**22.** Members' Conduct

**22.1** Standing to Speak

Unless the Mayor indicates otherwise, when a Member speaks at the Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

**22.2** Mayor Standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

\* **22.3** Member Not to be Heard Further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

\* **22.4** Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

\* **22.5** General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

**\*23.** Disturbance By Public

\* **23.1** Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

\* **23.2** Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

**24.** Suspension and Amendment of Council Procedure Rules

**24.1** Suspension

All of these Council Rules of Procedure except Rule 18.6 (Right to Require Individual Vote to be Recorded) and 19.1 (Confirming the Previous Minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

**24.2** Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion, to allow time to properly consider its effect, to the next ordinary meeting of the Council.

**25. Application to Committees and Sub-Committees**

All of these Council Procedure Rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-8, 15 and 16, 18, 19.1, 21, 22.3, 22.4, 22.5 and 23 apply to meetings of Committees ~~and~~ Sub-Committees, and are marked with an \*.

**26. Substitution of Members**

In exceptional circumstances, where a member is likely to be absent from their duties as a councillor for a period of two months or more a substitute can be nominated. The Chief Executive must have ~~has~~ confirmed to Democratic Services no less than 24 hours in advance that exceptional circumstances apply. The members of a Committee or Sub-Committee may propose a motion that the member who is absent be replaced at that meeting and that meeting only by a substitute member provided always that said member is a member of the same political group of the Council as recognised by this constitution and has undergone the necessary training. The replacement member's right to sit on the Committee or Sub-Committee shall terminate at the end of that meeting.

Nothing in this rule prevents the same replacement member sitting as a substitute member for more than one meeting of the same Committee or Sub-Committee provided always that the procedure set out in this rule is followed.



**Appendix 1b****Council Procedure Rules****Contents****Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Time and place of meetings
5. Notice of and summons to meetings
6. Chairing of meetings
7. Quorum
8. Duration of meeting
9. Questions and statements by members of the public
10. Presentation of Petitions
11. Executive Member reports
12. Written Questions “on notice” by Councillors
13. Reports from Chairmen of the Overview and Scrutiny, Audit, Licensing, Planning and Standards Committees
14. Motions on notice
15. Motions without notice
16. Rules of debate
17. Previous decisions and motions
18. Voting
19. Minutes
20. Record of attendance
21. Exclusion of public

**Rule**

- 22. Members' conduct
- 23. Disturbance by public
- 24. Suspension and amendment of Council Procedure Rules
- 25. Application to Committees, and Sub-Committees
- 26. Substitution of members of Committees

**Note: All of these Council procedure rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-7, 15, 16, 18, 19.1, 21, 22.3, 22.4, 22.5 and 23 apply to meetings of Committees and Sub-Committees and have been marked with an \***

## 1. **Annual Meeting of the Council**

### 1.1 **Timing and Business**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The Annual Meeting will:

- (i) elect a Councillor to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) in an election year, elect the Leader;
- (vii) note the decision of the Leader as to the number of members of the Executive; who he or she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers (see also Part 4.04/1 – paragraph 1.2).
- (viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- (ix) consider any proposed changes to the Council's scheme of delegation
- (x) consider any business set out in the notice convening the meeting.

### 1.2 **Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee and outside body; and

- (v) at the Annual Council Meeting following each Wyre Council election appoint to those outside bodies, except where appointment to those bodies has been delegated by the Council or are Executive appointments.

## 2. **Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme published by the Chief Executive following discussion with Group Leaders (the Chief Executive will take into consideration comments from Group Leaders but the Chief Executive has the ultimate responsibility for determining the programme of Ordinary meetings) which will:

- (i) elect a Councillor to preside if neither the Mayor or the Deputy Mayor are present;
- (ii) Confirm the Minutes of the last meeting. Any debate on the Minutes must be limited to matters of fact not interpretation;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, Leader, Members of the Cabinet, a Chairman of a Committee or the Chief Executive;
- (v) receive questions and/or statements from, and provide answers to, members of the public;
- (vi) receive a petition (if the requirements of the Petitions Scheme in Part 5.08 of the Constitution have been met);
- (vii) deal with any business adjourned from the last Council meeting;
- (viii) receive written questions “on-notice” from Councillors and hear responses from the Portfolio Holders to whom they are addressed;
- (ix) consider items for decision by the Council, including any recommendations from the Cabinet or Portfolio Holders that involve changes to the budget, or Policy Framework or officer reports on procedural issues, or relating to Council functions listed in Part 3 of the Constitution;
- (x) receive Executive Reports from the Leader and each Portfolio Holder and deal with questions and answers on any of those reports;
- (xi) receive periodic reports from Chairmen of Committees and deal with questions and answers on those reports. The periodic reports must contain the attendance record of each member of the committee for that period;
- (xii) consider any Notices of Motion;
- (xiii) consider any other business specified in the summons to the meeting.

### **3. Extraordinary Meetings**

#### **3.1 Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

Only the business specified in the summons may be transacted at an extraordinary meeting.

### **\*4. Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

### **\*5. Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons, signed by him or her, to every Member of the Council to their council e-mail address, by post and or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **5.1. Apologies for absence**

Any member unable to attend a meeting must send their apologies and the reason for their absence by e-mail to [democratic.services@wyre.gov.uk](mailto:democratic.services@wyre.gov.uk) as soon as practicably possible and not less than 24 hours before the start time of the meeting as stated on the summons or notice. Where there are exceptional circumstances preventing compliance with this rule, members must contact Democratic Services and / or the relevant Chair of the meeting as soon as practicably possible to give their apologies and the reason for them. It is also considered good practice to advise the Leader of their group accordingly.

When a member complies with the requirements of this rule, they shall be recorded in the minutes as having tendered their apologies. Whether exceptional circumstances apply shall be at the absolute discretion of the Chair of the meeting who is to take the reasonable advice of the relevant officer in attendance.

When a member fails to comply with this rule or it is considered that a member did not have exceptional circumstances for not doing so, they shall be recorded as having failed to attend or tender their apologies for absence.

**\*6. Chairing a Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of a Committees or a Sub-Committee.

**\*7. Quorum**

The quorum of a meeting will be one quarter of the whole number of Members (13 for full Council meetings). During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

(The quorum of the Standards Committee shall be 3 Members).

**8. Duration of Meeting**

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor or person presiding. If he/she does not fix a date (at the conclusion of the adjourned meeting or subsequently), the remaining business will be considered at the next ordinary meeting.

**9. Questions and Statements by Members of the Public**

**9.1 General**

Members of the public who live in the Borough may ask questions of Members of the Cabinet or make representations in the form of a statement or present a petition about any issue affecting the Borough at ordinary meetings of the Council. The period of time allocated for such questions and statements shall not normally exceed 30 minutes. No person may speak for longer than 5 minutes.

**9.2 Order of Questions, Statements and Petitions**

Questions will be asked, statements will be made and petitions presented in the order notice of them was received, except that the Mayor or person presiding may group together similar questions or statements, on issues which relate to the same topic.

**9.3 Notice of Questions and Statements**

A question may only be asked, or a statement be made, if notice has been given by delivering the question or statement in writing or by electronic mail to the Chief Executive no later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear

working days, usually 7 calendar days, prior to the date of the meeting.) Each question must give the name and address of the questioner and name the Member of the Cabinet to whom it is put.

#### **9.4** Supplementary Questions

Any questioner who has asked a question in person may ask one supplementary question, without notice, to the Cabinet Member who answered the original question. The supplementary question must arise directly from the original question or the reply given. The Mayor may reject a supplementary question if it does not arise directly from the original question or the reply given.

Unless the Mayor agrees otherwise, a member of the public making a statement will not be permitted to comment further following a response from the Leader or a Portfolio Holder.

#### **9.5** Scope of Questions and Representations

The Chief Executive may reject a question or refuse to allow a statement if it:

- is not about a matter for which the local authority has a responsibility or which does not affect the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

#### **9.6** Circulation of Questions

Copies of all valid questions will be published on the Council agenda..,

#### **9.7** Asking the Question at the Meeting

If a questioner is not present at the Council meeting the Mayor will request that a written response from the relevant Portfolio holder be sent to the questioner and the contents of the response will be recorded in the minutes.

If a questioner is present, the Mayor will either invite them to read their question or, if it has been published and copies have been circulated to all those present, he may ask Council to agree that it be taken as read and ask the relevant Portfolio Holder to respond.

#### **9.8** Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or any other reason, will be dealt with by a written answer.

**9.9 Reference of a Question or a Statement to the Cabinet or a Committee**

No discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be referred either to the Cabinet or to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

**9.10 Responses to Questions and Statements**

A summary of the response made to each question asked or statement made by a member of the public will be included in the Minutes and a copy will be sent to the questioner.

**10. Presentation of Petitions**

**10.1** If the criteria set out in the Petitions Scheme in Part 5.08 of the Constitution have been met, the organiser of a petition (or their representative) will be invited by the Mayor to present their petition to the Leader of the Council. The petition organiser (or their representative) will then be able to ask a question to the Leader of the Council or the relevant Portfolio Holder about the topic of the petition. They will have up to 5 minutes to do so.

**10.2** The Mayor will invite the Leader of the Council, or the relevant Portfolio Holder to respond. They will have up to 5 minutes to do so.

**10.3** There will be no opportunity for a supplementary question or a general discussion or debate on the topic of the petition.

**11. Executive Member Reports****11.1 Content of Reports**

At each ordinary meeting of the Council, the Leader and each Portfolio Holder will present a report to the Council. These reports will cover recent activities, current and forthcoming issues within their respective remits, achievements and progress on key objectives.

**11.2 Presentation of Reports**

The Leader and each Portfolio Holder will each have a maximum of three minutes to present their report to Council.

**11.3 Questions and Comments on Executive Reports**

Any Non-Executive Member of Council may ask a question or make a comment to the Leader or the relevant Portfolio Holder on the contents of their report or on any issue which falls within their area of responsibility. A maximum of ten minutes will be allocated for questions or comments to and responses by each Member of the Executive (Cabinet). At the end of these proceedings a further ten minutes in total will be allowed for the Executive Members to ask a question or make a comment on their respective fellow Executive Members reports/areas of responsibility.



#### **11.4** Time Limit for Questions and Comments

There shall be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

#### **11.5** Responses to Questions and Comments

After each question or comment, the Leader or Portfolio Holder will respond. He or she will have a maximum of three minutes to do so.

Responses may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

The Mayor will decide whether or not a question, or part of a question, is “political”.

In the absence of a Portfolio Holder the Leader will respond or nominate another Portfolio Holder to respond.

### **12.** Written Questions “On-Notice” By Councillors

#### **12.1** Questions on Notice at Council

Subject to Rule 12.2 a Member of the Council may ask:

- the Mayor;
- a Member of the Cabinet;
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties, or which affects the area.

#### **12.2** Notice of Questions

A Member may only ask a question under Rule 12.1 if either:

- (a) they have delivered the question in writing or by e-mail to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)
- (b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the Chief Executive by 10.30 a.m. on the day of the meeting. Urgent matters will be those that could not have been anticipated by the deadline for questions set out in 12.2 (a) above and/or they cannot await the next meeting of the Council.

### 12.3 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).  
The Mayor will decide whether or not a question or part of a question, is “political”

### 12.4 Supplementary Question

A Member asking a question under Rule 12.1 may ask one supplementary question without notice of the Cabinet Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## 13. Reports from Chairmen of the Overview & Scrutiny, Audit, Licensing, Planning Applications and Standards Committees

### 13.1 Frequency of Reports

The Chairman of the Overview and Scrutiny, Audit, Licensing, Planning and Standards Committees as well as the Chairman of the Climate Change Policy Group and the Planning Policy Group will each submit a report to an Ordinary Council meeting at least once in a municipal year. The sequence of reporting will be agreed by the Chief Executive.

**13.2** Content of Reports

The reports will cover topical issues, achievements since the previous report, any significant issues expected to be dealt with prior to the next report or, the Committee's work generally and must comply with rule 2(xi).

**13.3** Presentation of Reports

The Chairman of the reporting Committee will have a maximum of three minutes to present his or her report.

**13.4** Questions and Comments

Any Member of Council may ask a question or make a comment to the Chairman of the reporting Committee on the contents of his or her report or on any issue which falls within their area of responsibility. A maximum of 10 minutes will be allocated for questions to and responses by the Chairman of the Committee submitting a report.

**13.5** Time Limit for Questions and Comments

There will be no limit on the number of questions or comments from each Councillor, although there will be a maximum of three minutes per question or comment. (The Mayor will seek to ensure that as many different Members as possible are able to ask a question or make a comment within the time allocated).

**13.6** Responses to Questions and Comments

After each question or comment the Chairman will respond. He or she will have three minutes to do so.

Responses may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner;
- (d) a request that a Member of the Corporate Management Team or the relevant officer, answer the question, or part of the question, provided that it is non-political in nature (e.g. requiring specialist, technical or expert knowledge or the provision of professional or legal advice).

In the absence of the Chairman, the Deputy Chairman will respond.

**14. Motions On Notice****14.1 Notice**

Except for motions which can be moved without notice under Rule 15 written notice of every motion, signed by at least 4 Members, must be delivered to the Chief Executive not later than 12 noon two calendar days prior to the day of agenda publication. (The day of agenda publication will be 5 clear working days, usually 7 calendar days, prior to the date of the meeting.)

**14.2 Motions Set Out on the Agenda**

Motions for which notice has been given will be listed on the Agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

**14.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

The Proper Officer may reject a motion if it:

- (i) is not about a matter for which the Borough Council has a responsibility or is not about a matter of regional or national policy which affects the Borough disproportionately;
  - (ii) is defamatory, frivolous or offensive and in the case of the latter, which names, or clearly identifies a member of staff or other individual;
  - (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
  - (iv) requires the disclosure of confidential or exempt information;
- or
- (v) is either unlawful or incapable of having practical effect.

Such Motions submitted will be dealt with by the Proper Officer and the proposer of the Motion will be given advice accordingly in line with this criteria.

**\*15. Motions without Notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the factual accuracy of the Minutes;
- (c) to change the order of business in the Agenda;

- (d) to refer an issue to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or the adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put (provided that a minimum period of 20 minutes has elapsed or at least two Members have spoken in favour of the motion and at least two Members spoken against the motion);
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) suspend time limit on speeches.

**\*16. Rules of Debate**

**\* 16.1 No Speeches Until Motion is Moved and Seconded**

If a motion set out in the agenda is not moved and seconded, either by a councillor who gave the notice or by some other councillor, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be considered again without fresh notice.

**\* 16.2 Right to Require Motion in Writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

\* **16.3** Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

\* **16.4** Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Mayor.

\* **16.5** When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

\* **16.6** Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words and/or insert or add othersas long as the effect of (ii) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

\* **16.7** Alteration of Motion

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

\* **16.8** Withdrawal of Motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

\* **16.9** Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

\* **16.10** Motions Which May be Moved During Debate

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4 hours in duration;

- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

\* **16.11** Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

\* **16.12** Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

\* **16.13** Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.



**17. Previous Decisions And Motions****17.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 Members.

**17.2 Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

**\*18. Voting****\* 18.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

**\* 18.2 Mayor's Casting Vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

**\* 18.3 Show of Hands**

Unless a recorded vote is demanded under Rule 18.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

**\* 18.4 Recorded Vote**

If four Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

**\* 18.5 Recorded votes at budget meetings**

For all decisions at budget meetings of the Council relating to the setting of the Council's budget and the Council Tax, including any proposed amendments, the names of councillors voting for and against a motion or abstaining from voting will be taken down in writing and recorded in the minutes.

(Budget meetings are defined in paragraph 11 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as "*a meeting of the Council at which it makes a calculation (whether originally or by way*

*of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992”).*

\* **18.6** Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

\* **18.7** Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

**\*19.** Minutes

\* **19.1** Confirming the Previous Minutes

The Mayor will move that the Minutes of the previous meeting be confirmed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

**19.2** Form of Minutes

Minutes will be written in a concise style referring only to the documents considered and the decisions taken. A footnote will be included in each set of minutes providing a link to the audio reading of the meeting on the Council's website. Only Members who have attended the meeting can approve or second the accuracy of minutes.

**20.** Record of Attendance

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

**\*21.** Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

**22.** Members' Conduct

**22.1** Standing to Speak

Unless the Mayor indicates otherwise, when a Member speaks at the Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must

sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

**22.2** Mayor Standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

\* **22.3** Member Not to be Heard Further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

\* **22.4** Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

\* **22.5** General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

**\*23.** Disturbance By Public

\* **23.1** Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

\* **23.2** Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

**24.** Suspension and Amendment of Council Procedure Rules

**24.1** Suspension

All of these Council Rules of Procedure except Rule 18.6 (Right to Require Individual Vote to be Recorded) and 19.1 (Confirming the Previous Minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

**24.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion, to allow time to properly consider its effect, to the next ordinary meeting of the Council.

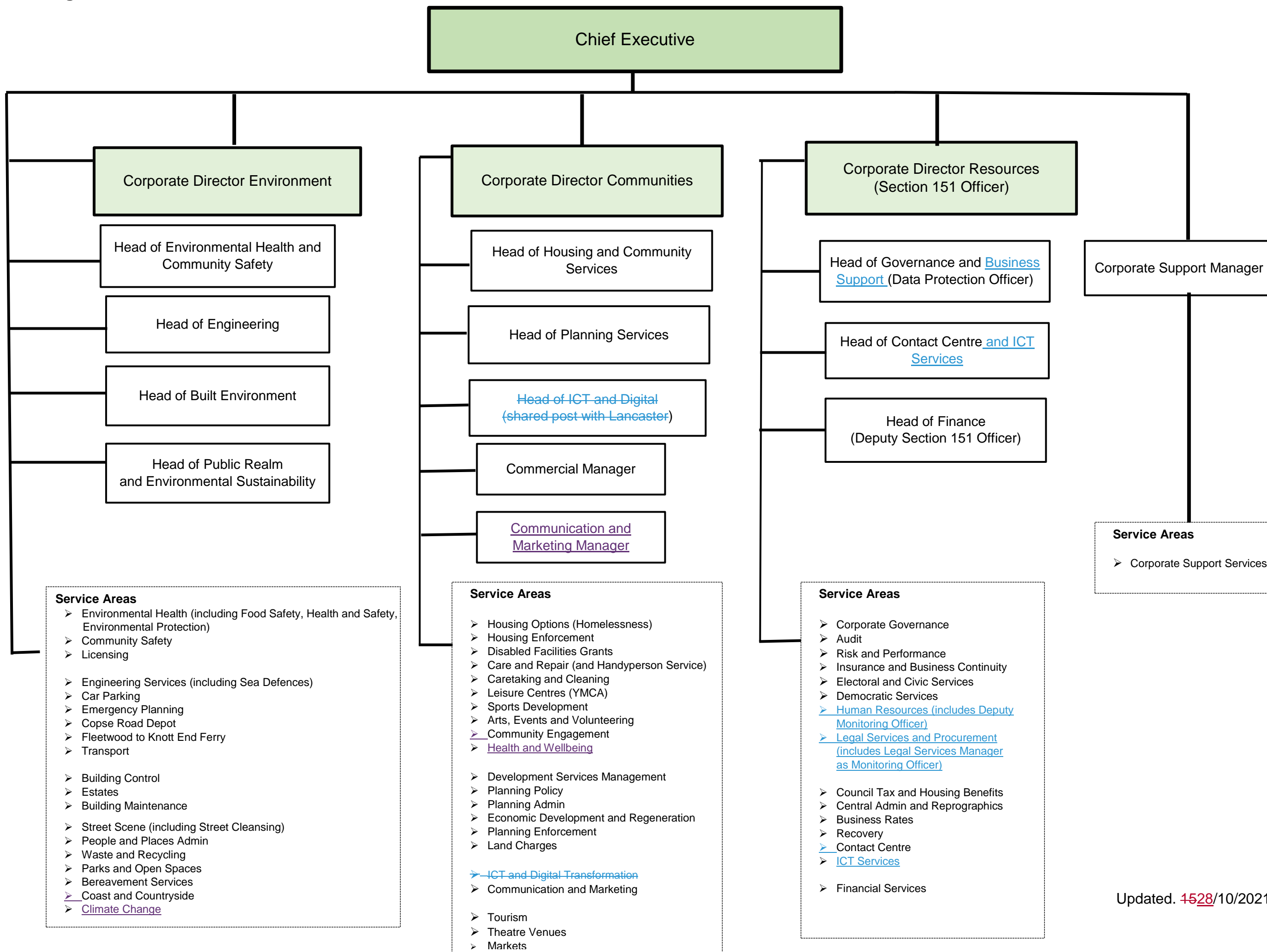
**25. Application to Committees and Sub-Committees**

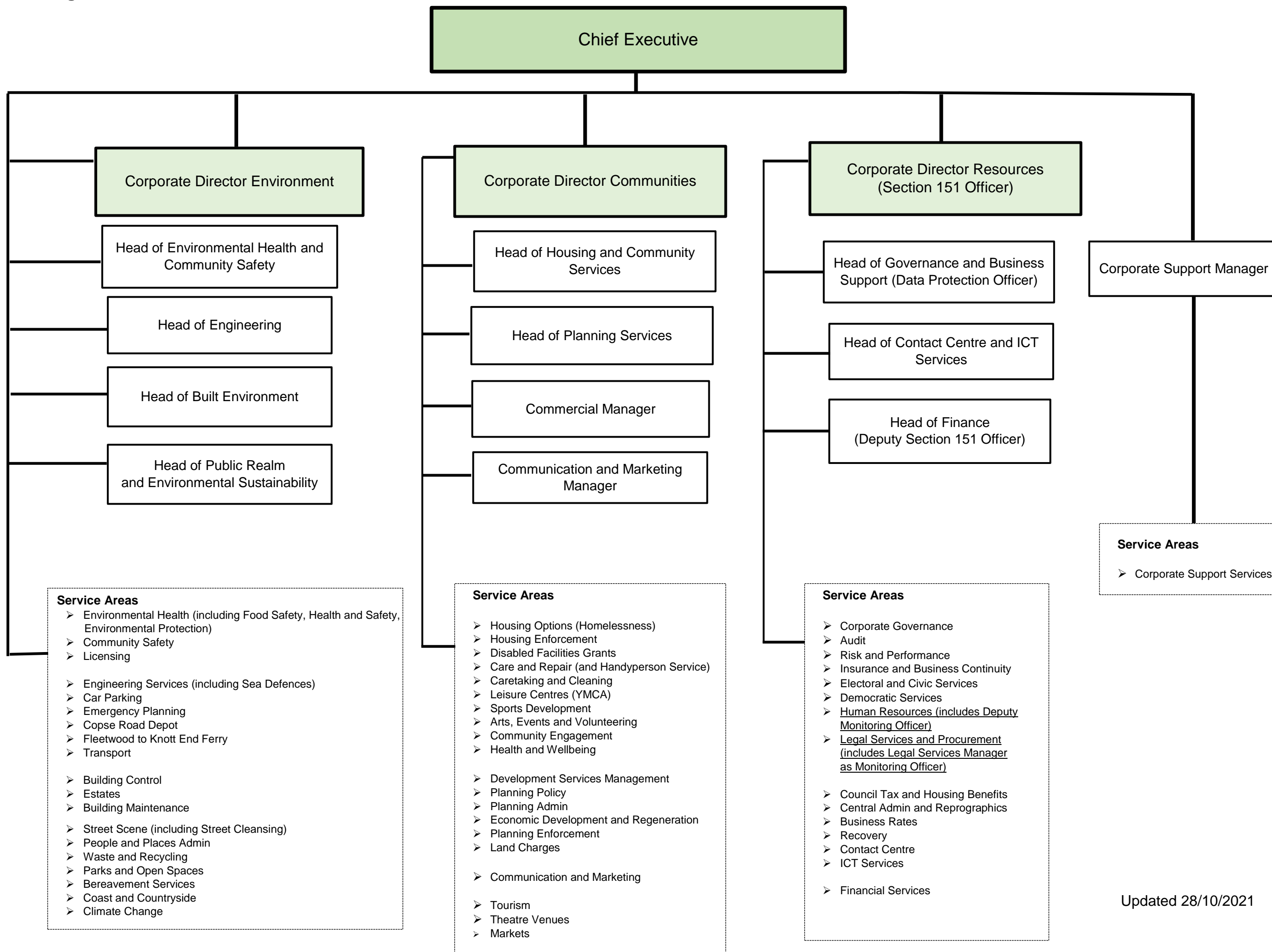
All of these Council Procedure Rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 4-8, 15 and 16, 18, 19.1, 21, 22.3, 22.4, 22.5 and 23 apply to meetings of Committees, and Sub-Committees, and are marked with an \*.

**26. Substitution of Members**

In exceptional circumstances, where a member is likely to be absent from their duties as a councillor for a period of two months or more a substitute can be nominated. The Chief Executive must have confirmed to Democratic Services no less than 24 hours in advance that exceptional circumstances apply. The members of a Committee or Sub-Committee may propose a motion that the member who is absent be replaced at that meeting and that meeting only by a substitute member provided always that said member is a member of the same political group of the Council as recognised by this constitution and has undergone the necessary training. The replacement member's right to sit on the Committee or Sub-Committee shall terminate at the end of that meeting.

Nothing in this rule prevents the same replacement member sitting as a substitute member for more than one meeting of the same Committee or Sub-Committee provided always that the procedure set out in this rule is followed.





[Appendix 3a](#)**Scheme of Delegations to Officers****All delegations to officers are subject to the following general conditions:**

1. All decisions taken must comply with the Council's approved budget, the Policy Framework, the Financial Regulations and Financial Procedure Rules and all other elements of the Constitution.
2. In the absence of the Chief Executive the functions of the Chief Executive will be the responsibility of any of the [Corporate Service](#) Directors;
3. An officer to whom a function is delegated may authorise another officer to exercise that function, provided that the other officer reports to or is responsible to the officer in question.
4. In the absence of the relevant officer, the Chief Executive and [Corporate Service](#) Directors shall have power to act subject to any statutory limitations.
5. Reference to any enactment, regulation, order or byelaw shall include any amendment or re-enactment, whether or not with amendments.

**Executive Functions Delegated to the Chief Executive**

To discharge any executive function falling within the area of responsibility of the Chief Executive including, but not limited to, the functions set out in the paragraphs below.

1. To act as the head of paid service under section 4 of the Local Government and Housing Act 1989 and in this role:
  - (a) To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
  - (b) To give professional advice to all parties in the decision making process including the Council, Portfolio Holders, the Cabinet, Overview and Scrutiny and Regulatory Committees;
  - (c) Together with the Monitoring Officer, to be responsible for a system of record keeping for all the Authority's decisions;
  - (d) To represent the Authority on partnerships and external bodies as required by statute or by the Authority.
2. To carry out any function which is delegated to a [Corporate Service](#) Director or Head of Service subject to any limits or conditions attached to that delegation and statutory limitations.
3. To grant dispensations to Cabinet members prior to the taking of an executive decision in respect of which they have a conflict of interest pursuant to regulation 12 and 13 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

4. To cancel or alter the time or the date of any meeting.
5. To take action within the Council's powers in cases of emergency or disaster and after consultation with the Chief Financial Officer (or his or her nominee) to incur expenditure (the Leader to be notified as soon as reasonably possible after the expenditure is incurred).
6. To take action within the Council's powers in cases of the absence or incapacity of the designated decision taker or in the failure of the Council in any year to agree executive arrangements by the statutory deadline for the holding of the Council's annual meeting.
7. To allow face-to-face meetings to be replaced with remote or hybrid arrangements where legislation permits.
8. To provide the necessary authorisations in respect of surveillance in accordance with the Regulation of Investigatory Powers Act 2000 where confidential information is involved or where authorisation is sought for employment of a juvenile or vulnerable covert human intelligence source (CHIS).
9. To exercise powers under the Civil Contingencies Act 2004 concerning emergency planning and response arrangements and to appoint a deputy officer for such purposes.
10. To receive and respond to expressions of interest under the Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011.

### **Non-Executive Functions Delegated to the Chief Executive**

To discharge any non-executive function falling within the area of responsibility of the Chief Executive including, but not limited to, the functions set out in the paragraphs below.

1. To determine following consultation with the Chief Financial Officer, the early release of any employees, except the Corporate Service Directors, provided that the proposals are cost neutral to the Council over a specific period of time in accordance with the Council's Policy and the Council's External Auditors advice. (Proposals for the early release of the Chief Executive or any of the Corporate Service Directors must be considered by the full Council.)
2. To suspend a Corporate Service Director where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct (the members of Cabinet to be notified as soon as possible after the action has been taken).
3. To approve changes to any document forming part of the Council's policy framework provided the proposed change:
  - (a) Is prescribed by legislation or statutory instrument;
  - (b) Merely corrects a typographical error or errors; or



- (c) Is of a minor nature i.e. the proposed change does not affect the substance of the document or change Council policy.
4. In respect of community governance reviews, to comply with the Council's duties and responsibilities under Chapter 3 Part 4 of the Local Government and Public Involvement in Health Act 2007.
  5. To act as Returning Officer for elections and as the Council's Electoral Registration Officer.
  6. As Returning Officer, to approve an annual increase in the fees and disbursements paid for Borough and Parish Elections.

### **Executive Functions Delegated to the [Corporate](#) Directors**

To discharge any executive function falling within the area of responsibility of the [Corporate Directors](#) including, but not limited to, the functions set out in the paragraphs below.

1. To engage, suspend, dismiss and deploy staff (in consultation with the officer responsible for strategic human resource issues) including:
  - (a) To review and amend the structure and staffing levels within approved budget provision;
  - (b) To fix commencing salaries for appointments and promotions as appropriate;
  - (c) To accelerate increments where specified levels of competence have been acquired;
  - (d) To re-grade posts in accordance with the Council's job evaluation scheme;
  - (e) To amend terms and conditions of employment;
  - (f) To deal with applications to take up outside appointments or engage in outside work for Officers at Grade 8 and above;
  - (g) To deal with applications for compassionate leave in excess of 10 days;
  - (h) To extend the time limit for lodging and travelling allowances up to 12 months in total;
  - (i) To deal with any matter relating to the payment of recruitment incentives within approved budget provision;
  - (j) To take disciplinary action against staff.
2. To act as authorising officer for the purposes of the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012.

3. Power to carry out surveillance which is / is -not governed by the Regulation of Investigatory Powers Act 2000, subject to confirmation with the Legal services Manager and any member of the council's Corporate Management Team.
4. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
5. [In relation to the Property Investment Board, following their agreement \(including the S.151 Officer\), to approve investment in commercial properties up to £1,000,000 and funds permitting, in consultation with the Resources Portfolio Holder and to make recommendations for any commercial property investments over £1,000,000 to Cabinet.](#)
6. [To authorise appropriate staff to prosecute, defend or appear in the Magistrates Court, the county court, valuation panels and tribunals or other hearings.](#)
7. [To authorise injunctive proceedings.](#)
8. [To authenticate documents in connection with the exercise of executive functions.](#)
9. [To take proceedings for recovery of council owned land including forfeiture.](#)
10. [To waive fees and charges in exceptional circumstances.](#)

### **Non-Executive Functions Delegated to the [Corporate](#) Directors**

To discharge any non-executive function falling within the area of responsibility of the Corporate Directors including, but not limited to, the functions set out in the paragraphs below.

1. To determine following consultation with the Chief Financial Officer, the early release of any employees, except the Chief Executive and Corporate Directors, provided that the proposals are cost neutral to the Council over a specific period of time in accordance with the Council's Policy and the Council's External Auditors advice. (Proposals for the early release of the Chief Executive or any of the Corporate Directors must be considered by the full Council.)
2. Determination of appeals against cautions and dismissals in accordance with the Council's Disciplinary and Capability Procedures where there has been no previous involvement with the decision making process.
3. [To sign/seal documents on behalf of the Council including any agreement, contract, notice, demand, order or other document.](#)
4. [To commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.](#)

## Executive Functions Delegated to the [Corporate Service](#) Directors and all Heads of Service

To discharge any executive function falling within the area of responsibility of the Corporate Directors and all Heads of Service including, but not limited to, the functions set out in the paragraphs below.

1. To perform and/or carry out those functions of the Council within the relevant service area including:
  - (a) Incur, vary and discontinue expenditure;
  - (b) Manage the staffing, property, financial and other resources within their control;
  - (c) Procure works, goods and services, including accepting tenders subject to all necessary approvals being received. (Where other than the lowest price is accepted prior approval of the Chief Financial Officer is required);
  - (d) To sign contracts/agreements/demands/orders/notices or other documents on behalf of the Council;-
  - (e) Dispose of surplus vehicles, plant, machinery or equipment in accordance with the Council's Financial Regulations and Financial Procedure Rules;
  - (f) Terminate contracts;
  - (g) Exercise virements within the limits set out in the Council's Financial Regulations and Financial Procedure Rules, namely, that virements of up to £5,000 be delegated to [Corporate Service](#) Directors and Heads of Service with virements of up to £20,000 requiring the approval of the Chief Financial Officer with virements over £20,000 requiring the approval of the [Resources](#) Portfolio Holder;
  - (h) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions and make orders in the exercise of the Council's power and duties;
  - (i) Respond to consultation from Government or other public bodies;
  - (j) Prepare bids for lottery and other external grant funding;
  - (k) Represent the Council on external bodies, partnerships or at other forums;
  - (l) Be responsible as client under the Construction (Design and Management) Regulations 2015 for all relevant projects undertaken by the Council within their service area.

2. To authorise any officer(s) under his/her control to exercise any of the functions delegated to him/her.
3. To deal with the following employment issues within their service area:
  - (a) Apply conditions of service;
  - (b) Make arrangements for ~~maternity leave and~~ staffing cover for a period of 24 weeks, including the appointment of temporary staff to cover periods of absence e.g. maternity, paternity, parental and adoption leave;f for a period of 24 weeks;
  - (c) To settle ex gratia payments in respect of loss or damage to the personal property of employees in consultation with the Council's Insurance Officer;
  - (d) Amend job descriptions of staff;
  - (e) Approve applications for leave of absence of up to 10 days in consultation with the officer responsible for strategic human resource issues;
  - (f) To approve overtime working within approved estimates;
  - (g) To approve acting up payments to officers undertaking additional responsibility associated with a higher graded post in consultation with the officer responsible for strategic human resource issues;
  - (h) To approve applications for job share where no additional financial burden falls on the Authority.
4. To alter normal opening hours in any buildings, premises or facilities owned or operated by the Council open to the public for specific events, public holidays or other urgent reasons.

### **Non-Executive Functions Delegated to the Corporate Service Directors and all Heads of Service**

To discharge any non-executive function falling within the area of responsibility of the Corporate Directors and all Heads of Service including, but not limited to, the functions set out in the paragraphs below.

1. To designate attendance at meetings and events as approved duties for the purpose of eligibility for travel and subsistence allowance where such attendance is in connection with the discharge of the Council's functions, including its executive function.

4. ~~To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925.~~

### **Executive Functions Delegated to the Corporate Director Environment**

To discharge any executive function falling within the area of responsibility of the Corporate Director Environment including, but not limited to, the functions set out in the paragraphs below.

1. The provision and management of the Council's Cemeteries under the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 as amended.
2. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Operations Section, including appearance in court:
  - (a) Animal Boarding Establishments Act 1963;
  - (b) Anti-Social Behaviour Act 2003;
  - (c) Anti-Social Behaviour Crime and Policing Act 2014;
  - (d) Control of Pollution Act 1974;
  - (e) Dogs Act 1871;
  - (f) Dangerous Dogs Act 1991;
  - (g) Dangerous Dogs (Amendment) Act 1997;
  - (h) Dogs (Protection of Livestock) Act 1953;
  - (i) Environmental Protection Act 1990 (in so far as it is an executive function);
  - (j) Guard Dogs Act 1975;
  - (k) Household Waste Duty of Care Regulations 2005;
  - (l) Litter Act 1983;
  - (m) Local Government (Miscellaneous Provisions) Act 1982.
  - (n) Tort (Interference with Good) Act 1977;
  - (o) Town Police Clauses Act 1847;
  - (p) Waste Framework Directive 2008.
3. To be responsible for delivering the Council's statutory responsibilities in respect of the Forest of Bowland Area of Outstanding Natural Beauty.
4. To waive fixed penalty notices for breaches of environmental legislation, where such notices are deemed to have been served incorrectly.
5. To operate the Hedgerow Regulations 1997 on land in the Borough of Wyre including issuing a Hedgerow Retention Notice.
6. To take action on dangerous trees including those under S154 of the Highways Act 1980.

- ~~7. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Council's Management Team.~~
- ~~8. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.~~
- ~~9. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.~~
- ~~740.~~ To issue cautions in accordance with the Home Office Circular 16/2008.
- ~~844.~~ To operate the deployment of mobile cameras for environmental offences.
- ~~942.~~ To obtain licences issued under the Licensing Act 2003.

### **Non-Executive Functions Delegated to the Corporate Director Environment**

To discharge any non-executive function falling within the area of responsibility of the Corporate Director Environment including, but not limited to, the functions set out in the paragraphs below.

1. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Operations Section, including appearance in court:
  - (a) Animal Welfare Act 2006
  - (b) Anti-Social Behaviour, Crime and Policing Act 2014;
  - (c) Clean Neighbourhoods and Environment Act 2005;
  - (d) Control of Pollution (Amendment) Act 1989;
  - (e) Environment Act 1995;
  - (f) Environmental Protection Act 1990 (in so far as it is a non-executive function);
  - (g) Health and Safety at Work etc. Act 1974
  - (h) Local Government (Miscellaneous Provisions) Act 1976;
  - (i) Refuse Disposal (Amenity) Act 1978;
  - (j) Licensing Act 2003;
  - (k) Gambling Act 2005;
  - (l) Zoo Licensing Act 1981;
  - (m) Dangerous Wild Animals Act 1976;
  - (n) Local Government (Miscellaneous Provisions) Act 1982;
  - (o) Caravan Sites and Controlled Development Act 1960;
  - (p) County of Lancashire Act 1984;
  - (q) House to House Collections Act 1939;
  - (r) Mobile Homes Act 2013;
  - (s) Scrap Metal Dealers Act 2013.

2. To take action pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 in connection with high hedges, including the service of remedial notices, action in default of remedial notices and authorising powers of entry to land under Part 8.
3. To instruct the legal team to make, confirm or revoke Tree Preservation Orders.
4. To instruct the legal team to serve notices and take action under Section 207 of the Town and Country Planning Act 1990 requiring the replacement of trees.
5. To deal with applications for felling or lopping trees included in a TPO or notification of intention to fell or lop trees in a conservation area.
6. To liaise with Lancashire County Council and deliver residual highway arrangements such as those relating to the maintenance of highway verges, trees and weed control.
7. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
8. To agree boating byelaws in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
9. To make temporary reductions to car park fees, on specified car parks, during set times, for example during the pre-Christmas period, such changes to be limited in scope and aimed at promoting economic growth in the borough through higher use of the car parks by residents and visitors.
10. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.

### **Executive Functions Delegated to the Corporate Director Communities**

To discharge any executive function falling within the area of responsibility of the Corporate Director Communities including, but not limited to, the functions set out in the paragraphs below.

1. To obtain licences issued under the Licensing Act 2003.
2. [To ensure overall management responsibility for the promotion and proper management of the Wyre Community Lottery and for compliance with the regulatory regime as a whole, including holding a lottery operating licence under the Gambling Act 2005.](#)

### **~~Non-Executive Functions Delegated to the Head of Business Support (Monitoring Officer) and in their absence to the Deputy Monitoring Officer~~**

1. ~~To act as the Council's Monitoring Officer, in accordance with the provisions of the Local Government and Housing Act 1989.~~
2. ~~To administer the Council's process, under the Localism Act 2011, for dealing with complaints of alleged breaches of the Wyre Code of Conduct and following consultation with the Independent Person to decide:~~
  - (a) ~~To dismiss without further action, any complaint which he/she considers to be frivolous, vexatious, without merit or which otherwise fails to meet the preliminary tests set out in the Council's complaints process.~~
  - (b) ~~That the complaint does not warrant a formal investigation and that an informal resolution be sought.~~
  - (c) ~~That the complaint appears to amount to a breach of the Code of Conduct and to arrange for an investigation to be carried out, with the outcome to be reported to the Standards Committee.~~
  - (d) ~~At the direction of the Standards Committee, when following an investigation, a breach of the Code of Conduct has been found, to agree a local resolution, in consultation with the Independent Person, subject to the complainant being satisfied with the outcome and subject to a summary report being submitted to the Standards Committee.~~

**Executive Functions Delegated to the Corporate Director Resources Head of Finance (Chief Financial Officer and S151 Officer) and in their absence to the Deputy Head of Finance (Deputy S151 Officer)**

**Executive Functions not delegated to the Head of Legal Services**

To discharge any executive function falling within the area of responsibility of the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer) including, but not limited to, the functions set out in the paragraphs below.

1. To consider compensation claims from an owner of land or premises for loss or expense incurred as a consequence of an asset being included in the Council's List of Assets of Community Value under Part 5, Chapter 3 of the Localism Act 2011 and, where necessary, to make payments in accordance with Regulations made under the Act.
2. To administer the Council's payroll function.
3. To undertake the proper administration of the Council's financial affairs in accordance with S151 of the Local Government Act 1972, Section 114 of the Local Government and Finance Act 1988 and the Accounts and Audit Regulations 2015.
4. To arrange all borrowing, financing and investment in line with the Council's Treasury Management Policy and in accordance with the CIPFA Code of Practice on Treasury Management.
5. To agree the deployment of reserves and provisions in accordance with their purpose.



6. To determine the amount of the council tax base.
7. To agree the NNDR1 and NNDR3 submissions in accordance with the Business Rates Retention Scheme.
8. To administer the Collection Fund on behalf of the Authority in accordance with section 89 and 90 of the Local Government Finance Act 1988.
9. To make appropriate banking arrangements on behalf of the Council.
10. To effect all insurances and manage the Council's insurance arrangements.
11. Power to write off bad debts without limit and to report these to the relevant executive member.
12. Responsibility for maintaining an adequate and effective system of internal audit.
13. To negotiate with debtors and waive approved fees and charges under exceptional circumstances and/or in appropriate cases.
14. To determine fees and charges in respect of summonses, Local Land Charge Searches, the recovery of costs and for inspecting and copying documents and access arrangements for viewing documents and registers in accordance with the relevant legislation.
15. To accept blight notices relating to properties affected by development or redevelopment in accordance with Section 150 of the Town and Country Planning Act 1990.

**(Executive Functions also delegated to the Legal Services Manager-ManagerSenior Solicitor)**

To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. In relation to executive functions, to commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.
2. To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements.
3. To take all steps prescribed by law to implement compulsory purchase orders and to make relevant payments.
4. To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration up to a maximum of £2,000 per claim, pursuant to section 92 of the Local Government Act 2000.

5. To implement an enforced sale including serving of notices, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property.

**Non-Executive Functions Delegated to the Corporate Director Resources ~~Head of Finance (Chief Financial Officer and S151 Officer)~~ and in their absence to the Deputy Head of Finance (Deputy S151 Officer)**

**(Non-Executive Functions also delegated to the Legal Services Manager)**

To discharge any non-executive function falling within the area of responsibility of the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer) including, but not limited to, the functions set out in the paragraphs below.

1. To agree and enter into agreement pursuant to section 106 Town and Country Planning Act 1990 after consultation with the Head of Planning Services.

**Non-Executive Functions Delegated to the Legal Services Manager (Monitoring Officer) and in their absence to the Deputy Monitoring Officer**

To discharge any non-executive function falling within the area of responsibility of the Legal Services Manager (Monitoring Officer) and in their absence to the Deputy Monitoring Officer including, but not limited to, the functions set out in the paragraphs below.

1. To act as the Council's Monitoring Officer, in accordance with the provisions of the Local Government and Housing Act 1989.
2. To administer the Council's process, under the Localism Act 2011, for dealing with complaints of alleged breaches of the Wyre Code of Conduct and following consultation with the Independent Person to decide:
  - (a) To dismiss without further action, any complaint which he/she considers to be frivolous, vexatious, without merit or which otherwise fails to meet the preliminary tests set out in the Council's complaints process.
  - (b) That the complaint does not warrant a formal investigation and that an informal resolution be sought.
  - (c) That the complaint appears to amount to a breach of the Code of Conduct and to arrange for an investigation to be carried out, with the outcome to be reported to the Standards Committee.
  - (d) At the direction of the Standards Committee, when following an investigation, a breach of the Code of Conduct has been found, to agree a local resolution, in consultation with the Independent Person, subject to the complainant being satisfied with the outcome and subject to a summary report being submitted to the Standards Committee.

### Executive Functions Delegated to the Legal Services Manager ~~Senior Solicitor~~

To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. To instruct external solicitors and/or counsel to represent the Council.
2. To review decisions to include land and/or buildings on the Council's List of Assets of Community Value, pursuant to section 92 of the Localism Act 2011 and to review decisions relating to compensation pursuant to section 99 of the Localism Act 2011 in respect of assets of community value.
3. To act as the Senior Responsible Officer for the purpose of Part 11 Regulation of Investigatory Powers Act 2000.
4. To determine exemptions for requests and carry out reviews made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
6. To perform the duties as indicated in the list of delegations to the Corporate Director Resources, ~~Head of Finance and Corporate Service~~ Director Communities and Corporate Director Environment, ~~Performance and Innovation~~

### Non-Executive Functions Delegated to the Legal Services Manager ~~Senior Solicitor~~

To discharge any non-executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. To act as the Council's Deputy Monitoring Officer.
2. To exercise the powers conferred by the following legislation, and any regulations, orders byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Licensing section:
  - (a) Animal Boarding Establishments Act 1963
  - (b) County of Lancashire Act 1984
  - (c) Criminal Justice and Public Order Act 1994
  - (d) Game Act 1831
  - (e) Health and Safety at Work etc. Act 1974
  - (f) Hypnotism Act 1952
  - (g) Local Government (Miscellaneous Provisions) Act 1976
  - (h) Local Government (Miscellaneous Provisions) Act 1982
  - (i) Public Health Act 1936
  - (j) Riding Establishments Act 1964
  - (k) Town Police Clauses Act 1847

- (l) Transport Act 1985
  - (m) Vehicle (Crime) Act 2001
3. To exercise functions under the Licensing Act 2003
  4. In relation to the Gambling Act 2005, where no representations have been received or withdrawn:
    - (a) To authorise officers pursuant to section 304;
    - (b) To determine applications for premises licenses;
    - (c) To determine applications for variation of premises licenses;
    - (d) To determine applications for transfer of premises licenses;
    - (e) To determine applications for a provisional statement;
    - (f) To determine applications for club gaming or club machine permits;
  5. In respect of the Gambling Act 2005 and subordinate legislation:
    - (a) Power to exchange information;
    - (b) Power to provide information to the Gambling Commission;
    - (c) Power to exercise functions relating to the registration and regulation of small lotteries.
  6. To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in accordance with the Council's Policy:
    - (a) Determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;
    - (b) Cancellation of licence;
    - (c) Enforcement of the provisions of Part II and Schedule 3.
  7. To perform the duties as indicated in the list of delegations to the [Corporate Director Resources, Head of Finance and Corporate Service](#) Director [Communities and Corporate Director Environment, Performance and Innovation](#).

### **Executive Functions Delegated to the Head of [the Contact Centre and ICT Services](#) (interim arrangement)**

To discharge any executive function falling within the area of responsibility of the Head of the Contact Centre [and ICT Services](#) including, but not limited to, the functions set out in the paragraphs below.

1. To administer the calculation and payment of housing benefit and localised council tax support including the award of discretionary housing payments.
2. To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013 (in consultation with the legal team) and to agree the relevant sanctions and administrative penalties for use in the recovery of any overpayments of housing benefit and council tax support.

3. To take all necessary steps to undertake the calculation, collection, administration and recovery of Council Tax and Non-domestic rates, including the award of reliefs, the granting of discounts and dealing with appeals, in accordance with the Local Government Finance Act 2012, 1992 and 1988 (as amended from time to time) and government regulations and guidance.
4. To impose or quash penalties in accordance with Section 11 of the Local Government Finance Act 1992 (council tax discounts).
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving a grant or renewal of a RIPA authorisation or notice and to represent to the Council in making such an application.

### Non-Executive Functions Delegated to the Head of the Contact Centre and ICT Services (interim arrangements)

1. To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925.

### ~~Executive Functions Delegated to the Service Director Performance and Innovation (with responsibility for Transformation)~~

- ~~1. To waive fees and charges where such action will result in enhanced promotion.~~
- ~~2. To manage the Council's markets.~~
- ~~3. To obtain licences issued under the Licensing Act 2003.~~
- ~~4. To manage and deal with all matters affecting the Marine Hall and Thornton Little Theatre.~~

### ~~(Executive functions also delegated to the Legal Services ManagerSenior Solicitor)~~

~~To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.~~

- ~~1. To authorise appropriate staff to prosecute, defend or appear in the Magistrates Court, the county court, valuation panels and tribunals or other hearings.~~
- ~~2. To authenticate documents in connection with the exercise of executive functions.~~
- ~~3. To sign/seal documents on behalf of the Council including any agreement, contract, notice, demand, order or other document.~~
- ~~4. To authorise injunctive proceedings.~~
- ~~5. To take proceedings for recovery of council owned land including forfeiture.~~

- ~~6. To waive fees and charges where such action will result in enhanced promotion.~~
- ~~7. To manage the Council's markets.~~
- ~~8. To obtain licences issued under the Licensing Act 2003.~~
- ~~9. To manage and deal with all matters affecting the Marine Hall and Thornton Little Theatre.~~

~~**Non-Executive Functions Delegated to the Corporate Director Communities Service Director Performance and Innovation (with responsibility for Transformation)**~~

~~To discharge any non-executive function falling within the area of responsibility of the Corporate Director Communities including, but not limited to, the functions set out in the paragraphs below.~~

~~**(Non-Executive functions and also delegated to the Legal Services Manager) Senior Solicitor)**~~

- ~~1. To take proceedings for the recovery of council-owned land or property from trespassers.~~
- ~~2. To sign/seal documents on behalf of the Council including any agreement, contract, notice, demand, order or other document.~~
- ~~3. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.~~
- ~~4. In relation to non-executive functions, to commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.~~

**Executive Functions Delegated to the Head of Governance and Business Support**

To discharge any executive function falling within the area of responsibility of the Head of Governance and Business Support including, but not limited to, the functions set out in the paragraphs below.

1. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager~~Senior Solicitor~~ and any member of the Council's Management Team.
2. To determine whether or not land and/or property nominated as an 'asset of community value' under the provisions of Part 5, Chapter 3 of the Localism Act 2011 will be included in the Council's list of Assets of Community Value.

3. To submit reports, as the Council's designated Data Protection Officer, to the Information Commissioner's Office on breaches of the General Data Protection Regulations.

### **Non Executive Functions Delegated to the Head of Governance and Business Support**

To discharge any non-executive function falling within the area of responsibility of the Head of Governance and Business Support including, but not limited to, the functions set out in the paragraphs below.

1. To appoint members to the Independent Remuneration Panel.
2. To appoint Independent Members to the Audit Committee should legislation require this.
32. To convene a panel of any three councillors who are not in the Cabinet and have received the relevant training or can attend the required training before the appeal hearing takes place (and wherever practically possible to ensure that two are from the majority group and one from the minority group) to consider employment appeals in accordance with Council procedures.
43. To convene a panel comprising of any three members of the Licensing Committee to consider applications for appeals where under Licencing Act legislation it is necessary or appropriate for decisions to be made by a panel or sub-cimmittee rather than the full Licensing Committee.
54. To make minor changes to the Constitution to correct clerical mistakes, make factual amendments (including changes to job titles) to comply with the law or reflect decisions made by or on behalf of the Council (as provided in Article 19.02 of the Constitution).

### **Executive Functions Delegated to the Head of Planning and Services Regeneration**

To discharge any executive function falling within the area of responsibility of the Head of Planning including, but not limited to, the functions set out in the paragraphs below.

1. To authorise the making of a direction under Article 4 of the Town and Country Planning General Permitted Development Order 1995 after consultation with the relevant Portfolio Holder.
2. To authorise Council employees and other persons acting on behalf of the Council to exercise powers of entry under the National Parks and Access to the Countryside Act 1949, the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To be responsible, in consultation with the appropriate Cabinet Portfolio Holder, for all planning matters relating to Neighbourhood Development Plans and Orders under The Neighbourhood Planning (General) Regulations 2012 and the Planning

Acts as amended, subject to certain decisions which are controversial or which are subject to objections which are not withdrawn.

The exception is the adoption of a Neighbourhood Development Plan or Order, which is reserved for Full Council.

The Head of Planning Services shall be free to refer any matter or decision to the appropriate Cabinet Portfolio Holder or to full Cabinet (as appropriate) for determination. The Head of Planning Services shall ensure that care is taken to identify any case within his/her delegated authority where unusual circumstances or other reasons suggest the desirability of Councillor consideration. To assist in this process, the Cabinet Portfolio holder will be kept up to date of forthcoming decisions on Neighbourhood Planning matters.

Note: An explanatory schedule, setting out the stages in the Neighbourhood Development Plan process at which a decision will need to be taken, is attached as an Appendix to this Scheme of Delegation.

4. [To give written and issue community protection notices under the Anti-Social Behaviour, Crime and Policing Act 2014.](#)

### **Non-Executive Functions Delegated to the Head of Planning Services and Regeneration**

To discharge any non-executive function falling within the area of responsibility of the Head of Planning including, but not limited to, the functions set out in the paragraphs below.

1. To determine of all forms of applications for permission, approval, consent, certificates and prior approvals/notifications, consultations and other determinations made under Town and Country Planning legislation, including legislation relating to listed buildings, conservation areas and hazardous substances, unless:

- (a) A ward councillor representing the ward within which the application site lies or a ward councillor representing an adjoining ward has requested that the application be considered by the Planning Committee, subject to the request being received by the Head of Planning Services and Regeneration within 10 working days of the date of the email providing members with a link to the weekly list of planning applications, which includes the planning application requested.

Note: this exception shall only apply to applications for Planning Permission or Advertisement Consent and does not apply to resubmitted applications where no substantial change has been made to the original application which was refused or withdrawn. Where the councillor requesting the determination by Planning Committee is unable to attend the meeting to speak, consideration of a letter from that councillor will be at the discretion of the Chairman of the Committee.

2. To determine any matter relating to fees arising on applications under the Town and Country Planning Act 1990 subject to compliance with statutory provisions and Council policy.



3. To decline to determine repetitive applications for planning permission under the Town and Country Planning Act 1990, Planning and Compensation Act 1991 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.
4. To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and related powers.
- ~~54.~~ To determine persons and agencies to be consulted and notified on the making of planning and other applications.
- ~~56.~~ To determine whether planning or other applications should be subject to environmental impact assessment and if so, what information should be contained in assessments.
- ~~76.~~ To revoke or modify planning permission following consultation with the Chairman or Vice Chairman of Planning Committee under Section 97 of the Town and Country Planning Act 1990.
8. To approve the terms of planning obligations under /Sectin 106 Town and Planning Country Act 1990 regulating the use or development of land.
- ~~9.87.~~ To serve building preservation notices.
- ~~10.98.~~ To issue discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations 2007.
- ~~11.09.~~ To issue, vary variation and withdrawal of enforcement notices for breach of planning control under the Town and Country Planning legislation.
- ~~12.10.~~ In relation to listed buildings:
  - (a) To issue of listed building enforcement notices;
  - (b) To issue of repairs notices;
  - (c) To Execute urgent works including works in default.
- ~~13.21.~~ To issue stop notices and temporary stop notices.
- ~~14.32.~~ To issue breach of condition notices or planning contravention notices.
- ~~15.43.~~ To Issue completion notices under S94 (2) of the Town and Country Planning Act 1990.
16. To authorise, make and confirm orders under S257 of the Town and Country Planning Act 1990 regarding the stopping up or diverting of footpaths/bridleways, subject to the applicant being responsible for the council's costs and to there being no outstanding objections.
17. To take steps to secure compliance with an enforcement notice either through prosecution, execution of works or by taking any other action under the Town and

Country Planning Act 1990, Building Act 1984 and Planning Listed Buildings and Conservation Areas Act 1990 or any Regulation or orders made thereunder.

18. To apply for injunctions restraining a breach of planning control.
19. To take action, serve notices and enforce any notice served under section 215 Town and Country Planning Act 1990.
20. To authorise rights of entry on land under S196A of the Town and Country Planning Act 1990 in relation to potential breaches of planning control.
21. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
22. For the purposes of the Town and Country Planning (Enforcement Notices and Appeals) Procedure, to make a statement as to whether or not the Council would grant planning permission for the development alleged and, if so, on what conditions.
23. To approve, in consultation with the relevant Portfolio Holder, any update to the Local Development Scheme.
24. To comment whenever the Council is consulted by other public authorities or bodies on development proposals.
25. To make comments to the Planning Inspectorate relating to any proposed nationally significant infrastructure project, within or impacting on the Borough when responses are required to be submitted by the Council within 56 days.
26. In cases of urgency, and after consultation with the relevant Portfolio Holder, to authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order (1995) as amended.
27. To authorise the execution of works in accordance with Section 54(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
28. To issue notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990.
29. To publish an Annual Monitoring Report.
30. To apply for an injunction in relation to a listed building.
310. To serve listed building preservation notices under S3 and S4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and related powers.
324. To enter land in Part 2 of the Brownfield Land Register under Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Note: the Planning Development Manager is authorised to perform duties set out in paragraphs 1 - 7, 2, 3, 4, 5, 6, 7 and 2019 of the Non-Executive Functions above and the Senior

Planning Officers (Development Management) are authorised to perform duties set out in paragraph 1 of the Non-Executive Functions above.

### **Executive Functions Delegated to the Head of Engineering**

To discharge any executive function falling within the area of responsibility of the Head of Engineering including, but not limited to, the functions set out in the paragraphs below.

1. Responsibility for relevant tasks and permissive tasks under the Council's residual highways agreement with LCC.
2. To carry out works and place objects and structures on, in or over a highway for the purposes of providing a service for the benefit of the public or a section of the public such as seats, bus stops and shelters under Section 115B of the Highways Act 1980.
3. To take any necessary action under section 25 and 26 of the Local Government (Miscellaneous Provisions) Act 1976 where an excavation is accessible from a highway or place of public resort and is a danger to the public.
4. To arrange for the maintenance of coastal defences, water courses and pumping stations.
5. To exercise powers under the Land Drainage Act 1991.
6. To exercise powers in relation to local flood risk management.
7. To exercise the Council's functions as risk management authority as defined under section 6 of the Flood and Water Management Act 2010.
8. To exercise the Council's functions as designating and responsible authority as defined under Schedule 1 of the Flood and Water Management Act 2010.
9. To serve notices under S25 (maintaining the flow of watercourses) and S28 (cleansing of ditches) of the Land Drainage Act 1991.
10. To arrange maintenance of Fleetwood Ferry Dock and Knott End Landing Stage.
11. To operate the Decriminalised Parking Enforcement System in partnership with LCC and to determine representations and challenges and process appeals.
12. To arrange for the temporary prohibition of traffic on roads and closure of roads.

### **Non-Executive Functions Delegated to the Head of Engineering**

To discharge any non-executive function falling within the area of responsibility of the Head of Engineering including, but not limited to, the functions set out in the paragraphs below.

1. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers

under any of the Statutes which fall within the remit of the Engineering Section, including appearance in court:

- (a) County of Lancashire Act 1984;
- (b) Highways Act 1980;
- (c) Public Health Act 1936.

2. To make agreements and orders under S25 and S26 of the Highways Act 1980 regarding the creation of public footpaths.

**Executive Functions Delegated to the Head of Housing and Community Services~~Service Director Health and Wellbeing (with responsibility for Housing)~~**

To discharge any executive function falling within the area of responsibility of the Head of Housing and Community Services including, but not limited to, the functions set out in the paragraphs below.

1. To act on behalf of the Council on all matters relating to the discharge of the housing functions of the Council, which include but are not limited to all functions under the provisions of housing legislation, public and private sector housing, homelessness, the administration of grants for improvement and repair of properties and housing strategy.
2. To receive and consider applications for and to approve or refuse to make grants for disabled facilities and discretionary housing assistance. ~~authorise adaptations for the disabled, permitting grant aid for extensions where internal amenities and structural change is necessary to accommodate a chair lift or similar.~~
3. To assess, advise and where appropriate assist (including the award of discretionary housing assistance) all households presenting themselves as homeless or threatened with homelessness in accordance with relevant legislation and guidance.
4. To exercise the Council's responsibilities in relation to the implementation and administration/operation of the Choice Based Lettings Scheme.
5. To implement and exercise powers confirmed by the following legislation and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, including instigating proceedings and authorising officers under any of the Statutes which fall within the remit of housing, buildings, blight and environmental protection:
  - (a) Building Act 1984;
  - (b) Environmental Protection Act 1990;
  - (c) Homelessness Act 2002;
  - (d) Home Energy Conservation Act 1995;
  - (e) Housing Acts 1985, 1988, 1996 and 2004;
  - (f) Housing Grants Construction and Regeneration Act 1989;
  - (g) Housing Health and Safety Rating System Regulations 2005;
  - (h) Houses in Multiple Occupation Regulations 2006;
  - (i) Local Government and Housing Act 1989;

- (j) Local Government (Miscellaneous Provisions) Act 1982- section 29;
  - (k) Protection from Eviction Act 1977 (as amended by the Housing Act 1988);
  - (l) Public Health Act 1936 and 1961;
  - (m) Regulatory Reform (Housing Assistance) Order 2002.
6. To issue licences and generally to manage the Council's scheme for the selected licensing of private rented accommodation.
  7. To consider the implementation of management orders in respect of void properties and empty dwelling management orders in respect of empty homes.
  8. To create, review and maintain an advisory list of building contractors for renovation grants.
  9. To approve house renovation grants together with making stage and final payments.
  10. In consultation with the Corporate Director Resources, the taking of appropriate enforcement action in relation to Statutory Overcrowding, housing standards including requisition for information, the issuing of Improvement notices, Hazard Awareness Notices, Prohibition Orders, Demolition Orders and Minimal Energy Performance Standards. To exercise Power of entry, power to exercise works, power to purchase dwellings found on appeal to be hazardous and beyond repair at reasonable expense.
  11. The taking of action in relation to House in Multiple Occupation (HMO) e.g. duty to licence HMOs where specified, power to implement a registration scheme, power to execute work to remove serious hazards or to remedy neglect of management, power to limit number of occupants, making of a Management Order, powers of entry.
  12. Under the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014 to set and impose a penalty charge (to a maximum of £5,000); to undertake the service and signing of notices; to consider and determine representations and objections; to recover the mandatory penalty through a certificate.
  13. To ensure overall management responsibility for the promotion and proper management of the Wyre Community Lottery and for compliance with the regulatory regime as a whole, including holding a lottery operating licence under the Gambling Act 2005.

#### **Non-Executive Functions Delegated to the ~~Service Director Health and Wellbeing (with responsibility for Housing)~~ Head of Housing**

1. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event on non-compliance with any such notice in accordance with s.16 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **Executive Functions Delegated to the Head of Built Environment**

To discharge any executive function falling within the area of responsibility of the Head of Built Environment including, but not limited to, the functions set out in the paragraphs below.

1. To make appropriate planning applications on behalf of the Council for any Council owned land and property assets where it is considered that a planning permission for an alternative use would be beneficial to the future management or disposal of the assets provided that the cost of making such an application does not exceed £10,000 per individual asset.
2. To negotiate, agree compensation and acquire properties identified by the Council and approved by Cabinet as appropriate for compulsory purchase under all appropriate Acts of Parliament.
3. To negotiate and agree terms for the granting of leases, licences and tenancy agreements to statutory undertakers for the implementation of infrastructure in accordance with their statutory obligations.
4. To agree terms for the granting, acquisition, variation or extinguishment of easements and wayleaves and where necessary to enter into Licences to enter third party land for the purposes of carrying out works.
5. To deal with all tenancy matters, including leases and licences, where the annual market rent or fee is less than £25,000 and the period of the licence or tenancy does not exceed 30 years.
6. To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council, including serving of notices.
7. To take all appropriate action to recover possession of all land and buildings let by the Council in circumstances where the lessee, tenant or licensee has become bankrupt, insolvent or where such other grounds for forfeiture arise.
8. To approve building plans submitted to fulfil covenants previously imposed by the Council.
9. To deal with applications for variation or release of covenants imposed by the Council or its predecessors on the sale of property.
10. With respect to the shared ownership scheme at Jubilee Drive, Cleveleys:
  - (a) To agree the open market value of the properties for subsequent disposals;
  - (b) To instruct the Valuation Office Agency if necessary;
  - (c) To release the resale covenant to complete the purchase of the dwelling within the two month timescale.
11. To negotiate and agree, in consultation with the [Corporate Director of Resources/Head of Finance](#), any dilapidation claim arising from a lease or licence either granted by the Council or held by the Council.

12. To take appropriate action on behalf of the Council's market franchise rights including allowing quality rival markets for periods of not more than 14 days in any one year subject to the payment of a negotiated fee.
13. Subject to prior declaration as surplus to requirements, and observing the requirements of Section 123 of the Local Government Act 1972 to obtain the best price that can reasonably be obtained, to approve:
  - (a) The sale of land and buildings of up to £20,000 in any one case;
  - (b) The sale of property by public auction and to determine the reserve price.
14. To determine all applications under the Building Act 1984 for building regulation approval/rejection including applications for relaxation of Regulations and the following:
  - (a) To exercise the functions set out in Part 1 (power to make building regs) and Part 2 (supervision of building work);
  - (b) Section 24 (means of ingress and egress at certain buildings to which the public have access);
  - (c) Section 77 to 83 (dangerous buildings).
15. In consultation with the Legal Services Manager, to take all relevant enforcement actions under Sections 35 & 36 of the Building Act 1984 and in respect of breaches of the Building Regulations.
16. To exercise the functions set out in Sections 77 to 83 of the Building Act 1984 (Dangerous, ruinous and dilapidated buildings and notices in respect of intended demolition) including the authorisation of works in default.
176. To determine charges within the provisions of the Council's Scheme of Charges for Building Regulation Work.
187. To refuse or accept initial notices, final notices or building notices under the Building Act 1984.
198. To issue completion certificates in appropriate circumstances under the Building Regulations.

### **Non-Executive Functions Delegated to the Head of Built Environment**

To discharge any non-executive function falling within the area of responsibility of the Head of Built Environment including, but not limited to, the functions set out in the paragraphs below.

1. ~~To serve notices requiring information as to the ownership, occupation or use of any land and to authorise proceedings in the event of non-compliance with any such notice.~~ To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event on non-

compliance with any such notice in accordance with s.16 of the Local Government (Miscellaneous Provisions) Act 1976.

## **Executive Functions Delegated to the Head of Environmental Health and Community Safety**

To discharge any executive function falling within the area of responsibility of the Head of Environmental Health and Community including, but not limited to, the functions set out in the paragraphs below.

1. In so far as they are executive functions, to exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes, which fall within the remit of the Environmental Health and Community Safety team, including appearance at Court:
  - (a) Animals Act 1971;
  - (b) Animal Health Act 1981;
  - (c) Animal Welfare Act 2006;
  - (d) Anti-social Behaviour, Crime and Policing Act 2014;
  - (e) Breeding and Sale of Dogs (Welfare) Act 1999;
  - (f) Criminal Justice and Police Act 2001 (S 19)
  - (g) Clean Air Act 1993;
  - (h) Control of Pesticides Regulations 1986;
  - (i) Environmental Protection Act 1990;
  - (j) Equality Act 2010 (regarding taxi travel);
  - (k) European Communities Act 1972  
EU Food Hygiene Regulations / Statutes as retained EU Law under the European (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020
  - ~~(l)~~ Factories Act 1961;
  - ~~(m)~~ Food Act 1984;
  - ~~(n)~~ Food Safety Act 1990;
  - ~~(o)~~ House to House Collections Act 1939;
  - ~~(p)~~ Licensing Act 2003;
  - ~~(q)~~ Local Government Act 1988;
  - ~~(r)~~ Mobile Homes Act 1983;
  - ~~(s)~~ Motor Salvage Operators Regulations 2002;
  - ~~(t)~~ Noise Act 1996;
  - ~~(u)~~ Noise and Statutory Nuisance Act 1993;
  - ~~(v)~~ Pollution Prevention and Control Act 1999;
  - ~~(w)~~ Salmon and Fresh Water Fisheries Act 1923 (Amendment) Act 1964;
  - ~~(x)~~ Slaughter of Poultry Act 1967;
  - ~~(y)~~ Working Time Regulations 1998.



2. To exercise the provisions of an issue notices under Sections 43 and 48 of the Anti-Social Behaviour 2003.
3. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the [Legal Services Manager](#) ~~Senior Solicitor~~ and any member of the Council's Management Team.
4. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
6. To issue [simple cautions for Adult Offenders under guidance effective from 13 April 2015.](#) ~~cautions in accordance with the Home Office Circular 16/2008.~~
7. [To give written and issue community protection notices under the Anti-Social Behaviour, Crime and Policing Act 2014.](#)

### **Non-Executive Functions Delegated to the Head of Environmental Health and Community Safety**

To discharge any non-executive function falling within the area of responsibility of the Head of Environmental Health and Community including, but not limited to, the functions set out in the paragraphs below.

1. In so far as they are non-executive functions, to exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes, which fall within the remit of the Environmental Health and Community Safety team, including appearance at Court:
  - (a) Animal Boarding Establishments Act 1963;
  - (b) Breeding of Dogs Act 1973;
  - (c) Breeding of Dogs Act 1991;
  - (d) Building Act 1984;
  - (e) Caravan Sites Act 1968;
  - (f) Caravan Sites and Control of Development Act 1960;
  - (g) Clean Air Act 1993;
  - (h) Clean Neighbourhoods and Environment Act 2005;
  - (i) Control of Pollution Act 1974;
  - (j) County of Lancashire Act 1984;
  - (k) Criminal Justice and Public Order Act 1994;
  - (l) Dangerous Dogs Act 1991;
  - (m) Dangerous Wild Animals Act 1976;
  - (n) Deer Act 1991;
  - (o) Environmental Protection Act 1990;

- (p) Environmental Act 1995;
- (q) European Communities Act 1972 (re enforcement of the European Food Hygiene Regulations;
- (r) EU Food Hygiene Regulations / Statutes as retained EU Law under the European (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020
- (~~sf~~) Food and Environment Protection Act 1985;
- (~~ts~~) Food Safety Act 1990;
- (~~ut~~) Gambling Act 2005;
- (~~vt~~) Game Act 1831;
- (~~wv~~) Guard Dogs Act 1975;
- (~~xw~~) Health Act 2006 and 2009;
- (~~yx~~) Health and Safety at Work Act 1974;
- (~~zy~~) Hypnotism Act 1952;  
Licensing Act 2003;
- (~~aaz~~) Local Government and Housing Act 1989;
- (~~bba~~) Local Government (Miscellaneous Provisions) Act 1976;
- a)
- (~~ccb~~) Local Government (Miscellaneous Provisions) Act 1982;
- b)
- (~~dde~~) Materials and Articles in Contact with Food Regulations 2012;
- e)
- (~~eed~~) Mobile Homes Act 1983 and 2013;
- f)
- (~~fee~~) National Assistance Act 1948;
- (~~gff~~) Noise and Statutory Nuisance Act 1993;
- (~~hgg~~) Offices, Shops and Railway Premises Act 1963;
- g)
- (~~ihh~~) Pet Animals Act 1951;
- (~~iii~~) Poisons Act 1972;
- (~~kkj~~) Police, Factories etc. (Miscellaneous Provisions) Act 1916;
- (~~llk~~) Prevention of Damage by Pests Act 1949;
- (~~mm~~) Public Health Act 1936;
- h)
- (~~nnm~~) Public Health Act 1961;
- i)
- (~~oon~~) Public Health (Control of Diseases) Act 1984;
- j)
- (~~ppe~~) Rehabilitation of Offenders Act 1974 (in relation to enforcement of taxi licensing);
- o)
- (~~qqp~~) Riding Establishments Act 1964;
- p)
- (~~rrq~~) Riding Establishments Act 1970;
- q)
- (~~ssf~~) Scrap Metal Dealers Act 2013;
- (~~tss~~) Slaughterhouses Act 1974;
- (~~uut~~) Sunday Trading Act 1994;
- (~~vvu~~) Town Police Clauses Act 1847;
- r)
- (~~wwv~~) Transport Act 1985;
- s)

(~~xxw~~ Vehicles (Crime) Act 2001;

~~w~~)

(~~yyxx~~ Water Industry Act 1991;

)

(~~zzyy~~ Water Resources Act 1991;

)

(~~aaa~~ Zoo Licensing Act 1981.

~~zz~~)

2. To determine any action in accordance with the Policy for Taxi Licensing Enforcement.
3. After consultation with the Chairman of Licensing Committee, to revoke or suspend licences relating to hackney carriages, private hire vehicles, their operators or drivers.
4. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
5. To exercise functions under the Licensing Act 2003.

### **Executive Functions Delegated to Compliance Manager and Senior Compliance Officers**

To discharge any executive function falling within the area of responsibility of the Compliance Manager and Senior Compliance Officers including, but not limited to, the functions set out in the paragraphs below.

1. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
2. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager~~Senior Solicitor~~ and any member of the Corporate Management Team~~uncil's Management Team.~~
3. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.

**APPENDIX TO PARAGRAPH 3 OF THE EXECUTIVE FUNCTIONS DELEGATED TO THE HEAD OF PLANNING SERVICES AND REGENERATION RELATING TO NEIGHBOURHOOD PLANNING**

**Explanatory Schedule – expected stages where a decision will be required**

Decision Required	Process to be undertaken	Proposed Scheme of Delegation	Comments
<p><b>Designation of a Neighbourhood Forum</b></p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 9 -10) <u>as amended 2016</u></i></p>	<p>Following receipt of the Neighbourhood Forum application, the local planning authority will undertake a six week consultation on the application.</p> <p>Representations submitted to the consultation will be considered when determining the application.</p> <p><u>The following time limits apply for determining a Neighbourhood Forum Application depending upon circumstances:</u></p> <ul style="list-style-type: none"> <li>• <u>6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Forum Application falls within two or more local planning authorities.</u></li> <li>• <u>6 week consultation with a further 7 weeks to make a decision (13 week overall</u></li> </ul>	<p>Decision to designate the Neighbourhood Forum is delegated to the Head of Planning Services, unless objections are received and not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>This stage would only apply for non-parished areas that are undertaking Neighbourhood planning.</p>

	<p><u>limit) – this applies in all other cases.</u></p>		
<p><b>Designation of a Neighbourhood Area</b></p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations <u>5A, 6 -7, as amended 2015 and 2016</u>)</i></p>	<p>Following receipt of the Neighbourhood Area application, the local planning authority will undertake a consultation on the application.</p> <p>Representations submitted to the consultation will be considered when determining the application.</p> <p>The following time limits apply for determining a Neighbourhood Area Application depending upon circumstances:</p> <ul style="list-style-type: none"> <li>• <del>4 week consultation with further 4 weeks to make a decision (8 week overall limit) – this applies when the Neighbourhood Area Applications relates to the whole administrative area of a parish council;</del></li> <li>• 6 week consultation with a further 7 weeks to make a decision (13 week overall limit) – this applies when the Neighbourhood Area Application does not relate to the whole parish (and does not cover more than one local</li> </ul>	<p>Decision to designate the Neighbourhood Area is delegated to the Head of Planning Services, unless <u>a consultation stage is required</u> and objections are received and not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Neighbourhood Area applications are expected to be straightforward and submitted by a Parish/Town Council for the whole parish. <del>For such applications, the amendments to the regulations require a decision to be made within eight weeks, this includes a four week consultation period. The proposed scheme of delegation will make it easier for the local planning authority to meet this target. For such applications, there is a default approval of the Neighbourhood Area unless some or all of the proposed area has already been designated or pending determination through a separate proposal.</del></p> <p><u>For other applications</u> <del>a</del>As the majority of Neighbourhood Area Applications are not expected to be controversial, <u>the proposed scheme of delegation will make it easier for the local planning authority to meet the target dates and this approach</u> <del>will</del> also prevent unnecessary delay in the local planning authority issuing a decision.</p>

	<p>planning authority) or where the application is submitted by a Neighbourhood Forum;</p> <ul style="list-style-type: none"> <li>• 6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Area Application falls within two or more local planning authorities.</li> </ul> <p><u>Where a Neighbourhood Area application is submitted by a parish council for the whole of the parish council’s administrative area, consultation on the application is not required, the local planning authority will designate the Neighbourhood Area in accordance section 61G of the 1990 Town and Country planning Act</u></p>		
<p><b>Signing off the local planning authority’s representations on the pre submission draft</b></p> <p><i>Note: This is not a regulatory requirement but is considered best practice</i></p>	<p>The qualifying body is required to notify the local planning authority of the pre submission consultation. It is considered best practice for the local planning authority to submit representation at the pre submission stage to assist in Plan preparation.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Plans are not expected to be controversial and the aim of the local planning authority submitting comments on the pre submission draft is to assist the qualifying body in finalising the submission version for examination. It will also highlight potential areas for improvement to assist in the operation of the adopted Plan.</p>

<p><b>Publicising the Plan Proposal and submission to examination</b></p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 16 -17) <a href="#">as amended 2017 and 2018</a></i></p>	<p>The local planning authority is required to publicise the submission version when it is satisfied that the Plan submitted is valid and should be accepted and publicised.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan is invalid and should not be published, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The local planning authority need to check that the submission Plan accords with the requirements set out in regulation 15 of the Neighbourhood Planning Regulations 2012 <a href="#">as amended 2017 and 2018.</a></p>
<p><b>Signing off the local planning authority's representations on the submission draft</b></p> <p><i>Note: This is not a regulatory requirement but is considered best practice</i></p>	<p>It is considered best practice for the local planning authority to submit representation at the submission stage.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Plans are not expected to be controversial. The local planning authorities' representations on the submission Plan will be considered by the independent examiner and representation should address any outstanding areas or concern, this can also include support for the proposals.</p>
<p><b>Whether the local planning authority declines or accepts a repeat proposal</b></p> <p><i>(Schedule 4B of the Town &amp; Country Planning Act 1990)</i></p>		<p>Decision delegated to the Head of Planning Services, unless it is recommended that the repeat proposal should be declined, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>A repeat proposal is one where in the last two years, the local planning authority has refused to take forward a Plan or Order to referendum after examination or where a Plan or Order has failed at referendum.</p>

<p><b>Appointment of an examiner</b></p> <p><i>(Schedule 4B of the Town &amp; Country Planning Act)</i></p>	<p>A suitably qualified independent examiner should be appointed in consultation with the relevant qualifying body.</p>	<p>Decision delegated to the Head of Planning Services, unless the qualifying body objects to the appointment and the objection is not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>Appointment of an examiner is undertaken in consultation with the relevant qualifying body and an objection is not envisaged.</p>
<p><b>Actions to take following receipt of an Examiner's report and consideration of modifications.</b></p> <p><i>(Schedule 4B of the Town &amp; Country Planning Act 1990)</i></p>	<p>On receipt of the examiner's report, the local planning authority will have to consider the recommendations of the examiners' report, including whether the Plan meets the basic conditions and whether it can proceed to referendum.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>It is envisaged that officers' and the qualifying body will have to jointly consider the recommendations. It will be the local planning authorities decision whether the Plan proceeds to referendum.</p>
<p><b>Whether to make (adopt) a Neighbourhood Development Plan or Order following Referendum</b></p> <p><i>(Section 38A of the Planning &amp; Compulsory Purchase Act, 2004).</i></p>	<p>Adopting the neighbourhood plan/order as part of the Development Plan is a decision that has to be taken by Full Council.</p>	<p>The decision is reserved for Full Council.</p>	<p>Decisions of this nature are reserved for Full Council.</p> <p>The Council needs to determine whether the 'making' of the Plan would be in breach, or otherwise be incompatible with any EU or human rights obligations.</p>



**Appendix 3b****Scheme of Delegations to Officers****All delegations to officers are subject to the following general conditions:**

1. All decisions taken must comply with the Council's approved budget, the Policy Framework, the Financial Regulations and Financial Procedure Rules and all other elements of the Constitution.
2. In the absence of the Chief Executive the functions of the Chief Executive will be the responsibility of any of the Corporate Directors;
3. An officer to whom a function is delegated may authorise another officer to exercise that function, provided that the other officer reports to or is responsible to the officer in question.
4. In the absence of the relevant officer, the Chief Executive and Corporate Directors shall have power to act subject to any statutory limitations.
5. Reference to any enactment, regulation, order or byelaw shall include any amendment or re-enactment, whether or not with amendments.

**Executive Functions Delegated to the Chief Executive**

To discharge any executive function falling within the area of responsibility of the Chief Executive including, but not limited to, the functions set out in the paragraphs below.

1. To act as the head of paid service under section 4 of the Local Government and Housing Act 1989 and in this role:
  - (a) To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
  - (b) To give professional advice to all parties in the decision making process including the Council, Portfolio Holders, the Cabinet, Overview and Scrutiny and Regulatory Committees;
  - (c) Together with the Monitoring Officer, to be responsible for a system of record keeping for all the Authority's decisions;
  - (d) To represent the Authority on partnerships and external bodies as required by statute or by the Authority.
2. To carry out any function which is delegated to a Corporate Director or Head of Service subject to any limits or conditions attached to that delegation and statutory limitations.
3. To grant dispensations to Cabinet members prior to the taking of an executive decision in respect of which they have a conflict of interest pursuant to regulation 12 and 13 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

4. To cancel or alter the time or the date of any meeting.
5. To take action within the Council's powers in cases of emergency or disaster and after consultation with the Chief Financial Officer (or his or her nominee) to incur expenditure (the Leader to be notified as soon as reasonably possible after the expenditure is incurred).
6. To take action within the Council's powers in cases of the absence or incapacity of the designated decision taker or in the failure of the Council in any year to agree executive arrangements by the statutory deadline for the holding of the Council's annual meeting.
7. To allow face-to-face meetings to be replaced with remote or hybrid arrangements where legislation permits.
8. To provide the necessary authorisations in respect of surveillance in accordance with the Regulation of Investigatory Powers Act 2000 where confidential information is involved or where authorisation is sought for employment of a juvenile or vulnerable covert human intelligence source (CHIS).
9. To exercise powers under the Civil Contingencies Act 2004 concerning emergency planning and response arrangements and to appoint a deputy officer for such purposes.
10. To receive and respond to expressions of interest under the Community Right to Challenge under Part 5 Chapter 2 Localism Act 2011.

### **Non-Executive Functions Delegated to the Chief Executive**

To discharge any non-executive function falling within the area of responsibility of the Chief Executive including, but not limited to, the functions set out in the paragraphs below.

1. To determine following consultation with the Chief Financial Officer, the early release of any employees, except the Corporate Directors, provided that the proposals are cost neutral to the Council over a specific period of time in accordance with the Council's Policy and the Council's External Auditors advice. (Proposals for the early release of the Chief Executive or any of the Corporate Directors must be considered by the full Council.)
2. To suspend a Corporate Director where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct (the members of Cabinet to be notified as soon as possible after the action has been taken).
3. To approve changes to any document forming part of the Council's policy framework provided the proposed change:
  - (a) Is prescribed by legislation or statutory instrument;
  - (b) Merely corrects a typographical error or errors; or

- (c) Is of a minor nature i.e. the proposed change does not affect the substance of the document or change Council policy.
4. In respect of community governance reviews, to comply with the Council's duties and responsibilities under Chapter 3 Part 4 of the Local Government and Public Involvement in Health Act 2007.
  5. To act as Returning Officer for elections and as the Council's Electoral Registration Officer.
  6. As Returning Officer, to approve an annual increase in the fees and disbursements paid for Borough and Parish Elections.

### **Executive Functions Delegated to the Corporate Directors**

To discharge any executive function falling within the area of responsibility of the Corporate Directors including, but not limited to, the functions set out in the paragraphs below.

1. To engage, suspend, dismiss and deploy staff (in consultation with the officer responsible for strategic human resource issues) including:
  - (a) To review and amend the structure and staffing levels within approved budget provision;
  - (b) To fix commencing salaries for appointments and promotions as appropriate;
  - (c) To accelerate increments where specified levels of competence have been acquired;
  - (d) To re-grade posts in accordance with the Council's job evaluation scheme;
  - (e) To amend terms and conditions of employment;
  - (f) To deal with applications to take up outside appointments or engage in outside work for Officers at Grade 8 and above;
  - (g) To deal with applications for compassionate leave in excess of 10 days;
  - (h) To extend the time limit for lodging and travelling allowances up to 12 months in total;
  - (i) To deal with any matter relating to the payment of recruitment incentives within approved budget provision;
  - (j) To take disciplinary action against staff.
2. To act as authorising officer for the purposes of the Regulation of Investigatory Powers Act 2000 and the Protection of Freedoms Act 2012.

3. Power to carry out surveillance which is / is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal services Manager and any member of the council's Corporate Management Team.
4. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
5. In relation to the Property Investment Board, following their agreement (including the S.151 Officer), to approve investment in commercial properties up to £1,000,000 and funds permitting, in consultation with the Resources Portfolio Holder and to make recommendations for any commercial property investments over £1,000,000 to Cabinet.
6. To authorise appropriate staff to prosecute, defend or appear in the Magistrates Court, the county court, valuation panels and tribunals or other hearings.
7. To authorise injunctive proceedings.
8. To authenticate documents in connection with the exercise of executive functions.
9. To take proceedings for recovery of council owned land including forfeiture.
10. To waive fees and charges in exceptional circumstances.

### **Non-Executive Functions Delegated to the Corporate Directors**

To discharge any non-executive function falling within the area of responsibility of the Corporate Directors including, but not limited to, the functions set out in the paragraphs below.

1. To determine following consultation with the Chief Financial Officer, the early release of any employees, except the Chief Executive and Corporate Directors, provided that the proposals are cost neutral to the Council over a specific period of time in accordance with the Council's Policy and the Council's External Auditors advice. (Proposals for the early release of the Chief Executive or any of the Corporate Directors must be considered by the full Council.)
2. Determination of appeals against cautions and dismissals in accordance with the Council's Disciplinary and Capability Procedures where there has been no previous involvement with the decision making process.
3. To sign/seal documents on behalf of the Council including any agreement, contract, notice, demand, order or other document.
4. To commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.

## **Executive Functions Delegated to the Corporate Directors and all Heads of Service**

To discharge any executive function falling within the area of responsibility of the Corporate Directors and all Heads of Service including, but not limited to, the functions set out in the paragraphs below.

1. To perform and/or carry out those functions of the Council within the relevant service area including:
  - (a) Incur, vary and discontinue expenditure;
  - (b) Manage the staffing, property, financial and other resources within their control;
  - (c) Procure works, goods and services, including accepting tenders subject to all necessary approvals being received. (Where other than the lowest price is accepted prior approval of the Chief Financial Officer is required);
  - (d) To sign contracts/agreements/demands/orders/notices or other documents on behalf of the Council;
  - (e) Dispose of surplus vehicles, plant, machinery or equipment in accordance with the Council's Financial Regulations and Financial Procedure Rules;
  - (f) Terminate contracts;
  - (g) Exercise virements within the limits set out in the Council's Financial Regulations and Financial Procedure Rules, namely, that virements of up to £5,000 be delegated to Corporate Directors and Heads of Service with virements of up to £20,000 requiring the approval of the Chief Financial Officer with virements over £20,000 requiring the approval of the Resources Portfolio Holder;
  - (h) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions and make orders in the exercise of the Council's power and duties;
  - (i) Respond to consultation from Government or other public bodies;
  - (j) Prepare bids for lottery and other external grant funding;
  - (k) Represent the Council on external bodies, partnerships or at other forums;
  - (l) Be responsible as client under the Construction (Design and Management) Regulations 2015 for all relevant projects undertaken by the Council within their service area.
2. To authorise any officer(s) under his/her control to exercise any of the functions delegated to him/her.
3. To deal with the following employment issues within their service area:

- (a) Apply conditions of service;
  - (b) Make arrangements for staffing cover for a period of 24 weeks, including the appointment of temporary staff to cover periods of absence e.g. maternity, paternity, parental and adoption leave;
  - (c) To settle ex gratia payments in respect of loss or damage to the personal property of employees in consultation with the Council's Insurance Officer;
  - (d) Amend job descriptions of staff;
  - (e) Approve applications for leave of absence of up to 10 days in consultation with the officer responsible for strategic human resource issues;
  - (f) To approve overtime working within approved estimates;
  - (g) To approve acting up payments to officers undertaking additional responsibility associated with a higher graded post in consultation with the officer responsible for strategic human resource issues;
  - (h) To approve applications for job share where no additional financial burden falls on the Authority.
4. To alter normal opening hours in any buildings, premises or facilities owned or operated by the Council open to the public for specific events, public holidays or other urgent reasons.

### **Non-Executive Functions Delegated to the Corporate Directors and all Heads of Service**

To discharge any non-executive function falling within the area of responsibility of the Corporate Directors and all Heads of Service including, but not limited to, the functions set out in the paragraphs below.

1. To designate attendance at meetings and events as approved duties for the purpose of eligibility for travel and subsistence allowance where such attendance is in connection with the discharge of the Council's functions, including its executive function.

### **Executive Functions Delegated to the Corporate Director Environment**

To discharge any executive function falling within the area of responsibility of the Corporate Director Environment including, but not limited to, the functions set out in the paragraphs below.

1. The provision and management of the Council's Cemeteries under the Local Government Act 1972 and the Local Authorities Cemeteries Order 1977 as amended.

2. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Operations Section, including appearance in court:
  - (a) Animal Boarding Establishments Act 1963;
  - (b) Anti-Social Behaviour Act 2003;
  - (c) Anti-Social Behaviour Crime and Policing Act 2014;
  - (d) Control of Pollution Act 1974;
  - (e) Dogs Act 1871;
  - (f) Dangerous Dogs Act 1991;
  - (g) Dangerous Dogs (Amendment) Act 1997;
  - (h) Dogs (Protection of Livestock) Act 1953;
  - (i) Environmental Protection Act 1990 (in so far as it is an executive function);
  - (j) Guard Dogs Act 1975;
  - (k) Household Waste Duty of Care Regulations 2005;
  - (l) Litter Act 1983;
  - (m) Local Government (Miscellaneous Provisions) Act 1982.
  - (n) Tort (Interference with Good) Act 1977;
  - (o) Town Police Clauses Act 1847;
  - (p) Waste Framework Directive 2008.
3. To be responsible for delivering the Council's statutory responsibilities in respect of the Forest of Bowland Area of Outstanding Natural Beauty.
4. To waive fixed penalty notices for breaches of environmental legislation, where such notices are deemed to have been served incorrectly.
5. To operate the Hedgerow Regulations 1997 on land in the Borough of Wyre including issuing a Hedgerow Retention Notice.
6. To take action on dangerous trees including those under S154 of the Highways Act 1980.
7. To issue cautions in accordance with the Home Office Circular 16/2008.
8. To operate the deployment of mobile cameras for environmental offences.
9. To obtain licences issued under the Licensing Act 2003.

### **Non-Executive Functions Delegated to the Corporate Director Environment**

To discharge any non-executive function falling within the area of responsibility of the Corporate Director Environment including, but not limited to, the functions set out in the paragraphs below.

1. To exercise the powers conferred by the following legislation and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Operations Section, including appearance in court:

- (a) Animal Welfare Act 2006
  - (b) Anti-Social Behaviour, Crime and Policing Act 2014;
  - (c) Clean Neighbourhoods and Environment Act 2005;
  - (d) Control of Pollution (Amendment) Act 1989;
  - (e) Environment Act 1995;
  - (f) Environmental Protection Act 1990 (in so far as it is a non-executive function);
  - (g) Health and Safety at Work etc. Act 1974
  - (h) Local Government (Miscellaneous Provisions) Act 1976;
  - (i) Refuse Disposal (Amenity) Act 1978;
  - (j) Licensing Act 2003;
  - (k) Gambling Act 2005;
  - (l) Zoo Licensing Act 1981;
  - (m) Dangerous Wild Animals Act 1976;
  - (n) Local Government (Miscellaneous Provisions) Act 1982;
  - (o) Caravan Sites and Controlled Development Act 1960;
  - (p) County of Lancashire Act 1984;
  - (q) House to House Collections Act 1939;
  - (r) Mobile Homes Act 2013;
  - (s) Scrap Metal Dealers Act 2013.
2. To take action pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 in connection with high hedges, including the service of remedial notices, action in default of remedial notices and authorising powers of entry to land under Part 8.
  3. To instruct the legal team to make, confirm or revoke Tree Preservation Orders.
  4. To instruct the legal team to serve notices and take action under Section 207 of the Town and Country Planning Act 1990 requiring the replacement of trees.
  5. To deal with applications for felling or lopping trees included in a TPO or notification of intention to fell or lop trees in a conservation area.
  6. To liaise with Lancashire County Council and deliver residual highway arrangements such as those relating to the maintenance of highway verges, trees and weed control.
  7. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
  8. To agree boating byelaws in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
  9. To make temporary reductions to car park fees, on specified car parks, during set times, for example during the pre-Christmas period, such changes to be limited in scope and aimed at promoting economic growth in the borough through higher use of the car parks by residents and visitors.



10. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.

### **Executive Functions Delegated to the Corporate Director Communities**

To discharge any executive function falling within the area of responsibility of the Corporate Director Communities including, but not limited to, the functions set out in the paragraphs below.

1. To obtain licences issued under the Licensing Act 2003.
2. To ensure overall management responsibility for the promotion and proper management of the Wyre Community Lottery and for compliance with the regulatory regime as a whole, including holding a lottery operating licence under the Gambling Act 2005.

### **Executive Functions Delegated to the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer)**

#### **Executive Functions not delegated to the Head of Legal Services**

To discharge any executive function falling within the area of responsibility of the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer) including, but not limited to, the functions set out in the paragraphs below.

1. To consider compensation claims from an owner of land or premises for loss or expense incurred as a consequence of an asset being included in the Council's List of Assets of Community Value under Part 5, Chapter 3 of the Localism Act 2011 and, where necessary, to make payments in accordance with Regulations made under the Act.
2. To administer the Council's payroll function.
3. To undertake the proper administration of the Council's financial affairs in accordance with S151 of the Local Government Act 1972, Section 114 of the Local Government and Finance Act 1988 and the Accounts and Audit Regulations 2015.
4. To arrange all borrowing, financing and investment in line with the Council's Treasury Management Policy and in accordance with the CIPFA Code of Practice on Treasury Management.
5. To agree the deployment of reserves and provisions in accordance with their purpose.
6. To determine the amount of the council tax base.
7. To agree the NNDR1 and NNDR3 submissions in accordance with the Business Rates Retention Scheme.
8. To administer the Collection Fund on behalf of the Authority in accordance with section 89 and 90 of the Local Government Finance Act 1988.

9. To make appropriate banking arrangements on behalf of the Council.
10. To effect all insurances and manage the Council's insurance arrangements.
11. Power to write off bad debts without limit and to report these to the relevant executive member.
12. Responsibility for maintaining an adequate and effective system of internal audit.
13. To negotiate with debtors and waive approved fees and charges under exceptional circumstances and/or in appropriate cases.
14. To determine fees and charges in respect of summonses, Local Land Charge Searches, the recovery of costs and for inspecting and copying documents and access arrangements for viewing documents and registers in accordance with the relevant legislation.
15. To accept blight notices relating to properties affected by development or redevelopment in accordance with Section 150 of the Town and Country Planning Act 1990.

**(Executive Functions also delegated to the Legal Services Manager)**

To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. In relation to executive functions, to commence, defend, conduct, settle and appear in any legal proceedings to protect the Council's assets or interests or relating to the Council's functions.
2. To take all action required by law to acquire or dispose of interests in land and property including leases, tenancy agreements and easements.
3. To take all steps prescribed by law to implement compulsory purchase orders and to make relevant payments.
4. To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration up to a maximum of £2,000 per claim, pursuant to section 92 of the Local Government Act 2000.
5. To implement an enforced sale including serving of notices, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property.

**Non-Executive Functions Delegated to the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer)****(Non-Executive Functions also delegated to the Legal Services Manager)**

To discharge any non-executive function falling within the area of responsibility of the Corporate Director Resources (S151 Officer) and in their absence to the Head of Finance (Deputy S151 Officer) including, but not limited to, the functions set out in the paragraphs below.

1. To agree and enter into agreement pursuant to section 106 Town and Country Planning Act 1990 after consultation with the Head of Planning Services.

**Non-Executive Functions Delegated to the Legal Services Manager (Monitoring Officer) and in their absence to the Deputy Monitoring Officer**

To discharge any non-executive function falling within the area of responsibility of the Legal Services Manager (Monitoring Officer) and in their absence to the Deputy Monitoring Officer including, but not limited to, the functions set out in the paragraphs below.

1. To act as the Council's Monitoring Officer, in accordance with the provisions of the Local Government and Housing Act 1989.
2. To administer the Council's process, under the Localism Act 2011, for dealing with complaints of alleged breaches of the Wyre Code of Conduct and following consultation with the Independent Person to decide:
  - (a) To dismiss without further action, any complaint which he/she considers to be frivolous, vexatious, without merit or which otherwise fails to meet the preliminary tests set out in the Council's complaints process.
  - (b) That the complaint does not warrant a formal investigation and that an informal resolution be sought.
  - (c) That the complaint appears to amount to a breach of the Code of Conduct and to arrange for an investigation to be carried out, with the outcome to be reported to the Standards Committee.
  - (d) At the direction of the Standards Committee, when following an investigation, a breach of the Code of Conduct has been found, to agree a local resolution, in consultation with the Independent Person, subject to the complainant being satisfied with the outcome and subject to a summary report being submitted to the Standards Committee.

**Executive Functions Delegated to the Legal Services Manager**

To discharge any executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. To instruct external solicitors and/or counsel to represent the Council.

2. To review decisions to include land and/or buildings on the Council's List of Assets of Community Value, pursuant to section 92 of the Localism Act 2011 and to review decisions relating to compensation pursuant to section 99 of the Localism Act 2011 in respect of assets of community value.
3. To act as the Senior Responsible Officer for the purpose of Part 11 Regulation of Investigatory Powers Act 2000.
4. To determine exemptions for requests and carry out reviews made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
6. To perform the duties as indicated in the list of delegations to the Corporate Director Resources, Corporate Director Communities and Corporate Director Environment.

### **Non-Executive Functions Delegated to the Legal Services Manager**

To discharge any non-executive function falling within the area of responsibility of the Legal Services Manager including, but not limited to, the functions set out in the paragraphs below.

1. To act as the Council's Monitoring Officer.
2. To exercise the powers conferred by the following legislation, and any regulations, orders byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Licensing section:
  - (a) Animal Boarding Establishments Act 1963
  - (b) County of Lancashire Act 1984
  - (c) Criminal Justice and Public Order Act 1994
  - (d) Game Act 1831
  - (e) Health and Safety at Work etc. Act 1974
  - (f) Hypnotism Act 1952
  - (g) Local Government (Miscellaneous Provisions) Act 1976
  - (h) Local Government (Miscellaneous Provisions) Act 1982
  - (i) Public Health Act 1936
  - (j) Riding Establishments Act 1964
  - (k) Town Police Clauses Act 1847
  - (l) Transport Act 1985
  - (m) Vehicle (Crime) Act 2001
3. To exercise functions under the Licensing Act 2003
4. In relation to the Gambling Act 2005, where no representations have been received or withdrawn:
  - (a) To authorise officers pursuant to section 304;
  - (b) To determine applications for premises licenses;

- (c) To determine applications for variation of premises licenses;
  - (d) To determine applications for transfer of premises licenses;
  - (e) To determine applications for a provisional statement;
  - (f) To determine applications for club gaming or club machine permits;
5. In respect of the Gambling Act 2005 and subordinate legislation:
- (a) Power to exchange information;
  - (b) Power to provide information to the Gambling Commission;
  - (c) Power to exercise functions relating to the registration and regulation of small lotteries.
6. To undertake the following functions in respect of the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in accordance with the Council's Policy:
- (a) Determining applications for grant, renewal, transfer or variation of a licence where no relevant objections have been received;
  - (b) Cancellation of licence;
  - (c) Enforcement of the provisions of Part II and Schedule 3.
7. To perform the duties as indicated in the list of delegations to the Corporate Director Resources, Corporate Director Communities and Corporate Director Environment.

### **Executive Functions Delegated to the Head of the Contact Centre and ICT Services (interim arrangement)**

To discharge any executive function falling within the area of responsibility of the Head of the Contact Centre and ICT Services including, but not limited to, the functions set out in the paragraphs below.

1. To administer the calculation and payment of housing benefit and localised council tax support including the award of discretionary housing payments.
2. To authorise the investigation and prosecution of offences pursuant to the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013 (in consultation with the legal team) and to agree the relevant sanctions and administrative penalties for use in the recovery of any overpayments of housing benefit and council tax support.
3. To take all necessary steps to undertake the calculation, collection, administration and recovery of Council Tax and Non-domestic rates, including the award of reliefs, the granting of discounts and dealing with appeals, in accordance with the Local Government Finance Act 2012, 1992 and 1988 (as amended from time to time) and government regulations and guidance.
4. To impose or quash penalties in accordance with Section 11 of the Local Government Finance Act 1992 (council tax discounts).

5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving a grant or renewal of a RIPA authorisation or notice and to represent to the Council in making such an application.

### **Non-Executive Functions Delegated to the Head of the Contact Centre and ICT Services (interim arrangements)**

1. To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925.

### **Executive Functions Delegated to the Head of Governance and Business Support**

To discharge any executive function falling within the area of responsibility of the Head of Governance and Business Support including, but not limited to, the functions set out in the paragraphs below.

1. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Council's Management Team.
2. To determine whether or not land and/or property nominated as an 'asset of community value' under the provisions of Part 5, Chapter 3 of the Localism Act 2011 will be included in the Council's list of Assets of Community Value.
3. To submit reports, as the Council's designated Data Protection Officer, to the Information Commissioner's Office on breaches of the General Data Protection Regulations.

### **Non Executive Functions Delegated to the Head of Governance and Business Support**

To discharge any non-executive function falling within the area of responsibility of the Head of Governance and Business Support including, but not limited to, the functions set out in the paragraphs below.

1. To appoint members to the Independent Remuneration Panel.
2. To appoint Independent Members to the Audit Committee should legislation require this.
3. To convene a panel of any three councillors who are not in the Cabinet and have received the relevant training or can attend the required training before the appeal hearing takes place (and wherever practically possible to ensure that two are from the majority group and one from the minority group) to consider employment appeals in accordance with Council procedures.
4. To convene a panel comprising of any three members of the Licensing Committee to consider applications for appeals where under Licencing Act legislation it is necessary or appropriate for decisions to be made by a panel or sub-committee rather than the full Licensing Committee.

5. To make minor changes to the Constitution to correct clerical mistakes, make factual amendments (including changes to job titles) to comply with the law or reflect decisions made by or on behalf of the Council (as provided in Article 19.02 of the Constitution).

### **Executive Functions Delegated to the Head of Planning Services**

To discharge any executive function falling within the area of responsibility of the Head of Planning including, but not limited to, the functions set out in the paragraphs below.

1. To authorise the making of a direction under Article 4 of the Town and Country Planning General Permitted Development Order 1995 after consultation with the relevant Portfolio Holder.
2. To authorise Council employees and other persons acting on behalf of the Council to exercise powers of entry under the National Parks and Access to the Countryside Act 1949, the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To be responsible, in consultation with the appropriate Cabinet Portfolio Holder, for all planning matters relating to Neighbourhood Development Plans and Orders under The Neighbourhood Planning (General) Regulations 2012 and the Planning Acts as amended, subject to certain decisions which are controversial or which are subject to objections which are not withdrawn.

The exception is the adoption of a Neighbourhood Development Plan or Order, which is reserved for Full Council.

The Head of Planning Services shall be free to refer any matter or decision to the appropriate Cabinet Portfolio Holder or to full Cabinet (as appropriate) for determination. The Head of Planning Services shall ensure that care is taken to identify any case within his/her delegated authority where unusual circumstances or other reasons suggest the desirability of Councillor consideration. To assist in this process, the Cabinet Portfolio holder will be kept up to date of forthcoming decisions on Neighbourhood Planning matters.

Note: An explanatory schedule, setting out the stages in the Neighbourhood Development Plan process at which a decision will need to be taken, is attached as an Appendix to this Scheme of Delegation.

4. To give written and issue community protection notices under the Anti-Social Behaviour, Crime and Policing Act 2014.

### **Non-Executive Functions Delegated to the Head of Planning Services**

To discharge any non-executive function falling within the area of responsibility of the Head of Planning including, but not limited to, the functions set out in the paragraphs below.

1. To determine of all forms of applications for permission, approval, consent, certificates and prior approvals/notifications, consultations and other determinations made under Town and Country Planning legislation, including legislation relating to listed buildings, conservation areas and hazardous substances, unless:
  - (a) A ward councillor representing the ward within which the application site lies or a ward councillor representing an adjoining ward has requested that the application be considered by the Planning Committee, subject to the request being received by the Head of Planning Services within 10 working days of the date of the email providing members with a link to the weekly list of planning applications, which includes the planning application requested.

Note: this exception shall only apply to applications for Planning Permission or Advertisement Consent and does not apply to resubmitted applications where no substantial change has been made to the original application which was refused or withdrawn. Where the councillor requesting the determination by Planning Committee is unable to attend the meeting to speak, consideration of a letter from that councillor will be at the discretion of the Chairman of the Committee.
2. To determine any matter relating to fees arising on applications under the Town and Country Planning Act 1990 subject to compliance with statutory provisions and Council policy.
3. To decline to determine repetitive applications for planning permission under the Town and Country Planning Act 1990, Planning and Compensation Act 1991 and the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.
4. To determine applications for hazardous substances consent under the Planning (Hazardous Substances) Act 1990 and related powers.
5. To determine persons and agencies to be consulted and notified on the making of planning and other applications.
6. To determine whether planning or other applications should be subject to environmental impact assessment and if so, what information should be contained in assessments.
7. To revoke or modify planning permission following consultation with the Chairman or Vice Chairman of Planning Committee under Section 97 of the Town and Country Planning Act 1990.
8. To approve the terms of planning obligations under /Section 106 Town and Planning Country Act 1990 regulating the use or development of land.
9. To serve building preservation notices.
10. To issue discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations 2007.
11. To issue, vary and withdraw enforcement notices for breach of planning control under the Town and Country Planning legislation.



12. In relation to listed buildings:
  - (a) To issue of listed building enforcement notices;
  - (b) To issue of repairs notices;
  - (c) To Execute urgent works including works in default.
13. To issue stop notices and temporary stop notices.
14. To issue breach of condition notices or planning contravention notices.
15. To Issue completion notices under S94 (2) of the Town and Country Planning Act 1990.
16. To authorise, make and confirm orders under S257 of the Town and Country Planning Act 1990 regarding the stopping up or diverting of footpaths/bridleways, subject to the applicant being responsible for the council's costs and to there being no outstanding objections.
17. To take steps to secure compliance with an enforcement notice either through prosecution, execution of works or by taking any other action under the Town and Country Planning Act 1990, Building Act 1984 and Planning Listed Buildings and Conservation Areas Act 1990 or any Regulation or orders made thereunder.
18. To apply for injunctions restraining a breach of planning control.
19. To take action, serve notices and enforce any notice served under section 215 Town and Country Planning Act 1990.
20. To authorise rights of entry on land under S196A of the Town and Country Planning Act 1990 in relation to potential breaches of planning control.
21. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event on non-compliance with any such notice.
22. For the purposes of the Town and Country Planning (Enforcement Notices and Appeals) Procedure, to make a statement as to whether or not the Council would grant planning permission for the development alleged and, if so, on what conditions.
23. To approve, in consultation with the relevant Portfolio Holder, any update to the Local Development Scheme.
24. To comment whenever the Council is consulted by other public authorities or bodies on development proposals.
25. To make comments to the Planning Inspectorate relating to any proposed nationally significant infrastructure project, within or impacting on the Borough when responses are required to be submitted by the Council within 56 days.

26. In cases of urgency, and after consultation with the relevant Portfolio Holder, to authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order (1995) as amended.
27. To authorise the execution of works in accordance with Section 54(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
28. To issue notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990.
29. To publish an Annual Monitoring Report.
30. To apply for an injunction in relation to a listed building.
31. To serve listed building preservation notices under S3 and S4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and related powers.
32. To enter land in Part 2 of the Brownfield Land Register under Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Note: the Planning Development Manager is authorised to perform duties set out in paragraphs 1 - 7 and 20 of the Non-Executive Functions above and the Senior Planning Officers (Development Management) are authorised to perform duties set out in paragraph 1 of the Non-Executive Functions above.

### **Executive Functions Delegated to the Head of Engineering**

To discharge any executive function falling within the area of responsibility of the Head of Engineering including, but not limited to, the functions set out in the paragraphs below.

1. Responsibility for relevant tasks and permissive tasks under the Council's residual highways agreement with LCC.
2. To carry out works and place objects and structures on, in or over a highway for the purposes of providing a service for the benefit of the public or a section of the public such as seats, bus stops and shelters under Section 115B of the Highways Act 1980.
3. To take any necessary action under section 25 and 26 of the Local Government (Miscellaneous Provisions) Act 1976 where an excavation is accessible from a highway or place of public resort and is a danger to the public.
4. To arrange for the maintenance of coastal defences, water courses and pumping stations.
5. To exercise powers under the Land Drainage Act 1991.
6. To exercise powers in relation to local flood risk management.
7. To exercise the Council's functions as risk management authority as defined under section 6 of the Flood and Water Management Act 2010.

8. To exercise the Council's functions as designating and responsible authority as defined under Schedule 1 of the Flood and Water Management Act 2010.
9. To serve notices under S25 (maintaining the flow of watercourses) and S28 (cleansing of ditches) of the Land Drainage Act 1991.
10. To arrange maintenance of Fleetwood Ferry Dock and Knott End Landing Stage.
11. To operate the Decriminalised Parking Enforcement System in partnership with LCC and to determine representations and challenges and process appeals.
12. To arrange for the temporary prohibition of traffic on roads and closure of roads.

### **Non-Executive Functions Delegated to the Head of Engineering**

To discharge any non-executive function falling within the area of responsibility of the Head of Engineering including, but not limited to, the functions set out in the paragraphs below.

1. To exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes which fall within the remit of the Engineering Section, including appearance in court:
  - (a) County of Lancashire Act 1984;
  - (b) Highways Act 1980;
  - (c) Public Health Act 1936.
2. To make agreements and orders under S25 and S26 of the Highways Act 1980 regarding the creation of public footpaths.

### **Executive Functions Delegated to the Head of Housing and Community Services**

To discharge any executive function falling within the area of responsibility of the Head of Housing and Community Services including, but not limited to, the functions set out in the paragraphs below.

1. To act on behalf of the Council on all matters relating to the discharge of the housing functions of the Council, which include but are not limited to all functions under the provisions of housing legislation, public and private sector housing, homelessness, the administration of grants for improvement and repair of properties and housing strategy.
2. To receive and consider applications for and to approve or refuse to make grants for disabled facilities and discretionary housing assistance.
3. To assess, advise and where appropriate assist (including the award of discretionary housing assistance) all households presenting themselves as homeless or threatened with homelessness in accordance with relevant legislation and guidance.

4. To exercise the Council's responsibilities in relation to the implementation and administration/operation of the Choice Based Lettings Scheme.
5. To implement and exercise powers confirmed by the following legislation and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, including instigating proceedings and authorising officers under any of the Statutes which fall within the remit of housing, buildings, blight and environmental protection:
  - (a) Building Act 1984;
  - (b) Environmental Protection Act 1990;
  - (c) Homelessness Act 2002;
  - (d) Home Energy Conservation Act 1995;
  - (e) Housing Acts 1985, 1988, 1996 and 2004;
  - (f) Housing Grants Construction and Regeneration Act 1989;
  - (g) Housing Health and Safety Rating System Regulations 2005;
  - (h) Houses in Multiple Occupation Regulations 2006;
  - (i) Local Government and Housing Act 1989;
  - (j) Local Government (Miscellaneous Provisions) Act 1982- section 29;
  - (k) Protection from Eviction Act 1977 (as amended by the Housing Act 1988);
  - (l) Public Health Act 1936 and 1961;
  - (m) Regulatory Reform (Housing Assistance) Order 2002.
6. To issue licences and generally to manage the Council's scheme for the selected licensing of private rented accommodation.
7. To consider the implementation of management orders in respect of void properties and empty dwelling management orders in respect of empty homes.
8. To create, review and maintain an advisory list of building contractors for renovation grants.
9. To approve house renovation grants together with making stage and final payments.
10. In consultation with the Corporate Director Resources, the taking of appropriate enforcement action in relation to Statutory Overcrowding, housing standards including requisition for information, the issuing of Improvement notices, Hazard Awareness Notices, Prohibition Orders, Demolition Orders and Minimal Energy Performance Standards. To exercise Power of entry, power to exercise works, power to purchase dwellings found on appeal to be hazardous and beyond repair at reasonable expense.
11. The taking of action in relation to House in Multiple Occupation (HMO) e.g. duty to licence HMOs where specified, power to implement a registration scheme, power to execute work to remove serious hazards or to remedy neglect of management, power to limit number of occupants, making of a Management Order, powers of entry.
12. Under the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to belong to a scheme etc) (England) Order 2014 to set and impose a penalty charge (to a maximum of £5,000); to undertake the service and

signing of notices; to consider and determine representations and objections; to recover the mandatory penalty through a certificate.

13. To ensure overall management responsibility for the promotion and proper management of the Wyre Community Lottery and for compliance with the regulatory regime as a whole, including holding a lottery operating licence under the Gambling Act 2005.

### **Non-Executive Functions Delegated to the Head of Housing**

1. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice in accordance with s.16 of the Local Government (Miscellaneous Provisions) Act 1976.

### **Executive Functions Delegated to the Head of Built Environment**

To discharge any executive function falling within the area of responsibility of the Head of Built Environment including, but not limited to, the functions set out in the paragraphs below.

1. To make appropriate planning applications on behalf of the Council for any Council owned land and property assets where it is considered that a planning permission for an alternative use would be beneficial to the future management or disposal of the assets provided that the cost of making such an application does not exceed £10,000 per individual asset.
2. To negotiate, agree compensation and acquire properties identified by the Council and approved by Cabinet as appropriate for compulsory purchase under all appropriate Acts of Parliament.
3. To negotiate and agree terms for the granting of leases, licences and tenancy agreements to statutory undertakers for the implementation of infrastructure in accordance with their statutory obligations.
4. To agree terms for the granting, acquisition, variation or extinguishment of easements and wayleaves and where necessary to enter into Licences to enter third party land for the purposes of carrying out works.
5. To deal with all tenancy matters, including leases and licences, where the annual market rent or fee is less than £25,000 and the period of the licence or tenancy does not exceed 30 years.
6. To negotiate, agree terms and document all rent and licence fee reviews for all leases and licences granted by the Council, including serving of notices.
7. To take all appropriate action to recover possession of all land and buildings let by the Council in circumstances where the lessee, tenant or licensee has become bankrupt, insolvent or where such other grounds for forfeiture arise.
8. To approve building plans submitted to fulfil covenants previously imposed by the Council.

9. To deal with applications for variation or release of covenants imposed by the Council or its predecessors on the sale of property.
10. With respect to the shared ownership scheme at Jubilee Drive, Cleveleys:
  - (a) To agree the open market value of the properties for subsequent disposals;
  - (b) To instruct the Valuation Office Agency if necessary;
  - (c) To release the resale covenant to complete the purchase of the dwelling within the two month timescale.
11. To negotiate and agree, in consultation with the Corporate Director of Resources, any dilapidation claim arising from a lease or licence either granted by the Council or held by the Council.
12. To take appropriate action on behalf of the Council's market franchise rights including allowing quality rival markets for periods of not more than 14 days in any one year subject to the payment of a negotiated fee.
13. Subject to prior declaration as surplus to requirements, and observing the requirements of Section 123 of the Local Government Act 1972 to obtain the best price that can reasonably be obtained, to approve:
  - (a) The sale of land and buildings of up to £20,000 in any one case;
  - (b) The sale of property by public auction and to determine the reserve price.
14. To determine all applications under the Building Act 1984 for building regulation approval/rejection including applications for relaxation of Regulations and the following:
  - (a) To exercise the functions set out in Part 1 (power to make building regs) and Part 2 (supervision of building work);
  - (b) Section 24 (means of ingress and egress at certain buildings to which the public have access);
  - (c) Section 77 to 83 (dangerous buildings).
15. In consultation with the Legal Services Manager, to take all relevant enforcement actions under Sections 35 & 36 of the Building Act 1984 and in respect of breaches of the Building Regulations.
16. To exercise the functions set out in Sections 77 to 83 of the Building Act 1984 (Dangerous, ruinous and dilapidated buildings and notices in respect of intended demolition) including the authorisation of works in default.
17. To determine charges within the provisions of the Council's Scheme of Charges for Building Regulation Work.
18. To refuse or accept initial notices, final notices or building notices under the Building Act 1984.

19. To issue completion certificates in appropriate circumstances under the Building Regulations.

### **Non-Executive Functions Delegated to the Head of Built Environment**

To discharge any non-executive function falling within the area of responsibility of the Head of Built Environment including, but not limited to, the functions set out in the paragraphs below.

1. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice in accordance with s.16 of the Local Government (Miscellaneous Provisions) Act 1976.

### **Executive Functions Delegated to the Head of Environmental Health and Community Safety**

To discharge any executive function falling within the area of responsibility of the Head of Environmental Health and Community Safety including, but not limited to, the functions set out in the paragraphs below.

1. In so far as they are executive functions, to exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes, which fall within the remit of the Environmental Health and Community Safety team, including appearance at Court:
- (a) Animals Act 1971;
  - (b) Animal Health Act 1981;
  - (c) Animal Welfare Act 2006;
  - (d) Anti-social Behaviour, Crime and Policing Act 2014;
  - (e) Breeding and Sale of Dogs (Welfare) Act 1999;
  - (f) Criminal Justice and Police Act 2001 (S 19)
  - (g) Clean Air Act 1993;
  - (h) Control of Pesticides Regulations 1986;
  - (i) Environmental Protection Act 1990;
  - (j) Equality Act 2010 (regarding taxi travel);
  - (k) European Communities Act 1972  
EU Food Hygiene Regulations / Statutes as retained EU Law under the European (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020
  - (l) Factories Act 1961;
  - (m) Food Act 1984;
  - (n) Food Safety Act 1990;
  - (o) House to House Collections Act 1939;
  - (p) Licensing Act 2003;
  - (q) Local Government Act 1988;
  - (r) Mobile Homes Act 1983;
  - (s) Motor Salvage Operators Regulations 2002;
  - (t) Noise Act 1996;
  - (u) Noise and Statutory Nuisance Act 1993;
  - (v) Pollution Prevention and Control Act 1999;

- (w) Salmon and Fresh Water Fisheries Act 1923 (Amendment) Act 1964;
  - (x) Slaughter of Poultry Act 1967;
  - (y) Working Time Regulations 1998.
2. To exercise the provisions of an issue notices under Sections 43 and 48 of the Anti-Social Behaviour 2003.
  3. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Council's Management Team.
  4. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.
  5. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
  6. To issue simple cautions for Adult Offenders under guidance effective from 13 April 2015.
  7. To give written and issue community protection notices under the Anti-Social Behaviour, Crime and Policing Act 2014.

### **Non-Executive Functions Delegated to the Head of Environmental Health and Community Safety**

To discharge any non-executive function falling within the area of responsibility of the Head of Environmental Health and Community including, but not limited to, the functions set out in the paragraphs below.

1. In so far as they are non-executive functions, to exercise the powers conferred by the following legislation, and any regulations, orders, byelaws or other subsidiary legislation made thereunder and any enactments amending or replacing the same, and to appoint and authorise officers under any of the Statutes, which fall within the remit of the Environmental Health and Community Safety team, including appearance at Court:
  - (a) Animal Boarding Establishments Act 1963;
  - (b) Breeding of Dogs Act 1973;
  - (c) Breeding of Dogs Act 1991;
  - (d) Building Act 1984;
  - (e) Caravan Sites Act 1968;
  - (f) Caravan Sites and Control of Development Act 1960;
  - (g) Clean Air Act 1993;
  - (h) Clean Neighbourhoods and Environment Act 2005;
  - (i) Control of Pollution Act 1974;
  - (j) County of Lancashire Act 1984;
  - (k) Criminal Justice and Public Order Act 1994;
  - (l) Dangerous Dogs Act 1991;
  - (m) Dangerous Wild Animals Act 1976;
  - (n) Deer Act 1991;



- (o) Environmental Protection Act 1990;
- (p) Environmental Act 1995;
- (q) European Communities Act 1972 (re enforcement of the European Food Hygiene Regulations;
- (r) EU Food Hygiene Regulations / Statutes as retained EU Law under the European (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020
- (s) Food and Environment Protection Act 1985;
- (t) Food Safety Act 1990;
- (u) Gambling Act 2005;
- (v) Game Act 1831;
- (w) Guard Dogs Act 1975;
- (x) Health Act 2006 and 2009;
- (y) Health and Safety at Work Act 1974;
- (z) Hypnotism Act 1952;
- (aa) Licensing Act 2003;
- (bb) Local Government and Housing Act 1989;
- (cc) Local Government (Miscellaneous Provisions) Act 1976;
- (dd) Local Government (Miscellaneous Provisions) Act 1982;
- (ee) Materials and Articles in Contact with Food Regulations 2012;
- (ff) Mobile Homes Act 1983 and 2013;
- (gg) National Assistance Act 1948;
- (hh) Noise and Statutory Nuisance Act 1993;
- (ii) Offices, Shops and Railway Premises Act 1963;
- (jj) Pet Animals Act 1951;
- (kk) Poisons Act 1972;
- (ll) Police, Factories etc. (Miscellaneous Provisions) Act 1916;
- (mm) Prevention of Damage by Pests Act 1949;
- (nn) Public Health Act 1936;
- (oo) Public Health Act 1961;
- (pp) Public Health (Control of Diseases) Act 1984;
- (qq) Rehabilitation of Offenders Act 1974 (in relation to enforcement of taxi licensing);
- (rr) Riding Establishments Act 1964;
- (ss) Riding Establishments Act 1970;
- (tt) Scrap Metal Dealers Act 2013;
- (uu) Slaughterhouses Act 1974;
- (vv) Sunday Trading Act 1994;
- (ww) Town Police Clauses Act 1847;
- (xx) Transport Act 1985;
- (yy) Vehicles (Crime) Act 2001;
- (zz) Water Industry Act 1991;
- (aaa) Water Resources Act 1991;
- (bbb) Zoo Licensing Act 1981.

2. To determine any action in accordance with the Policy for Taxi Licensing Enforcement.
3. After consultation with the Chairman of Licensing Committee, to revoke or suspend licences relating to hackney carriages, private hire vehicles, their operators or drivers.

4. To issue and serve notices requiring information as to the ownership, occupation and use of any land and to authorise proceedings in the event of non-compliance with any such notice.
5. To exercise functions under the Licensing Act 2003.

### **Executive Functions Delegated to Compliance Manager and Senior Compliance Officers**

To discharge any executive function falling within the area of responsibility of the Compliance Manager and Senior Compliance Officers including, but not limited to, the functions set out in the paragraphs below.

1. To make an application to a Justice of the Peace, in accordance with the Protection of Freedoms Act 2012, seeking an order approving the grant or renewal of a RIPA authorisation or notice and to represent the Council in making such an application.
2. Power to carry out surveillance which is not governed by the Regulation of Investigatory Powers Act 2000 subject to confirmation with the Legal Services Manager and any member of the Corporate Management Team.
3. Power to carry out surveillance which is governed by the Regulation of Investigatory Powers Act 2000 as agreed by an authorising officer.

**APPENDIX TO PARAGRAPH 3 OF THE EXECUTIVE FUNCTIONS DELEGATED TO THE HEAD OF PLANNING SERVICES RELATING TO NEIGHBOURHOOD PLANNING**

**Explanatory Schedule – expected stages where a decision will be required**

Decision Required	Process to be undertaken	Proposed Scheme of Delegation	Comments
<p><b>Designation of a Neighbourhood Forum</b></p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 9 -10) as amended 2016</i></p>	<p>Following receipt of the Neighbourhood Forum application, the local planning authority will undertake a six week consultation on the application.</p> <p>Representations submitted to the consultation will be considered when determining the application.</p> <p>The following time limits apply for determining a Neighbourhood Forum Application depending upon circumstances:</p> <ul style="list-style-type: none"> <li>• 6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Forum Application falls within two or more local planning authorities.</li> <li>• 6 week consultation with a further 7 weeks to make a decision (13 week overall</li> </ul>	<p>Decision to designate the Neighbourhood Forum is delegated to the Head of Planning Services, unless objections are received and not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>This stage would only apply for non-parished areas that are undertaking Neighbourhood planning.</p>

	<p>limit) – this applies in all other cases.</p>		
<p><b>Designation of a Neighbourhood Area</b></p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 5A, 6 -7, as amended 2015 and 2016)</i></p>	<p>Following receipt of the Neighbourhood Area application, the local planning authority will undertake a consultation on the application.</p> <p>Representations submitted to the consultation will be considered when determining the application.</p> <p>The following time limits apply for determining a Neighbourhood Area Application depending upon circumstances:</p> <ul style="list-style-type: none"> <li>• 6 week consultation with a further 7 weeks to make a decision (13 week overall limit) – this applies when the Neighbourhood Area Application does not relate to the whole parish (and does not cover more than one local planning authority) or where the application is submitted by a Neighbourhood Forum;</li> <li>• 6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Area</li> </ul>	<p>Decision to designate the Neighbourhood Area is delegated to the Head of Planning Services, unless a consultation stage is required and objections are received and not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Neighbourhood Area applications are expected to be straightforward and submitted by a Parish/Town Council for the whole parish. For such applications, there is a default approval of the Neighbourhood Area unless some or all of the proposed area has already been designated or pending determination through a separate proposal.</p> <p>For other applications as the majority of Neighbourhood Area Applications are not expected to be controversial, the proposed scheme of delegation will make it easier for the local planning authority to meet the target dates and also prevent unnecessary delay in the local planning authority issuing a decision.</p>

	<p>Application falls within two or more local planning authorities.</p> <p>Where a Neighbourhood Area application is submitted by a parish council for the whole of the parish council's administrative area, consultation on the application is not required, the local planning authority will designate the Neighbourhood Area in accordance section 61G of the 1990 Town and Country planning Act</p>		
<p><b>Signing off the local planning authority's representations on the pre submission draft</b></p> <p><i>Note: This is not a regulatory requirement but is considered best practice</i></p>	<p>The qualifying body is required to notify the local planning authority of the pre submission consultation. It is considered best practice for the local planning authority to submit representation at the pre submission stage to assist in Plan preparation.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Plans are not expected to be controversial and the aim of the local planning authority submitting comments on the pre submission draft is to assist the qualifying body in finalising the submission version for examination. It will also highlight potential areas for improvement to assist in the operation of the adopted Plan.</p>
<p><b>Publicising the Plan Proposal and submission to examination</b></p> <p><i>(Neighbourhood Planning Regulations 2012 - Regulations 16 -17) as amended 2017 and 2018</i></p>	<p>The local planning authority is required to publicise the submission version when it is satisfied that the Plan submitted is valid and should be accepted and publicised.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan is invalid and should not be published, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The local planning authority need to check that the submission Plan accords with the requirements set out in regulation 15 of the Neighbourhood Planning Regulations 2012 as amended 2017 and 2018.</p>

<p><b>Signing off the local planning authority's representations on the submission draft</b></p> <p><i>Note: This is not a regulatory requirement but is considered best practice</i></p>	<p>It is considered best practice for the local planning authority to submit representation at the submission stage.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>The majority of Plans are not expected to be controversial. The local planning authorities' representations on the submission Plan will be considered by the independent examiner and representation should address any outstanding areas or concern, this can also include support for the proposals.</p>
<p><b>Whether the local planning authority declines or accepts a repeat proposal</b></p> <p><i>(Schedule 4B of the Town &amp; Country Planning Act 1990)</i></p>		<p>Decision delegated to the Head of Planning Services, unless it is recommended that the repeat proposal should be declined, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>A repeat proposal is one where in the last two years, the local planning authority has refused to take forward a Plan or Order to referendum after examination or where a Plan or Order has failed at referendum.</p>

<p><b>Appointment of an examiner</b> <i>(Schedule 4B of the Town &amp; Country Planning Act)</i></p>	<p>A suitably qualified independent examiner should be appointed in consultation with the relevant qualifying body.</p>	<p>Decision delegated to the Head of Planning Services, unless the qualifying body objects to the appointment and the objection is not withdrawn, in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>Appointment of an examiner is undertaken in consultation with the relevant qualifying body and an objection is not envisaged.</p>
<p><b>Actions to take following receipt of an Examiner's report and consideration of modifications.</b> <i>(Schedule 4B of the Town &amp; Country Planning Act 1990)</i></p>	<p>On receipt of the examiner's report, the local planning authority will have to consider the recommendations of the examiners' report, including whether the Plan meets the basic conditions and whether it can proceed to referendum.</p>	<p>Decision delegated to the Head of Planning Services, unless in his/her opinion the draft Plan and its content is considered to be controversial or of significant public interest in which case the decision will be made by the Cabinet Portfolio Holder.</p>	<p>It is envisaged that officers' and the qualifying body will have to jointly consider the recommendations. It will be the local planning authorities decision whether the Plan proceeds to referendum.</p>
<p><b>Whether to make (adopt) a Neighbourhood Development Plan or Order following Referendum</b> <i>(Section 38A of the Planning &amp; Compulsory Purchase Act, 2004).</i></p>	<p>Adopting the neighbourhood plan/order as part of the Development Plan is a decision that has to be taken by Full Council.</p>	<p>The decision is reserved for Full Council.</p>	<p>Decisions of this nature are reserved for Full Council.  The Council needs to determine whether the 'making' of the Plan would be in breach, or otherwise be incompatible with any EU or human rights obligations.</p>

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Report of:	Meeting	Date
Councillor David Henderson, Leader of the Council and Clare James, Corporate Director Resources	Council	28 October 2021

<b>Independent Remuneration Panel membership</b>
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**1. Purpose of report**

1.1 To appoint a new member to the Panel.

**2. Outcomes**

2.1 An effective process for ensuring that the Council's Members Allowances Scheme appropriately reflects elected members' current roles, duties and responsibilities.

**3. Recommendation**

3.1 That Professor Darren Ansell be appointed as a member of the Independent Remuneration Panel.

**4. Background**

4.1 The Council is required under the Local Authorities (Members Allowances) (England) Regulations 2003 to appoint an Independent Remuneration Panel of at least three members to review and advise the Council on its scheme of allowance payments to Councillors. Members of the Panel must not be an elected member of the Council, a close friend or relative of a Wyre Councillor, an adjudged bankrupt or have been sentenced to imprisonment for three months or more within the last five years. The Council is required under the Regulations to have regard to any recommendations made by the Panel when considering any changes to the Scheme.

4.2 The Panel conducts a full review of the Members Allowances Scheme every four years, when a number of meetings are held between September and December and a report is submitted to the Council at their January meeting. The last such report was submitted to Council on

14 January 2015. In the intervening years, a lighter touch review, usually involving just one or two meetings, is held, to consider any particular issues which have arisen since the previous review. The Covid-19 pandemic has resulted in some adjustment to the usual arrangements for reviews, with light touch reviews having been carried out over an extended period. A full review will be carried out over the next three months.

## 5. Key issues and proposals

- 5.1** Two members of the Panel resigned in 2020, each having served on the Panel for a period longer than is usual. Two Panel members remain, Mr Ryan Hyde and Reverend John Squires.
- 5.2** It is therefore necessary to appoint at least one additional member to the Panel. Following a recruitment process, Professor Darren Ansell, who meets the required criteria, has indicated that he is willing to become a member of the Panel.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report. The role is voluntary and any expenses claimed will be met from existing budgets.
Legal	Set out in paragraph 4.1.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a

new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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<b>List of background papers:</b>		
name of document	date	where available for inspection
None.		

**List of appendices**

None

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Report of:	Meeting	Date
Chairman of the Licensing Committee, Councillor Julie Robinson	Council	28 October 2021

**Periodic Report – Licensing Committee**

**1 Purpose of report**

- 1.1 To inform the Council of the current position on issues dealt with by the Licensing Committee and Licensing Team during the period October 2019 to August 2021 (inclusive).

**2 Licensing Committee hearings**

- 2.1 The Licensing Committee has met in person three times and have met virtually a further three times.

Licensing Sub Committees have met in person twice and had a further six virtual meetings.

In total they have considered and dealt with twenty separate matters.

**2.2 Licensing Act 2003**

Five applications for new premises licences and one application to vary an existing premises licence were referred to the Licensing Committee or Sub Committee for determination, following objections by Responsible Authorities and/or residents, during the statutory consultation periods.

The five applications for new premises licences are summarised below:

- Italian Pizza Hot, 9 Crescent East, Thornton Cleveleys – granted for reduced hours and subject to additional conditions.
- Dalvi’s, 17 Breck Road, Poulton – Granted with a requirement for an additional CCTV camera to be installed.
- Wyreside Hall, Wagon Road, Dolphinholme – Granted subject to conditions previously agreed with Police and Environmental Health.
- Valiants Farm, Lancaster Road, Out Rawcliffe – Granted for reduced hours and subject to additional conditions, including a limit of twelve

days per calendar year that licensable activities are authorised under the licence.

- Cybele, 21 Queens Square, Poulton-le-Fylde – Granted for reduced hours.

The following application sought to vary an existing premises licence to extend the hours permitted for use of the beer garden:

The Cube, Breck Road, Poulton – Granted an additional hour for Thursday to Sunday subject to the conditions agreed with Environmental Health, but refused to grant an additional hour for Monday to Wednesday.

### **2.3 Gambling Act 2005**

An application for a new Bingo premises licence was referred to the Committee for determination, following objections by residents.

- Merkur Slots, 76 Victoria Road West, Thornton Cleveleys – Granted subject to conditions including a limit on opening hours.

One application to increase the number of gaming machines permitted in the Bull Hotel, 2 Blackpool Old Road, Poulton-le-Fylde was referred to the Committee in accordance with the Council's policy. The variation was granted.

### **2.4 Hackney Carriage and Private Hire licensing**

Two applicants for new dual driver licences were brought before members during the period covered by this report.

- One was granted a one year licence with a requirement that their first renewal application must also be determined by the Committee.
- One was refused a licence due to their offending history.

The driver whose first renewal application was considered by the Committee, was refused a further licence owing to undeclared offences committed whilst they were licensed.

In addition three existing drivers were brought before members, following investigations by licensing officers into complaints about their conduct.

- One had no further action taken.
- One received a written warning that would remain live for two years.
- One had their licence suspended for one month.

During the initial lockdown the Head of Environmental Health and Community Safety also determined two matters relating to the fitness of Wyre licensed driver's under emergency delegated powers.

- One had their licence suspended for two weeks
- One had their application to renew the licence refused

### **3. Licences, permits and registrations issued by the Licensing Unit**

#### **3.1 Licensing Act 2003**

There are currently 421 licensed premises in the borough and Wyre is the relevant licensing authority for 2,174 personal licence holders.

During the reporting period licensing officers have dealt with applications for:

- 40 New premises licences
- 142 Variations to existing premises licences
- 38 Applications to transfer existing licences
- 95 New personal licences
- 75 Amendments to personal licences
- 243 Temporary Event Notices

#### **3.2 Gambling Act 2005**

The Borough currently has:

- 9 Betting shops
- 2 Bingo premises
- 11 Adult Gaming Centres
- 2 Licensed Family Entertainment Centres
- 9 Family Entertainment Centre permits
- 22 Licensed premises gaming machine permits (3 or more machines)
- 76 Licensed premises gaming machine notification (up to 2 machines)
- 13 Club machine permits
- 1 Club gaming permit
- 2 Prize gaming permits
- 144 Small Society Lottery Registrations

During the reporting period licensing officers issued 10 new or varied permits in respect of gambling permissions, the majority of which were licensed premises notifications required where there is a change of licence holder under the 2003 Licensing Act.

#### **3.3 Taxi Licensing**

The borough currently has 160 licensed Hackney Carriages and 89 licensed private hire vehicles, with vehicle licences issued for one year at a time.

Hackney carriage numbers are limited in Wyre and so proprietors have kept their vehicle licences current to protect their plate during the pandemic, even though many of these vehicles and their drivers were unable to work for long periods of time.

There is no equivalent restriction on the number of private hire vehicles that the council will licence. Ordinarily there is a fleet of around 120 licensed private hire vehicles working across the borough at any given time, many of which rely on bookings for airport transfers as their main source of business.

As a direct result of the significant decrease in demand for private hire services, around a quarter of private hire vehicle proprietors have allowed their vehicle licences to expire. It is hoped that as the foreign travel industry recovers and life returns to more normal levels of activity, the number of licensed private hire vehicles will also increase to pre-pandemic levels.

There are 34 Private Hire Operators licensed to trade in the borough and these licences are valid for five years.

There were 399 dual driver licences in existence at the end of the reporting period, which is approximately a tenth lower than pre-pandemic numbers.

Because these licences are normally issued for three years, it is not known how many of the current licence holders have left the trade or found alternative employment opportunities, as they do not generally surrender their licences, but leave them to expire naturally.

The lack of working drivers is beginning to impact on the availability of licensed vehicles to support the hospitality industry. This is particularly evident late at night in Poulton and to a lesser degree in Fleetwood over the weekends. Reports of rising tensions among prospective clients on the town centre ranks are becoming more frequent and adding to the reluctance of drivers to work late at night.

This is not just a local issue with similar problems reported across the country, with existing drivers reportedly leaving the industry and very few new entrants applying for licences.

Only 40 new Wyre driver licences were issued during this twenty-two month reporting period.

In contrast, 52 new driver licences were granted in 2018 and 44 were granted in 2019.

Licensing officers have also processed applications relating to licensed vehicles, drivers and operators as follows:

- 392 Hackney Carriage Vehicle Licences
- 186 Private Hire Vehicle Licences
- 273 Dual Driver Licences
- 23 Private Hire Operator Licences



### **3.4 Animal Welfare Licensing**

Wyre has a variety of premises licensed for activities involving animals under the 2018 Regulations which fall into the following categories:

- 8 Dog breeders
- 11 Catteries
- 4 Boarding dogs in kennels
- 16 Home boarding for dogs
- 4 Dog day care
- 5 Selling animals as pets
- 5 Hiring horses
- 3 Exhibiting animals

Licences are granted for one, two or three years, depending on the star rating awarded by the inspecting officer.

During the reporting period, officers assessed 43 applications. 40 were granted, but officers refused to grant 3, where they were not satisfied that animal welfare standards could be adequately maintained by the applicant.

Wyre like many other Licensing Authorities has seen an increase in commercial dog breeders following the rise in demand for puppies during the various periods of lockdown.

Conversely, the lack of demand for animal boarding services has seen a number of these businesses close permanently, or licence holders have allowed licences to expire, in the hope that demand will return and they will apply for new licences in the months to come.

### **3.5 Miscellaneous Licensing/Permitting**

Officers have also issued the following permits, consents and registrations:

- 26 Street Trading Consents
- 10 Registrations for skin piercing, tattooing electrolysis, etc.
- 9 Variations to Caravan site Licences
- 6 Temporary Pavement Licences
- 24 House to House Collection Permits
- 43 Street Collection Permits

## **4. Licensing Activity**

### **4.1 Licensing Act 2003**

Annual fee payments continue to be closely monitored by licensing officers and where Premises Licence holders fail to pay their annual fees, licensing officers suspend licences until such time as the fees are paid.

Generally such suspensions are very short lived, with outstanding monies paid promptly following a suspension notice, to allow the business to continue to trade, when the Coronavirus legislation permitted them to.

At the end of the reporting period, 21 premises licences were under suspension. Many of these businesses have closed, but licence holders will continue to attract liability for an annual fee under the Licensing Act 2003, unless or until they surrender the licence.

Most of the compliance work during the pandemic centred on educating the hospitality sector in partnership with Environmental Health officers about how and when each legislative change introduced by the Government, would impact on their ability to trade.

Compliance levels by this sector were extremely high with the vast majority of businesses working closely with the Environmental Health and Licensing service to ensure that they understood their responsibilities during each phase of the restrictions.

#### **4.2 Gambling Act 2005**

Written warnings have been issued to two licensed premises for providing facilities for gambling in the form of amusement with prizes (fruit) machines without the required authorisation.

Annual fees that are payable under the Gambling Act are also closely monitored by licensing officers, as the Act requires the licensing authority to revoke licences or permits, where licence holders fail to pay the annual fees on time. No gambling authorisations have been revoked during the reporting period for non-payment,

#### **4.3 Hackney Carriage and Private Hire Regulation**

One driver had their licence suspended by licensing officers as a result of information that the driver's health had deteriorated to the point that they would no longer be able to meet the Group 2 standard of fitness required of Wyre licensed drivers.

Stop Notices, which suspend a vehicle licence, continued to be issued by the MOT testers at Cope Road and licensing officers, where Hackney Carriages or private hire vehicles are deemed to be unfit to be used to transport members of the public on inspection. Once the vehicles are repaired and re-presented in an acceptable condition, the notice is lifted and licences restored.

#### **4.4 Safety Screens for licensed vehicles**

The allocation of monies within the Contain Outbreak Management Fund to supply safety screens for licensed vehicles meant licensing officers were able to offer a free screen with a fitting service provided over a weekend in June 2021 to each vehicle proprietor.

The council did not introduce a mandatory requirement for screens to be fitted in licensed vehicles, leaving the decision to have one up to individual vehicle proprietors.

#### **4.5 Temporary Pavement Licences**

The Business and Planning Act 2020 was introduced with very little lead in time over the summer of 2020 and created a completely new area of regulatory responsibility for Wyre Council.

The Bill was first presented to Parliament on 25 June 2020 and came into force on 22 July 2020, giving licensing officers just over a month to develop, have ratified and publish a policy including the fees to be charged, whilst developing an application process and consultation requirements for applications.

This new legislation provides a very streamlined application process for premises to get a temporary licence from the council to put tables and chairs onto adopted highway land adjacent to their premises such as pavements. Initially these licences were due to expire on 30 September 2021, but the provisions were extended for a further twelve months over the summer of 2021 by the Government.

Before this legislation was introduced, pavement cafe licences were issued by Lancashire County Council Highway Authority under section 7A of the Highways Act 1980 and Wyre Council had no involvement in the process.

Three premises currently operate under these temporary licences.

#### **4.6 Freedom of Information Act requests**

Licensing Officers have responded to 61 requests for information from members of the public and pressure groups submitted under the Freedom of Information Act.

There have been 29 requests relating to animal welfare, 20 relating to taxi and private hire regulation, 5 about alcohol and entertainment licensing, 3 about beauty treatments, 2 about scrap metal dealing, 1 about street trading and 1 about caravan site licensing.

<b>Financial and legal implications</b>	
Finance	No financial implications arising from this report.
Legal	No legal implications arising from this report.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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### List of background papers:

name of document	date	where available for inspection
None		

### List of appendices

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Report of:	To:	Date
Councillor Peter Le-Marinel Armed Forces Champion	Council	28 October 2021

<b>Periodic report - Armed Forces Champion</b>
--

**1. Purpose of report**

- 1.1 To inform the Council of the current position on various issues relating to the Armed Forces Covenant and Community.

**2. Background**

- 2.1 The Council has been a signatory of the Armed Forces Covenant since 25 June 2012.
- 2.2 The Armed Forces Covenant is a promise by the nation that those who serve and have served, and their families, should be treated fairly. The Covenant was enshrined in law in the 2011 Armed Forces Act and ensures that members of the Armed Forces community are not disadvantaged as a result of their service when accessing Government and commercial services. Special consideration is also appropriate in some cases, especially for those who have given most, such as the injured and bereaved. The Government, local authorities, the wider public sector, charities, commercial organisations and civil society all have a role in supporting the Armed Forces community. This includes in areas such as employment, healthcare, housing, education, and financial advice.
- 2.3 The Office for Veterans' Affairs (OVA) is a Ministerial unit in the Cabinet Office with responsibility for championing veterans' interests at the heart of government – highlighting the outstanding contribution veterans from all walks of life are already making to our economy and society and ensuring no individual who needs help is left behind after they leave service.
- 2.4 The Strategy for our Veterans was jointly published by the UK, Scottish and Welsh Governments in November 2018. The strategy set the principles and aims needed to continue to meet the needs of older veterans as well as the wider veteran community over the next ten years, and set the right conditions for society to empower and support them for the next 100 years.

### **3. Armed Forces Covenant and Community Activity in Wyre**

- 3.1** During January 2020, Wyre Council established an Armed Forces Covenant Network Group to help deliver the Armed Forces Covenant agenda and to engage with the Armed Forces community in Wyre. The initial meetings confirmed the group's terms of reference and agree an action plan. Unfortunately the pandemic curtailed the work of the group although plans remain in place to re-establish the Network.
- 3.2** In August 2020 Wyre Council achieved the Ministry of Defence (MoD) Employer Recognition Scheme silver award after achieving bronze in 2019. The award is recognition for Wyre Council's commitment to ensuring that members of the Armed Forces community are not disadvantaged by their service when employing veterans and the partners of service personnel. This includes supporting Reservist employees to meet their training commitments and by continuing to help service leavers as they make their transition back into civilian life.
- 3.3** In order for the council to work towards achieving the gold award, there is a requirement to maintain the recognised silver standard and continue to meet the required criteria expected prior to applying for the gold award.
- 3.4** Currently there are Armed Forces engagement projects being run by Fleetwood, Blackpool and Fylde football clubs. These are funded by the AF Covenant Trust Fund and provide activities for the AF community including regular walk and talk events in Fleetwood, canoeing taster sessions, virtual coffee meetings and Veterans breakfast clubs. The coordinators offer a referral/signposting service to Veterans in need. Plans are underway to further develop the successful Veterans football activities across the Fylde Coast. It is also encouraging to note that a number of Fylde Coast military associations embraced and temporarily adopted the use of virtual meetings during lockdown, to facilitate communications and ensure that any of their cohort in need were supported.
- 3.5** Wyre benefits from a Veterans outreach project worker funded by Lancashire County Council Armed Forces Champion, Cllr Alf Clempson. Dave Whitworth the project lead is available to act as an advocate and support worker for Veterans in need across the Fylde Coast.
- 3.6** Since 2018, LCC and UCLAN have jointly run an Armed Forces Covenant team to coordinate strategy and work with practitioners and projects across Lancashire. Wyre's Armed Forces Champion and support officer have regularly attended virtual meetings during lockdown to ensure Wyre maintains representation and focus around the Armed Forces Agenda.
- 3.7** Wyre Council's Armed Forces support officer is the point of contact for individuals and organisation seeking information and advice. During lockdown a number of enquiries have been received including support and advice regarding, safeguarding, dentistry provision, housing and homelessness advice, council tax, loneliness and involvement with a serious case review. The council also has a dedicated housing officer to give advice to Veterans and service personnel.

## **4. Future National Strategy and Legislation**

- 4.1** The following section contains excerpts taken from a guide to the new Armed Forces Covenant legislation released in March 2021 by the MOD Covenant Team. It is intended to inform members of impending legislation, further information regarding the new legislation and duties delegated to Local Authorities will be included in future reports.
- 4.2** The Armed Forces Covenant is being further incorporated into law, as part of the Armed Forces Bill 2021, to help prevent disadvantages faced by the Armed Forces Community owing to the unique nature of service in the Armed Forces. It is anticipated that the new Covenant legislation will come into force in 2022.
- 4.3** The focus of the legislation is on local and regional service provision, covering those aspects of public housing, education and healthcare that are most likely to affect serving and former members of the Armed Forces and their families.
- 4.4** The legislation will introduce a new duty on relevant public bodies, when exercising certain aspects of their public functions, to have due regard to the three principles of the Armed Forces Covenant. These are:
1. Recognising the unique obligations of, and sacrifices made by, the Armed Forces.
  2. That it is desirable to remove disadvantages arising for service people from membership, or former membership, of the Armed Forces.
  3. That special provision for Service People may be justified by the effect on such people of membership, or former membership, of the Armed Forces.
- 4.5** The new Duty will require those who are subject to it to consciously consider the Armed Forces Community when developing policy and making decisions in the specified policy areas, taking the three principles set out above into consideration.
- 4.6** The legislation will also give the Secretary of State for Defence powers to broaden the scope of the Duty to include other bodies and functions in the future, following consultation with stakeholders. This will be kept under review as the new Duty is implemented.
- 4.7** Under the new Duty, those public bodies in scope will be required to have 'due regard' to the three principles of the Armed Forces Covenant when formulating policy and taking decisions in specified areas.
- 4.8** The requirement will be similar to other duties to have due regard already in operation, such as the Public Sector Equality Duty.

<b>Financial and legal implications</b>	
Finance	No financial implications arising from this report.
Legal	No legal implications arising from this report.

### **Other risks/implications: checklist**

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<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	✓
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

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