

Audit Committee - Terms of Reference

7.01 Purpose

The audit committee is a key component of Wyre Council's ~~corporate~~ governance framework. It provides an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective. ~~audit, assurance and reporting arrangements that underpin good governance and financial standards.~~

The ~~purpose of an~~ Audit Committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability. ~~is to provide those charged with governance, independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the authority's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.~~

7.02 Core Functions

The Council will appoint an Audit Committee independent from both the Executive and the Overview and Scrutiny function and it will have the following core functions:

Governance, Risk and Control

- To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the Audit and Risk Manager's/Head of Internal Audit's annual audit opinion.
- To consider whether the annual evaluation for the AGS fairly concluded that governance arrangements are fit for purpose, supporting the achievement of the authority's objectives.
- To consider the reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code.
- To consider the council's arrangements to secure value for money and review assurances and assessment on the effectiveness of these arrangements.
- To monitor the effective development and operation of risk management in the council and monitor progress in addressing risk-related issues reported to the committee.
- To monitor counter-fraud, actions and resources and review the assessment of fraud risks and potential harm to the council from fraud and corruption.
- To review the effectiveness of the council's whistleblowing arrangements.

- To review the governance and assurance arrangements for significant partnerships or collaborations.

Internal Audit

- To approve the internal audit charter.
- To review proposals made in relation the appointment of external providers of internal audit services and to make recommendations ~~on their effectiveness.~~
- To approve the risk-based internal audit plan, including internal audit's resource requirements, and the approach to using other sources of assurances and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the Audit and Risk Manager to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to the independence or objectivity of the Audit and Risk Manager arising from additional roles or responsibilities outside of internal auditing and to approve and periodically review safeguards to limit such impairments. ~~approve and periodically review safeguards to limit impairments to the independence or objectivity of the internal audit team.~~
- To consider reports from the Audit and Risk Manager/Head of Internal Audit on internal audit's the performance during the year, including the performance of external providers of internal audit services. These will include: -This will include an update on the implementation of agreed recommendations.
 - o updates on the work of internal audit, including key findings, issues of concern and actions in hand as a result of internal audit
 - o regular reports on the results of the Quality Assurance Improvement Programme (QAIP)
 - o reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), concerning whether the non-conformance is significant enough that it must be included in the AGS.
- To consider the Audit and Risk Manager's Head of Internal Audit's annual report, including:
 - o the statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement (these will indicate the reliability of the conclusions of internal audit)
 - o the opinion of the overall adequacy and effectiveness of the council's framework of governance, risk management and control, together with the summary of the work supporting the opinion (these will assist the committee in reviewing the AGS).
- To consider summaries of specific internal audit reports as requested.

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- To consider a report on the effectiveness of internal audit to support the Annual Governance Statement where required to do so by the Accounts and Audit Regulations, ~~and also any external assessments of effectiveness; i.e. the quality assessment of internal audit that takes place at least once every five years in accordance with the Public Sector Internal Audit Standards.~~
- To provide free and unfettered access to the Audit Committee Chair for the Audit and Risk Manager, ~~Head of Internal Audit~~, including the opportunity for a private meeting with the committee.
- To receive reports outlining the action taken where the Audit and Risk Manager, ~~Head of Internal Audit~~ has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.

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External Audit

- To ~~receive and comment upon~~ the scope and depth of external audit work and External Auditor's Annual Plan, ~~considering the scope and depth of external audit work and to~~ ensure it gives value for money.
- To monitor the External Auditor's progress with the Annual Plan.
- To consider the External Auditors' annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the External Auditor.
- To advise and recommend on the effectiveness of relationships between internal and external audit and other inspection agencies or relevant bodies.
- To provide free and unfettered access to the Audit Committee Chair for the External Auditors, including the opportunity for a private meeting with the committee.
- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA. ~~consider periodically (at least annually) whether the Auditors appointed to carry out the External Audit function remain independent and objective and, that their judgement in carrying out that role has not been impaired as a consequence of their participation in any non-audit reviews, services or advice provided to the council.~~
- To consider additional commissions of work from external audit.

Financial Reporting

- To review the annual Statement of Accounts on behalf of Full Council in accordance with the Accounts and Audit Regulations 2015. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To monitor the arrangements and preparation for financial reporting to ensure that statutory requirements and professional standards can be met.

- To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.
- To consider and endorse amendments to the Council's Financial Regulations and Contract Procedure Rules and, on behalf of Full Council, give any instructions to the Section 151 Officer as may be appropriate.

Accountability Arrangements

- ~~To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions. prepare an annual report to Full Council setting out the committee's work and performance during the year in relation to the terms of reference and to refer to Council any matters it shall see fit.~~
- To report to Full Council on a regular basis on the committee's performance in relation to the terms of reference and effectiveness of the committee in meeting its purpose.
- To review any issue referred to it by the Chief Executive, Monitoring Officer or any Council body.
- To publish an annual report on the work of the committee, including a conclusion on the compliance with the CIPFA Position Statement.

Other core functions

- To undertake the annual review of the council's use of the Regulation of Investigatory Powers Act 2000 (RIPA), ensuring compliance with the Code of Practice.
- To receive updates and reports from the Head of Governance and Business Support (Data Protection Officer) and to approve policies in relation to Cyber Security and compliance with the Data Protection Act and Regulations made under the Act.

PROCEDURES FOR DEALING WITH ALLEGED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS

Explanatory Notes

1. Introduction

This procedure applies when a complaint is received that a councillor has or may have failed to comply with the council's Code of Conduct for Councillors.

The arrangements governing standards of behaviour by local councillors are established in Section 28 of the Localism Act 2011, and specified in regulations made under the Act.

The council is required by the Act to approve a Code of Conduct for Councillors and agree procedures for dealing with any alleged breaches of that Code. Wyre Council's Code of Conduct is based on the Local Government Association's Model Councillor Code of Conduct issued May 2021 with some amendments to reflect local practices in Wyre.

Parish and Town Councils within the Wyre area are also required either to adopt the Wyre Code or to approve their own Code of Conduct. Any complaints about breaches of such Codes by Parish or Town Councillors have to be submitted to Wyre Borough Council's Monitoring Officer and, will be dealt with under the procedures set out in these notes.

2. What is the Code of Conduct?

The purpose of the code is to assist councillors in modelling the behaviour that is expected of them. It specifies that councillors must have regard to the Seven Principles of Public Life, also known as the Nolan Principles. Based on these, the following general principles and obligations should be followed when acting as a councillor:

- act with integrity and honesty;
- act lawfully;
- treat all persons fairly and with respect;
- lead by example and act in a way that secures public confidence in the role of councillor;
- impartially exercise responsibilities in the interests of the local community;
- not to improperly seek to confer an advantage, or disadvantage, on any person;
- avoid conflicts of interest;
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

The code sets out the councillor obligations, which are the minimum standards of conduct required and specifies arrangements for the registration and declaration of financial and other interests, which must be followed by councillors.

A full copy of the Wyre Code of Conduct is included in Part 5.01 of the Council's Constitution.

3. How to make a complaint

If you wish to make a complaint, please submit it to the council's Monitoring Officer, using the online form available [here](#). Please make clear, in particular, which of the requirements of the Code of Conduct you think the councillor(s) has breached.

Anonymous complaints will not be considered.

Any councillor who is the subject of a complaint (the subject member) will be informed by the Monitoring Officer of the complaint either during or at the conclusion of stage 1 of this process. The Monitoring Officer will normally tell the subject member the name of the complainant and the details of the complaint, unless he/she considers that there are special reasons for keeping that information confidential.

4. How will your complaint be dealt with?

A flowchart which shows, in diagrammatic form, how your complaint will be dealt with and by whom, is set out at Annex A.

Monitoring Officer

Your complaint will be dealt with, in the first instance, by the council's Monitoring Officer. The council is required by the Local Government and Housing Act 1989 to designate a senior officer to undertake this role, which has various responsibilities relating to complaints. He/she will consult with one of the Independent Persons, appointed by the council for this purpose, under the provisions of the Localism Act.

The council's Deputy Monitoring Officer will assist the Monitoring Officer with consideration of, and investigation of complaints. Reference to the Monitoring Officer throughout this document may also include the Deputy Monitoring Officer.

Independent Persons

Independent Persons are people who are neither councillors nor officers of the council but are appointed under Section 28 of the Localism Act 2011 to work with the council to support them with Code of Conduct complaints and standards issues. Under the Localism Act their views must be sought and taken into account on any matter under investigation. The subject member may seek their views at any stage of the process.

Stage 1 – Procedure for Initial Assessment of the Complaint

The complaint will automatically be rejected if:

- The subject member was not a councillor at the time of the alleged misconduct.
- The subject member was not acting in their capacity as a councillor at

the time of the alleged misconduct.

Where a complaint is rejected on either of the above grounds the Monitoring Officer will write to the complainant explaining why their complaint cannot be dealt with under this procedure.

The Monitoring Officer may request further information from the complainant, the subject member or any other persons as appropriate before reaching a decision.

If the complaint has not been rejected on either ground as set out above the Monitoring Officer will then go on to further assess the complaint including consideration of the following:

- Is the complaint very minor or trivial?
- Is the complaint vexatious or malicious, politically motivated or ‘tit for tat’?
- Is the complaint about or related to historical issues?
- Is there a potential breach of the Code of Conduct?
- Is it in the public interest to investigate or take action on the complaint?

The options available to the Monitoring Officer, at this stage in the process, are:

- To reject the complaint or to decide to take no action – in which case he/she will state the reason for doing so;
- To seek further information, usually from the complainant, to clarify the particulars of the complaint;
- To seek an informal resolution (including, for example, an apology, or mediation);
- To carry out further investigation, or appoint another officer or an external person to investigate the complaint;
- To refer the complaint to the Police or other investigatory body (e.g. the Department of Work and Pensions), if a criminal offence has, potentially, taken place.

If the decision is to take no action over a complaint, then as soon as possible after making the decision notification will be sent to the complainant and subject member of the decision setting out clearly the reasons for that decision including the views of the Independent Person.

Stage 2 - Informal Resolution

The Monitoring Officer will seek the views of the Independent Person in considering whether informal resolution is the most appropriate way of dealing with a complaint.

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals.

Informal resolution may be sought following initial investigations, which is likely

to include seeking further information from the complainant and subject member.

Notification of the outcome of the informal resolution process should be sent to the complainant and the subject member stating what the allegation was and the resolution recommended.

Types of informal resolution might include:

- An apology from the subject member;
- An agreement from the subject member to attend relevant training or take part in a mentoring process;
- Engaging in a process of mediation or conciliation between the subject member and the complainant; or
- Any other action capable of resolving the complaint.

If the Monitoring Officer's attempts to reach an informal resolution are unsuccessful, he/she can reconsider the complaint and pursue other options available or refer for formal investigation as set out below.

Stage 3 - Formal Investigation and report

Any investigation, under Stage 3 of this process, will be conducted either by the Monitoring Officer or a person appointed by him/her. (If the Monitoring Officer himself/herself conducts the investigation he/she will not be able to act as the advisor to the Standards Committee at any subsequent hearing relating to that complaint).

The investigating officer will examine any available evidence of the alleged Breach and will interview the complainant, the subject member and, if appropriate, any witnesses. He/she will prepare a report setting out:

- Established/agreed facts;
- Facts which are not agreed and corresponding conflicting evidence;
- His/her conclusion on whether or not there has been a breach of the Code of Conduct.

Completion of the investigation

The Investigation Report will be considered by the Monitoring Officer with the Independent Person. The Monitoring Officer can dismiss the complaint, seek an informal resolution or take other action as appropriate including referring the matter to a Standards Hearing.

If the conclusion of the investigation is that there has been no breach of the Code of Conduct, the Monitoring Officer will inform the complainant and the subject member of that finding and tell them either that no further action is to be taken or, if applicable, that he/she intends to take some other action outside of the complaints process.

If the conclusion of the investigation is that there has been a breach of the Code of Conduct, the Monitoring Officer can seek to resolve the issue

informally without a hearing, for example, by the subject member admitting the breach and apologising. However, if the Monitoring Officer cannot reach a suitable resolution or he/she considers such an approach to be inappropriate, he/she will arrange a hearing of the Standards Committee.

Stage 4 – Standards Committee Hearing

A hearing may be called where the investigator has concluded that there has been a breach of the Code of Conduct and the Monitoring Officer has concluded that the matter cannot otherwise be resolved informally.

The hearing will be arranged at least 14 days and no later than 3 months after the investigation report has been issued. Where that is not possible, the Monitoring Officer should notify the relevant parties of the reason for the delay and provide an estimated timescale.

If a complaint has reached this stage, the hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. However, the Committee will be able to resolve to exclude the public and press whilst any confidential or exempt information is considered and will usually do so when reaching its decision.

Once a date has been set for the hearing the Monitoring Officer will notify:

- The subject member;
- The investigator;
- The relevant Independent Person;
- The complainant (if appropriate);
- The clerk of any relevant town or parish council.

If the subject member is unable to make the specified date the panel may arrange the hearing to be held on a different date, provided that they are satisfied that the subject member has given an acceptable reason. Where the subject member does not give an acceptable reason or does not reply within a specified time, the panel will proceed with the date and may consider the report in the subject member's absence.

Arrangements for the hearing will be made in accordance with the pre-hearing procedure attached as Annex B.

The procedures to be followed at the hearing are set out in Annex C.

The decisions available to the Committee are:

- to take no further action
- to reach an informal resolution between the complainant and the subject member (if agreed by both parties)
- if it finds that there has been a breach of the Code, to impose one or more sanctions listed in paragraph 20 of the Hearing Procedure attached as Annex C.

5. Appeals

There is no right of appeal available either to a complainant or a subject

member against conclusions reached or actions taken by the Monitoring Officer or decisions made by the Standards Committee at any stage in this process.

6. Standards Committee Reports

The Monitoring Officer will submit a summary report of complaints received to each scheduled meeting of the Standards Committee where there is other business to be transacted and otherwise report all complaints annually. Information provided to the committee will include the types of allegations received since the previous meeting and a brief summary of the current position on complaints being dealt with under this process. Information about the names of individuals or specific details of complaints will not be made available at this stage in the process.

No Councillor should reveal any information to the media or in public about a complaint which is currently being dealt with or is not upheld.

7. Additional help and contact details

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you, if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form or, if you need any further clarification of the complaints process please contact the Monitoring Officer on 01253 887605 or the Democratic Services and Scrutiny Manager on 01253 887481.

When you have completed the attached form, please send it to:

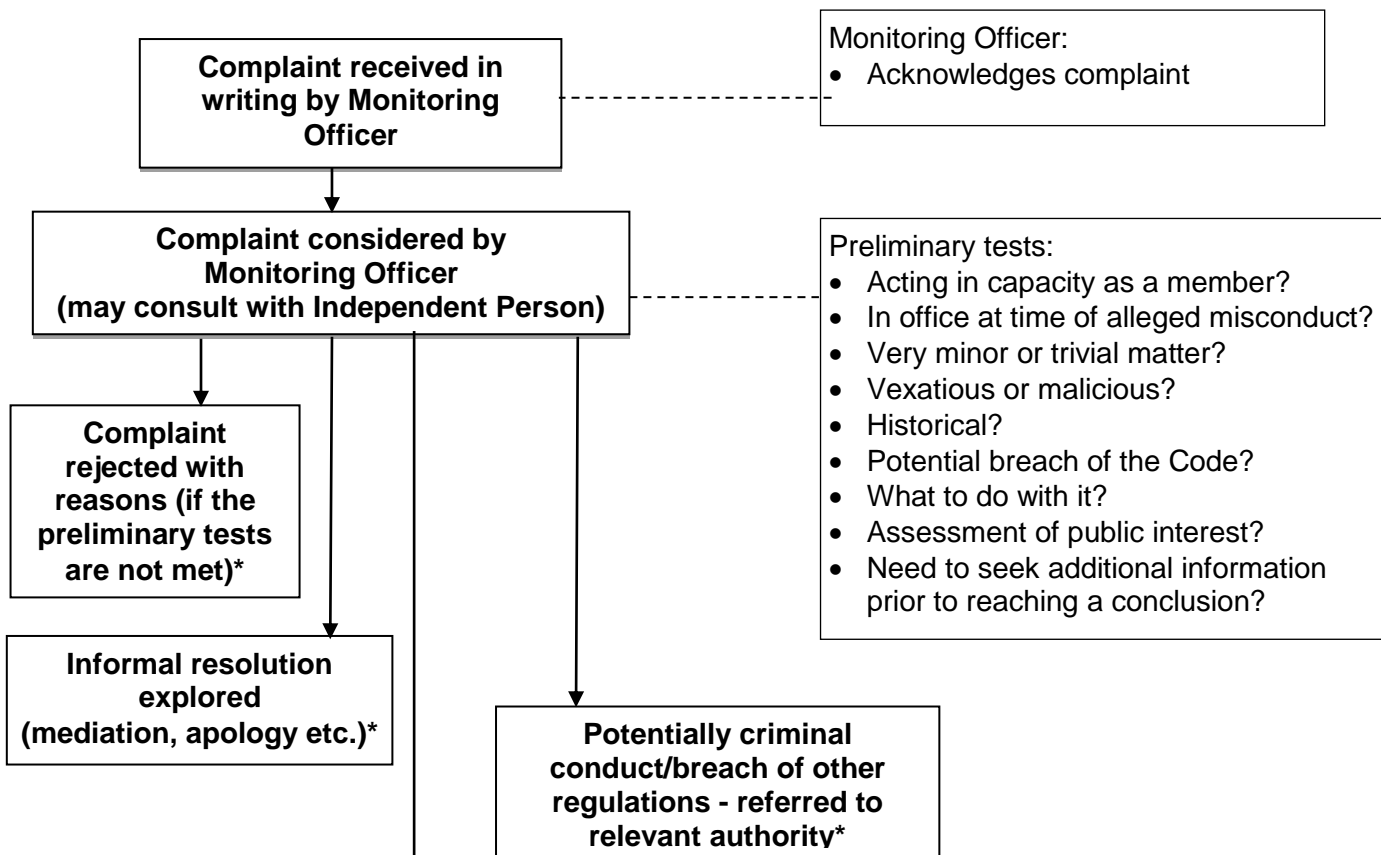
The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyre.gov.uk

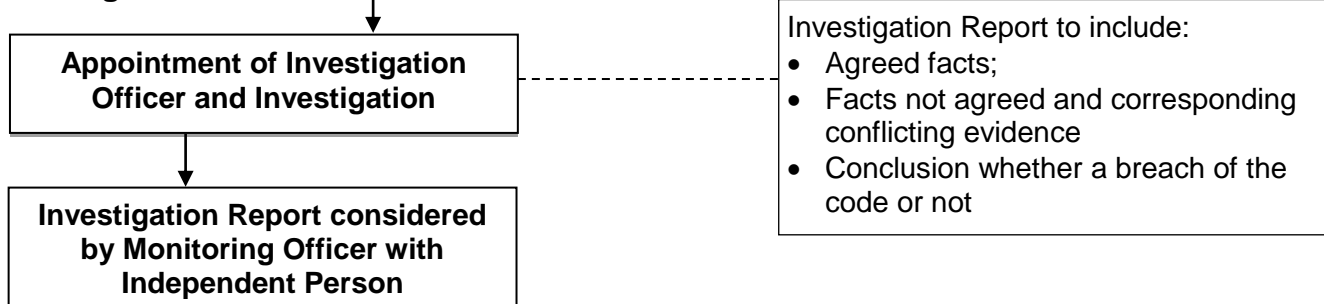
ANNEX A

Complaints Procedure Flowchart

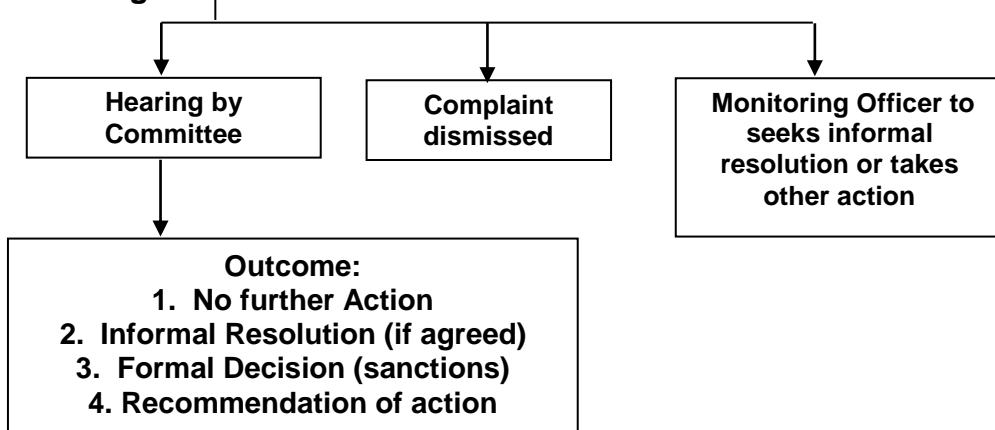
Stage 1/2



Stage 3



Stage 4



The Monitoring Officer will submit summary information on each complaint to each scheduled meeting of the standards Committee.

ANNEX B**STANDARDS COMMITTEE
PRE-HEARING PROCEDURE**

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the town/parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within ten working days. The response should set out the Subject Member's reply to the Investigating Officer's report and state whether he/she disagrees with any of the findings of fact in the report, giving the reasons for any disagreement. The response must also state if he/she:
 - wishes to be represented or accompanied by another person;
 - wishes to give evidence to the Committee, either orally or in writing;
 - wishes to call relevant witnesses to give evidence to the Committee;
 - wishes any part of the hearing to be held in private;
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public.

The Subject Member may seek the views of the Independent Person who has not been involved in the consideration of the earlier stages in the complaints process.

4. The Subject Member will be informed that if, at the hearing by the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer will be invited to comment on it within ten working days, and to say whether or not he/she:
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the person advising the Committee at the hearing (either the Monitoring Officer or if he/she has carried out the investigation, the Deputy Monitoring Officer) will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.

7. The Subject Member and the Investigating Officer will be entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer, in consultation with the Chairman and the Independent Person, will:
 - confirm a date, time and place for the hearing
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

ANNEX C**STANDARDS COMMITTEE
HEARING PROCEDURE**

1. The Hearing Committee will decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters will be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person will attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed and a resolution is passed to exclude them.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting with the permission of the Committee. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take advice from the Monitoring Officer/Deputy Monitoring Officer (provided that they have not conducted the investigation) at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman will introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
 - The Chairman will ask the Monitoring Officer/Deputy Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the hearing.
 - The Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for such failure to attend.
 - If the Committee is satisfied with such reasons, it will adjourn the hearing to another date.
 - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee will decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members, the Independent Person and the Monitoring Officer/Deputy Monitoring Officer, may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. Having usually considered the evidence submitted in public the Committee will consider in private, with the Independent Person and the Monitoring Officer (or the Deputy Monitoring Officer), its findings of fact, and its conclusion on whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject Member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person and the Monitoring Officer or Deputy Monitoring Officer) whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.

20. The sanctions open to the Committee are:
- to censure the subject member;
 - to report its findings to full Council (or relevant parish council);
 - to recommend the subject member's Group Leader (or in the case of an ungrouped member to recommend to the Council) the removal of the Subject Member from any or all Committees;
 - if the subject member is a member of the Cabinet, to recommend the Leader of the Council to remove them from the Cabinet or to relieve them of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time);
 - to recommend to the subject members Group Leader that he/she be removed from some or all outside appointments to which he/she has been appointed by the Council;
 - to instruct the Monitoring Officer to request the subject member to attend training;
 - to withdraw any equipment or privileges provided to the subject member by the Council for a specified period of time as deemed appropriate by the Committee;
 - to exclude the subject member from the Council's offices with the exception of meeting rooms as necessary for attending Council, Committee or Task Group meetings, for a specified period of time;
 - if relevant recommend to council that the subject member be removed from their role as leader of the authority;
 - if relevant recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.
21. If the finding relates to the Subject Member's conduct in his/her capacity as a town/parish councillor, the Committee will report its findings to the town/parish council, and may make recommendations to the town/parish council on the imposition of sanctions.
22. In deciding to impose a sanction, the Committee will consider all the relevant circumstances.
23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a town/parish councillor, written notice of the findings of the Committee will also be sent to the Town/Parish Clerk.
24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

COMPLAINT FORM: ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other):

First Name:

Last Name:

Address:

Daytime Telephone:

Evening Telephone:

Mobile Telephone:

Email Address:

(Please see attached notes explaining who this information will be given to).

2. Please tell us whether you are:

- A member of the public
- An elected or co-opted Councillor
- A Member of Parliament
- A Monitoring officer for another Council
- A Council employee
- Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and which Council they are a Member of:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish or Town Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should state which specific provision(s) in the Code of Conduct which you think the Councillor has failed to comply with.
- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

- 5. If you do not want your name to be revealed to the Councillor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date:

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyre.gov.uk

GUIDANCE FOR COUNCILLORS AND OFFICERS ON GIFTS AND HOSPITALITY

Guidance for Councillors on Gifts and Hospitality

1. This Guidance is intended to complement the council's Members' Code of Conduct. It offers guidance to Councillors with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect both individual Councillors and the council. The intention of the Guidance is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. All Councillors have undertaken to abide by the council's Code of Conduct. Councillors must not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by;
 - Maintaining an unimpeachable standard of honesty and integrity in all their business relationships.
 - Complying with the law, regulations and the council's own policies and procedures.
 - Rejecting any business practice that might be deemed improper.
 - At all times when acting for or on behalf of the council, put the interests and the reputation of the council first.
3. As a general rule **business gifts and hospitality should not be accepted by any Councillor**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the councillor? You must never solicit a gift or hospitality, or accept any gift or hospitality offered as an inducement or which puts you under any obligation. On the other side of the coin, Councillors often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates, or a bottle of wine. It's about where to draw the line.
4. In summary, if a gift is received or hospitality accepted, unless it is of purely "token" value (e.g. a calendar, pen, or free gift at an exhibition), it should be declared to the Monitoring Officer, who will record the details in the council's register. Any such gifts should be reported to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt.
5. If you register the gift, or hospitality you received, it is then on the public record and open to scrutiny if necessary. It cannot later be alleged that the gift or hospitality was accepted, in a secret, 'underhand' way, with an ulterior motive.
6. Prior to accepting **any** gift or hospitality with a value of **£50** or more, a Councillor must seek authorisation from the Monitoring Officer. This includes gifts that are received from the same source which cumulatively, are over the value of £50 in a 12 month period. Only once consent has been given should the councillor take ownership. The details must then be provided immediately to the Monitoring Officer for recording in the council's register.

7. In relation to conventional hospitality (lunches, outings etc.) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with the Monitoring Officer if you are in any doubt as to the motive.
8. The register of gifts and hospitality and interests will be constantly updated and reviewed by the Monitoring Officer and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.

Step by Step Guide

1. **Token Gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, pens etc. If you are in any doubt as to the classification of token gifts, ask the Monitoring Officer.
2. **Gifts Under £50** in value can be accepted but must be declared as soon as possible and, in any case, within 28 days of receipt. An entry will be made on the council's register by the Monitoring Officer.
3. **Gifts Over £50** in value must not be accepted without prior permission from the Monitoring Officer. If authorisation is given, and the gift accepted, it must then be registered as above.

To

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as a Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

Policy for Officers on Gifts and Hospitality and Registering Interests

1. This policy is intended to complement the council's Employee Code of Conduct and Disciplinary Procedures and offers guidance for officers with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect the officer as much as to protect the council. The intention of the policy is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. Officers of the council are bound by specific rules, codes of conduct and protocols, as are Members. Officers shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by:
 - Maintaining a high standard of honesty and integrity in all their business relationships;
 - Complying with the law, regulations and the council's own policies and procedures;
 - Rejecting any business practice that might be deemed improper; and
 - Placing the interests and the reputation of the council first when acting for or on behalf of the council.
3. As a general rule, **business gifts and hospitality should not be accepted by any member of staff**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the officer? On the other side of the coin, officers often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates or a bottle of wine. It's about where we draw the line.
4. Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the council should be declared in writing. These could be an officer's interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.
5. The council must be able to show that all its decisions are reached on the basis of value for money for the public and no other reason. Any consideration of whether or not the principles of this policy have been breached will be determined by reference to this principle.
6. Any breach of this policy and the associated codes of conduct could lead to disciplinary action being taken.
7. It is always best to seek a second opinion as to the appropriateness of any gift, hospitality, or regards any interests held outside the council that may be construed as influential, leading to favouritism. If you register the gift, or hospitality you received, or interest you have, it is then on the public record and open to scrutiny if

necessary. It cannot later be alleged that the gift or hospitality was accepted, or interest held, in a secret, 'underhand' way, with an ulterior motive.

8. If a gift is received or hospitality accepted **up to the value of £25**, unless it is of purely "token" value (e.g. diary, pen, free gift at an exhibition), it should be declared using the on-line register from on the HUB for inclusion in the council's register.
9. Prior to accepting any gift or hospitality with **a value of £25 or more**, the Officer should seek authorisation from their immediate line manager, or their Director. Only once consent has been given should the Officer take ownership and complete the on-line register form. Documentation supporting the acceptance should be passed to the Head of Governance and Business Support immediately.
10. In instances where the Chief Executive is in receipt of a gift or hospitality over the value of £25, approval must be sought from the Leader of the council. However, if both the Chief Executive and the Leader of the council are both in receipt of a gift or hospitality, approval must then be sought from the Cabinet.
11. If gifts are received from the same source which cumulatively, are over the value of £25 in a 12 month period, then these must be declared and the officer should seek authorisation from their manager, their Corporate Director or in compliance with the authorisation in paragraph 10 above.
12. The council prohibits the acceptance of cash gifts of any value.
13. Any personal interests that may impinge or might reasonably be deemed by others to impinge on an Officer's impartiality, or cause conflict with the duties of a Council officer as detailed above (such as conflicting business interests) should be declared in writing to the Officer's line manager. The details should then be passed to the Head of Governance and Business Support to be entered onto the council's Register.
14. In relation to conventional hospitality (lunches, golf days, etc) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with your line manager if you are in any doubt as to the motive.
15. Any officer who is aware of any business dealings conferring personal gain, or involving relatives or associates of a member of staff must supply these details to the Head of Governance and Business Support for entry into the Register. The council's Whistle Blowing Policy can be used to divulge such information in confidence.
16. The council's Monitoring Officer and Audit Committee will inspect the register of gifts, hospitality and interests annually, and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.
17. The effectiveness of this policy will be reviewed regularly by carrying out various training / refresher exercises.

REMEMBER >>> If in doubt, declare it!!.**Step by Step Guide**

1. **Token gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, diaries, pens etc. If you are in any doubt as to the classification of token gifts, just ask.
2. **Gifts under £25** in value can be accepted but must be declared to your line manager and reported using the on-line form on the HUB for inclusion on the council's register.
3. **Gifts over £25** in value must not be accepted without prior permission from line management or Corporate Director. If authorisation is given, and the gift accepted, it must then be registered as above.
4. **Declaration of Interests**; if you feel that a personal involvement outside of work may affect judgements made in work, or be construed as doing so, these must be declared and registered as above.
5. **Cash gifts of any value are strictly prohibited!**

Some useful links / contacts

Employee Code of Conduct	https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx
Whistleblowing policy	https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx
Anti- Fraud, Corruption and Bribery	https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx
Disciplinary Policy	https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx
Head of Governance and Business Support	Joanne.billington@wyre.gov.uk or telephone 01253 887372
Monitoring Officer	Mary.grimshaw@wyre.gov.uk or telephone 01253 887214
Deputy Monitoring Officer	Jane.collier@wyre.gov.uk or telephone 01253 887506

**LOCAL CODE OF
GOOD PRACTICE FOR
COUNCILLORS AND OFFICERS
INVOLVED IN THE
PLANNING PROCESS**

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Appendices

- (1) Protocol for the Involvement of Members in Pre-Application Discussion
- (2) Protocol for Committee Site Visits

1. Introduction

- 1.1 This updated Code of Practice has been prepared based on advice issued in the 2019 version of the Local Government Association's Probity in Planning guide and the 2014 version of the Lawyers in Local Government Model Members' Planning Code or Protocol.
- 1.2 Planning has a positive and proactive role to play at the heart of local government. It helps councils to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.
- 1.3 The planning system works best when officers and councillors involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.
- 1.4 Planning decisions involve balancing many competing interests. In doing this, decision makers' need an ethos of decision-making in the wider public interest on what can be controversial proposals.
- 1.5 It is recommended that councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

2. Background

- 2.1 In 1997, the Third Report of the Committee on Standards in Public Life (known as the Nolan Report) resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. In today's place shaping context, early councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the settlements that communities need.
- 2.2 This Local Code of Good Practice is intended to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimises the risk of legal challenges.
- 2.3 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework.
- 2.4 Decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.
- 2.5 One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

- 2.6 Whilst councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that planning authorities make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.
- 2.7 The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper.

3. The General Role and Conduct of Councillors and Officers

- 3.1 Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate, whilst officers are responsible to the council as a whole. Officers advise councillors and the council and carry out the council's work. They are employed by the council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's positions.
- 3.2 Both councillors and officers are guided by codes of conduct. The Code of Conduct for Members is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership and promotes and supports high standards of conduct when serving in public posts.
- 3.3 Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. Similarly, staff who are solicitors are subject to Solicitor's practice rules and various Codes made under these Rules.
- 3.4 In addition to these codes, the council's standing orders set down rules which govern the conduct of council business.
- 3.5 Councillors and officers should be cautious about accepting gifts and hospitality and should exercise their discretion. Guidance on these issues for both councillors and officers are included in the Guidance for Councillors and Officers on Gifts and Hospitality. As a general rule, business gifts and hospitality should not be accepted by any councillor. However, if a gift is received or hospitality accepted, unless it is of a purely "token" value, it should be declared to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt. Such details will be recorded in the Register of Gifts and Hospitality which is open to inspection by the public. Prior to accepting any gift or hospitality with a value of £50 or more a Councillor must seek authorisation from the Monitoring Officer.
- 3.6 Similarly, officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. The Council have adopted a policy for Officers on gifts and hospitality, which is contained in the Guidance for Councillors and Officers on Gifts and Hospitality. Wherever possible, offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and unless it is of "token value" declare its receipt as soon as possible to the officer's Line Manager and the Audit and Risk Manager. Prior permission of the officer's Line Manager or Director is required before accepting gifts or hospitality of £25.00 or over. The Council provides a register to

record such offers whether or not accepted which is held by the Head of Governance. This register is reviewed regularly by the Council's Monitoring Officer. Failure by an officer to make an entry is likely to lead to disciplinary measures.

- 3.7 Employees must always act impartially and in a politically neutral manner. The Local Government and Housing Act 1989 enables restrictions to be set on the outside activities of senior officers, such as membership of political parties and serving on another council. Councils should carefully consider which of their officers are subject to such restrictions and review this regularly.
- 3.8 Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.
- 3.9 Whilst the determination of a planning application is not a 'quasi-judicial' process, it is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review and/or complain to the Ombudsman on grounds of maladministration or a breach of the authority's code.
- 3.10 Finally, as planning can sometimes appear to be complex and as there are currently many changes in planning taking place, the Local Government Association endorses the good practice of many councils which ensures that their councillors receive training on planning when first appointed to the planning committee or local plan steering group, and regularly thereafter. The Council provides training on the planning process.

DO	first apply the rules in the Member's Code of Conduct. This includes the rules on, Disclosable Pecuniary Interests (DPIs), any other interests, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
DO	then apply the rules in this Local Code of Good Practice. Failure to do so may put: - the Council at risk of proceedings on the legality of the related decision or maladministration; and - yourself at risk of being named in a report made to the Council; and, - if the failure is also likely to be a breach of the interest provisions in the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
DON'T	accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that: - it is of a minimum, - prior authorisation has been obtained from the Monitoring Officer where necessary;

	- its acceptance is declared to the Monitoring Officer as soon as possible and always within 28 days of receipt; and it is recorded in the Register of Gifts and Hospitality where necessary.
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4. Registration and Declaration of Interests Predetermination, Predisposition or Bias and 'Calling-in' a Planning Application

- 4.1 Chapter 7 of the Localism Act 2011 places requirements on councillors regarding the registration and disclosure of their pecuniary interests and sets out the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of disclosable pecuniary interests are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences.
- 4.2 For full guidance on interests, see Openness and transparency on personal interests: guidance for councillors, Department for Communities and Local Government, March 2013. (This Code of Practice does not seek to replicate the detailed information contained within the DCLG guidance note). Advice should always be sought from the Council's Monitoring Officer or Deputy Monitoring Officer. Ultimately, responsibility for fulfilling the requirements rests with each councillor.
- 4.3 The provisions of the Localism Act 2011 seek to separate interests arising from the personal and private interests of the councillor from those arising from the councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the councillor's involvement would be appropriate.
- 4.4 The Code of Conduct for Members establishes what interests need to be disclosed. All disclosable interests should be registered and a register is maintained by the Council's Monitoring Officer and made available to the public. Councillors should also disclose that interest orally at the committee meeting when it relates to an item under discussion.
- 4.5 A councillor must provide the Monitoring Officer with written details of any disclosable interest which the Council has decided should be included in the register within 28 days of their election or appointment to office. Any new interests or changes to those interests must similarly be notified within 28 days of the councillor becoming aware of such changes.
- 4.6 A disclosable pecuniary interest relating to an item under discussion requires the withdrawal of the councillor from the committee during any discussion or voting. In certain circumstances, a dispensation can be sought from the appropriate body or officer to take part in that particular item of business.
- 4.7 If a councillor has another interest (as described in the Council's Code of Conduct for Members) he or she should disclose that interest but then, depending on the circumstances may speak and vote on that particular item. This includes being a member of an outside body or any other significant interest (for example where a councillor anticipates that a decision might reasonably be deemed to benefit or disadvantage him or herself a member of the councillor's family or a person with

whom the councillor has a close association to a greater extent than another Council constituent). In such circumstances, the councillor must consider whether his/her participation in the matter relating to his/her interest would be reasonable in the circumstances particularly if the interest may give rise to a perception of a conflict of interest and/or is likely to prejudice his/her judgement. If this is the case, the councillor may make representations if there is an entitlement for a member of the public to speak but must not participate or vote on the matter being discussed and must leave the room whilst any discussion or voting takes place.

- 4.8 It is always best to identify a potential interest early on. If a councillor thinks that they may have an interest in a particular matter to be discussed at a planning committee he or she should raise this with their Monitoring Officer or Deputy Monitoring Officer as soon as possible.
- 4.9 Members of a planning committee, Planning Policy Working Group (or full Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.
- 4.10 The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.
- 4.11 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a court quashing such planning decisions.
- 4.12 Section 25 of the Localism Act 2011 also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
- 4.13 This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased.
- 4.14 For example, a councillor who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a councillor who states: "Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area."
- 4.15 If a councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter.

4.16 This will apply to any member of the planning committee who wanted to speak for or against a proposal, as a campaigner (for example on a proposal within their ward).

4.17 A councillor is not required to cast aside views on planning policy that he or she held when seeking election or otherwise acting as a member, in giving fair consideration to points raised.

4.18 A ward councillor representing the ward within which a planning application site lies or a ward councillor representing an adjoining ward can request that a planning application be considered by the Planning Committee rather than by the Head of Planning & Regeneration in accordance with Part 7.02 of the Constitution - Scheme of Delegation. In doing so the councillor must not have a disclosable pecuniary interest relating directly to the planning application.

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DO	disclose the existence and nature of any interests as required by the Members' Code of Conduct
DO	take into account that the Principle of Integrity is defined in terms that " <i>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships</i> ".
DON'T	seek or accept any preferential treatment or place yourself in a position that could lead the public to think that you are receiving preferential treatment because of your position as a councillor. This would include where you have a disclosable or other interest in a proposal using your position to discuss that proposal with officers or councillors when other members of the public would not have the same opportunity to do so.
DO	note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.
DO	notify the Monitoring Officer where you have a disclosable pecuniary interest in an application and note that where possible you should notify the Monitoring Officer no later than submission of that application and you must not get involved in the processing of the application.
DON'T	fetter your discretion by approaching a decision with a closed mind.
DO	keep at the front of your mind that, when you come to make a decision, you: <ul style="list-style-type: none"> - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments; - keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides; - are only entitled to take account of material considerations; and you must disregard considerations irrelevant to the question and legal context at hand; and - only come to a decision after giving what you feel is the right weight to those material considerations.

DO	consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided: <ul style="list-style-type: none"> - the proposal does not substantially effect the well-being or financial standing of the consultee body; - you make it clear to the consultee body that: <ul style="list-style-type: none"> · your views are expressed on the limited information before you only; · you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
DO	take the opportunity to exercise your speaking rights as a member of the public where you have represented your views or those of local electors and predetermined the matter or have an Other Significant Interest, but do not have a Disclosable Pecuniary Interest .

5. Development Proposals Submitted by Councillors and Officers; and Council Development

- 5.1 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.
- 5.2 Such proposals must be handled in a way that gives no grounds for accusations of favouritism.
- 5.3 A councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but the councillor, as applicant, should also not seek to improperly influence the decision.
- 5.4 Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers.

[5.5 Proposals submitted by serving and former councillors, officers and their close associates and relatives are more likely to be presented to the Planning Committee for a decision than would otherwise be the case.](#)

DO	be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of the planning committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
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6. Lobbying of and by Councillors

- 6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee.
- 6.2 As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".
- 6.3 Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question and require that councillor to declare an interest unless care and common sense is exercised by all the parties involved.
- 6.4 As noted earlier in this Code, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, councillors (members of the planning committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving advice about the process and what can and can't be taken into account.
- 6.5 Councillors can raise issues which have been raised by their constituents, with officers. If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at committee.
- 6.6 If any councillor, whether or not a committee member, speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the committee may have been influenced by their continuing presence.
- 6.7 It is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual councillor.
- 6.8 This Local Code of Good Practice addresses the following more specific issues about lobbying:
- Planning decisions cannot be made on a party political basis in response to lobbying; the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
 - Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors.

- Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise the officers' impartiality or professional integrity.

6.9 The responsibilities and duties under the Code of Conduct apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this code.

DO	explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or have such a firm point of view that it amounts to the same thing.
DO	remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
DO	pass on any lobbying correspondence you receive to the Head of Planning Services at the earliest opportunity.
DO	promptly refer to the Head of Planning Services any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
DO	inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
DON'T	become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
DO	join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you should seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
DON'T	excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
DON'T	decide or discuss how to vote on any application at any political group meeting, or lobby any other councillor to do so. Political Group Meetings should never dictate how councillors should vote on a planning issue.

7. Pre-Application Discussion

7.1 Pre-application discussions between a potential applicant and a council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

- 7.2 Some councils have been concerned about probity issues raised by involving councillors in pre-application discussions, worried that councillors would be accused of predetermination when the subsequent application came in for consideration. Now, through the Localism Act and previously the Audit Commission, the Local Government Association and Planning Advisory Service recognise that councillors can have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors lead on community issues and helps to make sure that issues don't come to light for the first time at committee. The Planning Advisory Service recommends a 'no shocks' approach.
- 7.3 The Localism Act 2011, particularly section 25, by endorsing this approach, has given councillors' much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid perceptions that councillors' might have fettered their discretion, such discussions should take place within clear, published guidelines which are attached as an appendix to this document.

DO	refer those who approach you for planning, procedural or technical advice to officers.
DON'T	agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should ask the Head of Planning Services to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the pre- application file.
DO	<ul style="list-style-type: none"> - follow the Council's rules on lobbying; - consider whether or not it would be prudent in the circumstances to make notes when contacted; and - report to the Head of Planning Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
	In addition in respect of presentations by applicants/developers:
DON'T	attend a planning presentation without requesting an officer to be present.
DO	ask relevant questions for the purposes of clarifying your understanding of the proposals.
DO	remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the planning committee.
DO	be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee meeting.

8. Officer Reports to Committee

- 8.1 As a result of decisions made by the courts and ombudsman, officer reports on planning applications must have regard to the following:

- Reports should be accurate and should include the substance of any objections and other responses received to the consultations.
- Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations, and any other material planning considerations.
- Reports should have a written recommendation for a decision to be made.
- Reports should contain technical appraisals which clearly justify the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

8.2 Any oral updates or changes to the report should be recorded.

9. Public Speaking at Planning Committee Meetings

9.1 The Council agreed on 20 September 2007 to introduce a process to enable members of the public to speak at Planning Committee meetings. The arrangements were implemented from December 2007, and have since been reviewed in June 2008, in 2015, in February 2017, and in April 2021.

9.2 The revised arrangements reflect national best practice and are intended to provide more open, transparent and informed decision making whilst making effective use of Member and Officer time.

9.3 Who can speak at the Planning Committee meeting?

Members of the public who are supporting or objecting to a proposal which is the subject of a planning application can make a request to address the Committee. Ward, Parish, Town, and County Councillors representing the ward or parish within which the application site lies may also address the Committee under the provisions of this guidance. In addition, the Ward councillor representing an adjoining ward, who has called the application in, can address the Committee under the provisions of the guidance. A Ward, adjoining Ward, Parish, Town, or County Councillor may speak only once and cannot speak as a representative of more than one body. The applicant and/or agent (which can include any person employed or engaged by the applicant to support the application) may also address the Committee to put their case, or to reply to matters raised by other speakers. Speakers may only speak in relation to applications for planning permission and not in relation to any other report presented to the Planning Committee for consideration, including any proposals relating to Tree Preservation Orders.

9.4 How much time is allowed?

Each speaker will have a maximum of 3 minutes. The time will be controlled by the Chairman and by a 'traffic light' system operated by the Committee Clerk.

Objectors will have a maximum of 12 minutes in total, supporters will have 12 minutes in total, Ward, adjoining Ward, Parish or Town and County Councillors will have 3 minutes each.

The applicant may speak for 3 minutes but if the applicant does not wish to speak, the applicant may instead nominate another person to speak in substitution on their behalf for 3 minutes.

In addition, the applicant's planning or other agent may also speak for 3 minutes.

An individual may only speak for a maximum of 3 minutes.

9.5 How many people are allowed to speak?

In circumstances where there are a number of members of the public who wish to speak, either as objectors or supporters of an application, it is recommended that up to a maximum of 4 spokespersons should be nominated to speak. In any event, no individual may speak for more than 3 minutes unless under exceptional circumstances at the discretion of the Chairman.¹

Only one Parish or Town Councillor, one adjoining Ward Councillor (if they called in the application) and the County Councillor, may speak.

Where a ward in Wyre is represented by more than one councillor, each of those councillors will be able to speak on an application if they wish, i.e. up to three Wyre Councillors representing the ward in which the application site is located. Where there is no Wyre Ward Councillor available or wishing to speak under the provisions of this scheme, a member of the Planning Committee who is also a member for the ward within which the application site lies may, if they wish, speak as a Ward Councillor but would then be limited to 3 minutes and thereafter would not be able to take part in the debate as a member of the Planning Committee and would not be able to vote on that item.

Members of the Committee may ask the speaker questions of clarification on factual matters after they have finished speaking.

9.6 Registering to speak

Those wishing to speak must register a request to speak with the Council's Committee Clerk no later than 24 hours before the start of the meeting. Any requests to speak received after the deadline will not be accepted except under exceptional circumstances at the Chairman's discretion.²

Not more than one person per household may register to speak and any person registering to speak must confirm that they will be available on the day of the

¹ The Chairman in liaison with officers will be responsible for continuing to ensure that there is equality of access to the public speaking process and time limits for speaking can be extended, late registration to speak accepted and/or a spokesperson nominated in appropriate circumstances. See paragraph 'Additional Help' for further detail.

² The Chairman in liaison with officers will be responsible for continuing to ensure that there is equality of access to the public speaking process and time limits for speaking can be extended, late registration to speak accepted and/or a spokesperson nominated in appropriate circumstances. See paragraph Additional Help for further detail.

meeting. Unless there are exceptional circumstances (and at the Chairman's discretion) speakers may not use proxies to speak or read out statements on their behalf.

The requirement to pre-register also applies to applicants and/or agents

Ward, adjoining Ward, Parish, Town, or County Councillors do not need to register their intention to speak in advance.

- 9.7 The procedure allows the public to speak to the Committee, but when addressing the committee under this procedure no material or information may be displayed or circulated to the Committee Members. This is because Councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. It may also result in delays to the proceedings.

Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

9.8 Additional Help

The Council is committed to ensuring equality of access to the public speaking process.

Individuals who have a disability or do not speak English as their first language or have some other appropriate need (for example require an interpreter/spokesperson) should contact democraticservices@wyre.gov.uk and reasonable adjustments will be made to assist which may include extending the timescales for speaking, accepting late registration to speak and/ or accepting the nomination of a spokesperson.

9.9 The procedure

1. The application will be introduced by the Chairman.
2. If there is an update from the Head of Planning ~~Services & Regeneration~~ requesting the deferment of the application, the Chairman will ask the Committee to consider this request without any public speaking. If the motion to defer the application is carried, the Chairman will move on to the next item, otherwise he will move to the next stage as set out below.
3. The Chairman will introduce the item stating whether or not the members of the Committee have visited the site.
4. ~~Where no site visit has been necessary,~~ The Head of Planning & Regeneration, the Development Manager or other planning officer will then present any updates, play any video showing the site, ~~and will display the~~ relevant plans, photographs or other information.
5. The order in which the Chairman will call the public to speak will be:
 - Those objecting to the application

- Those supporting the application
 - A local Parish or Town Council Member
 - Wyre Ward Councillors
 - The Adjoining Ward Councillor (if they called in the application)
 - A County Councillor
 - The applicant and/or agent for the application
6. After each person has spoken the Members of the Committee may ask the speaker questions of clarification on factual matters only.
7. The Committee will then debate the application without further public involvement under the direction of the Chairman. The Chairman may also invite the Head of Planning [Services & Regeneration](#) to comment on matters raised or respond to questions as appropriate during or at the end of the debate.
8. The Committee will then reach a decision by voting on any properly tabled recommendation/ motion.
9. After each decision the Chairman will inform the meeting of the decision.

If, during the debate of an item by the Committee (point 7 above), there is a motion to defer the application which is carried, when the application is brought back to the Committee, there shall be no further opportunities for the public or non-committee members to speak, unless the deferral has resulted in a material change to the application, additional information, or revised plans upon which there has been further publicity and/or consultation.

A guide explaining the procedures is available on the Council's website.

DON'T	allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias
DO	ensure that you comply with the Council's procedures in respect of public speaking.

10. Decisions Contrary to Officer Recommendations and/or the Development Plan

- 10.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).
- 10.2 This applies to all planning decisions. Any reasons for refusal must be justified against the development plan and other material considerations.
- 10.3 The courts have expressed the view that the committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.

- 10.4 Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.
- 10.5 Planning committees should take the following steps before making a decision which differs from the officer recommendation:
- if a councillor is concerned about an officer recommendation they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting
 - record the detailed reasons as part of the mover's motion.
- 10.6 If the planning committee makes a decision contrary to the officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Councillors should be prepared to explain in full, and by reference to planning policy and/or other material planning considerations their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.
- 10.7 The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.
- 10.8 The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officer's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

11. Committee Site Visits

- 11.1 National standards and local codes also apply to site visits. Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. This should avoid accusations that visits are arbitrary, unfair or a covert lobbying device.
- 11.2 This Code applies whenever the councillor is conducting official business, which will include site visits. The council has set out the criteria for deciding when a site visit is justified and considered the procedures for such visits, the details of which can be found at Appendix 2 to this Code.
- 11.3 Site visits are for observing the site and gaining a better understanding of the issues. Visits made by committee members, with an officer present to assist, are normally the most fair and equitable approach. They should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there.
- 11.4 Once a councillor becomes aware of a proposal they may wish to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points (e.g. the public highway) and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not

good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

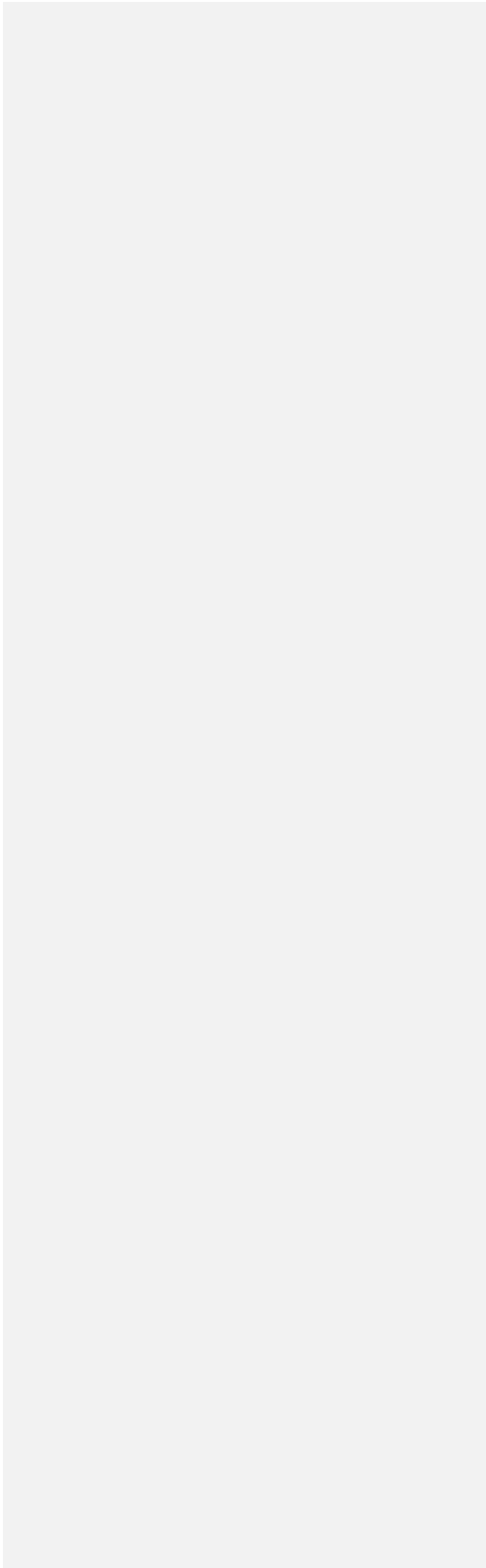
DO	try to attend site visits organised by the council where possible.
DO	ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
DO	ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
DON'T	hear representations from any other party. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
DON'T	express opinions or views.
DON'T	enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless: <ul style="list-style-type: none"> - you feel it is essential for you to visit the site other than through attending the official site visit, - you have first spoken to the Head of Planning Services about your intention to do so and why (which will be recorded on the file) and - you can ensure you will comply with these good practice rules on site visits.

12. Annual Review of Decisions

- 12.1 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 12.2 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.
- 12.3 Scrutiny or standards committees may be able to assist in this process but the essential purpose of these reviews is to assist planning committee members to refine their understanding of the impact of their decisions. Planning committee members should be fully engaged in such reviews.

13. Complaints and Record Keeping

- 13.1 The Council has a complaints procedure.
- 13.2 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should, up to the point of decision (including any decision on appeal or legal challenge) contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by committee and under delegated powers, and to applications, enforcement and development plan matters.



**APPENDICES TO THE LOCAL CODE OF GOOD PRACTICE FOR
COUNCILLORS AND OFFICERS INVOLVED IN THE PLANNING
PROCESS**

**(1) PROTOCOL FOR THE INVOLVEMENT OF MEMBERS IN PRE-
APPLICATION DISCUSSIONS**

(2) PROTOCOL FOR COMMITTEE SITE VISITS

Appendix 1

Protocol for the Involvement of Members in Pre-application Discussions (to be attached as an appendix to the Local Code of Good Practice for Councillors and Officers Involved in the Planning Process)

1. Existing Guidance

- 1.1 Existing guidance for members involved in the planning process may be found in Part 5.07 of the Council's Constitution to which this protocol is an appendix. Additionally, members may refer to other national publications including:
- Positive Engagement – a guide for planning councillors (CLG, PAS, POS, LGA)
 - Probity in Planning for councillors and officers (Local Government Association, Planning Advisory Service)
 - Model Council Members' Planning Code or Protocol (Lawyers in Local Government)

2. Ways to be involved

2.1 Informal Member Briefing

Following the formal closure of the Planning Committee each month, the Head of Planning [Services & Regeneration](#) or Development Manager will report to members on the details of any pre-application discussions held in respect of a 'Major' or 'Large Major' development proposal since the previous Committee meeting.

- Once the Committee meeting has been formally closed and after all members of the public and other non committee members have left, the Head of Planning [Services & Regeneration](#), or Development Manager, will inform Members of the Planning Committee of any pre-application discussions commenced or ongoing since the previous committee meeting.
- The presentation will include a display of any plans submitted by the prospective applicant, a summary of the key issues identified, and the key policy considerations.
- In order not to influence members or give rise to any possibility of predetermination or bias, officers will not report to members on any views that they have previously expressed or forwarded to the prospective applicant.
- Members may ask questions or comment on the proposals identifying:
 - Consultation gaps or the need for wider consultation (within limits)
 - Issues that have not been identified but are of local significance
 - Issues that have not been identified and are of wider significance
 - Issues that will be of concern to the community that the applicant can be asked to resolve
 - What opportunities exist to incorporate a development into the local context
- In order to provide transparency to this process, members' questions and comments will be noted in writing and used to provide feedback to a developer.

- All members of the Planning Committee are aware of the law relating to predetermination and will disqualify themselves from considering future applications if they have actually predetermined the matter. Any statements which members make therefore at this stage which might be interpreted as indicating that a member has a view on the merits of the application should be taken as indicating a preliminary view which is capable of being changed and that the member will consider the application on its merits if presented to the Planning Committee. The test here is whether a fair-minded and informed observer, having considered the facts, would decide that there was a real possibility that the councillor had predetermined the issue or was biased.

2.2 Developer Presentation

Following a written request to the Head of Planning [Services & Regeneration](#), and subject to the agreement of the Head of Planning [Services & Regeneration](#), in consultation with the Chairman of Planning Committee and the Planning and Economic Development Portfolio Holder, a developer may make a formal presentation to members and officers in order to seek their views in a prearranged and time limited meeting.

- For certain applications which have strategic implications or are likely to raise significant public interest, officers may suggest to a developer that they request the opportunity to make a presentation.
- Any member who considers that a presentation by a developer is appropriate/desirable, should make their request via the Head of Planning [Services & Regeneration](#) and should not approach the developer direct.
- The types of scheme that may be presented include major development proposals, development proposals that otherwise raise complex policy issues, or schemes that are wholly innovative in terms of design or concept.
- There will usually only be one opportunity to make a presentation to members per proposal.
- In order to ensure that the developer also carries out a pre-application consultation with the public (including the Parish/Town Council where appropriate), a request for a meeting will only be accepted provided that the developer has, prior to making such request, held a separate public consultation event in accordance with the council's Statement of Community Involvement.
- The meeting will be held at the Civic Centre
- Invitations to the meeting will be extended to the members of the Planning Committee, the Planning and Economic Development Portfolio Holder, the Leader of the Council and any ward member for the ward within which the proposed development is situated.
- The meeting will be chaired by the Chairman of Planning Committee who will explain the role of Members at the meeting. It should be explained that the main purpose is to learn about the emerging proposal, and to identify outstanding issues to be dealt with. Planning Committee members will not be in a position

to indicate any view as they need to balance all material considerations before reaching a view on any application in due course. This can act as a reminder to Councillors as well as a general explanation to all present. Where non Planning Committee members are present, they can express initial views on behalf of communities, whilst planning committee members should restrict themselves to questions or clarification.

- At least two officers must attend, one of which should be the Head of Planning [Services & Regeneration](#) or the Development Manager.
- The meeting will not be open to the public.
- The senior officer present will introduce the purpose of the meeting and advise how it will be conducted. Members will be advised as to the confidentiality status of the proposal (unless the developer advises otherwise).
- Developers will be given the opportunity to make a presentation that should describe their proposal and should explain how the proposal relates to both relevant national and local policy, and any other material considerations that they believe members should give weight to. The format and length of the presentation should be agreed with the Head of Planning [Services & Regeneration](#) beforehand (to ensure that it will not lead members into negotiations and to check for accuracy) and should be limited to the development proposal. They should not normally last longer than 20 minutes.
- Members will be able to ask questions following the presentation but must refrain from entering into debate directly with the applicant or giving advice that indicates a pre-judging of the proposals.
- Members must maintain an impartial listening role and Planning Committee members must avoid expressing an opinion to the applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern but must not develop into negotiations. It is equally important at this stage for members not to have closed minds as to the merits of the proposal.
- The Chairman will then conclude the meeting. After the applicants have left the meeting members can then discuss the proposals with officers and may advise officers of any concerns they may have and any elements with which they feel would benefit from negotiation with the developer. They will then be guided by professional officers as to what negotiations would be reasonable and would align with policy. Negotiations will be undertaken by professional officers only.
- A planning officer will record the meeting and take a note of all persons present, the issues discussed and the follow up actions. This will be placed on the file by the officer involved, to protect the members and the authority by showing what issues were discussed and that no pre-determination arose.
- The involvement of members will be recorded in any subsequent Committee Report.

2.3 Developer Forums

Within the Council's Statement of Community Involvement developers are encouraged to present their proposals to the public prior to the submission of an application, and incorporate a mechanism for getting the views of the public on such proposals.

Such events may simply involve written consultation with local residents around the site, or may (more likely) to be in the form of an exhibition held in a local venue where the proposed plans are on display and the public are invited to ask questions of the prospective applicant or their agents, and are asked for their views. Such views may be expressed verbally (and may be recorded by the event organisers) or they may be made in writing (often on pre-printed response forms).

Members are encouraged to attend such events but should act in accordance with the following guidance:

- Do not go 'incognito' – if approached (as you may well be) be open about your position as a councillor.
- Do not express an opinion until you have looked at the information (plans/models etc.) that is on show, as to do otherwise may indicate bias.
- Non planning Committee members may freely express an opinion on the proposals but are advised to make it clear whether this is a personal opinion or one made on behalf of local residents.
- Planning Committee members must maintain an impartial role and must avoid expressing an opinion to the prospective applicants. Questions and comments should focus upon clarifying aspects of the proposal or to flag up issues of concern. Comments should not be made in writing.

2.4 Private meetings/briefings involving officers and developers/landowners.

There may be some occasions where developers or landowners wish to discuss strategic developments or developments on strategic sites, which have implications for the council's corporate priorities and aims regarding regeneration and its economy. At the early stage of any discussions it may be appropriate to involve the Leader of the Council and/or the Planning and Economic Development Portfolio Holder in such discussions. Occasionally, other relevant Portfolio Holders may also be required. It would not be appropriate to involve any other Wyre Member.

- An invitation to the Leader of the Council and /or relevant Portfolio Holder to attend such a meeting shall come only from the Head of Planning [Services & Regeneration](#) or more senior officer.
- The Head of Planning [Services & Regeneration](#) shall attend all such meetings.
- The Leader and/or Portfolio Holder shall not, at any time, discuss the proposals with the developer/landowner without the Head of Planning [Services & Regeneration](#) or more senior officer being present.

2.5 Ward Members and rural affordable housing schemes.

The provision of affordable housing is a key priority and the delivery of schemes in rural areas requires a partnership approach involving officers, Registered Providers, landowners, Parish Councils and local Ward members. This requires that local Ward members should be involved in the delivery of rural affordable housing schemes from the site identification stage, through to the completion of the development. Much of this is at pre application stage. As community leaders they need to be actively seeking out landowners to bring forward suitable sites that would otherwise be unacceptable for development if they were not for affordable housing. Local Ward Members need to be sponsors of suitable affordable housing sites in their Wards and be a key link with local people, developers and Parish Councils.

- Local Ward Members may identify sites within their own area and seek the views of planning officers on the suitability of such sites for development.
- Local Ward Members may attend relevant meetings between the partners during the design stage of the proposal and should feel free to contribute views and comments which enable the scheme to evolve.
- Any local Ward Member who is also a Member sat on Planning Committee shall not, at any time during the pre application or application stage, publicly express a view for or against a development prior to its formal consideration.

3. General Guidelines

- Wyre Members' involvement in pre-application discussions should be limited to the ways set out in this protocol. Members of the Planning Committee should not arrange private meetings with developers.
- Any Planning Committee Member who elects to publicly support a view for or against a proposed development prior to its subsequent determination will predetermine their position to the extent that they will be advised to declare an other significant interest and thus be free to present their views to Committee in the event of the Committee considering the subsequent application, but they should not be able to take part in the debate or vote on the application.
- Wyre Members should not, at any time, seek to influence or put pressure on officers to support a particular form of action or a particular view.

Appendix 2**Committee Site Visits****Introduction**

This protocol relates to Section 11 of the Local Code of Good Practice for Councillors and Officers involved in the Planning Process.

A lack of any common approach on when and why to hold a site visit and how to conduct it can leave a council open to the accusation that such visits are arbitrary and unfair or a covert lobbying device. A protocol setting out the arrangements for the Planning Committee encourages consistency and transparency of process.

The general approach should be that a site visit should only be used where the expected benefit is clear and substantial given that officers will have already visited the site and identified material considerations on behalf of the council.

Site visits should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.

When will a site visit be carried out?

A site visit will be carried out where one or more of the following criteria are met:

- a) the impact of the proposed development is difficult to visualise from the plans or from any supporting material, including photographs taken by officers.
- b) there is a good reason why the written comments of the applicant and objectors cannot be understood or appreciated without a site visit (e.g. to see particular features of the neighbourhood or wider landscape), or if the proposal is particularly contentious.
- c) a ward Councillor makes a request in writing to the Head of Planning [Services & Regeneration](#) not later than 2 working days after the publication of the agenda, and such a request contains reasons that show that there would be a clear and substantial benefit from visiting the site.
- d) the development is a major development and is considered to be of strategic importance/significance.

In all cases, the decision as to whether sites are visited rests with the Head of Planning [Services & Regeneration](#) or Development Manager in consultation with the Chairman of the Planning Committee. The reason(s) for carrying out a site visit will be recorded in the report of the Head of Planning Services.

How will the site visit be conducted?

It should be noted that any Member, may, at any time visit an application site, although any such visit will be restricted to that which can be viewed/assessed from any public land (e.g. highway or other public right of way). Members must not enter onto private land unless it is with the express permission of the landowner. In such circumstances members must be careful to remain impartial and not express any opinion indicating support for or objection to the development. For such reason, independent site visits are not recommended.

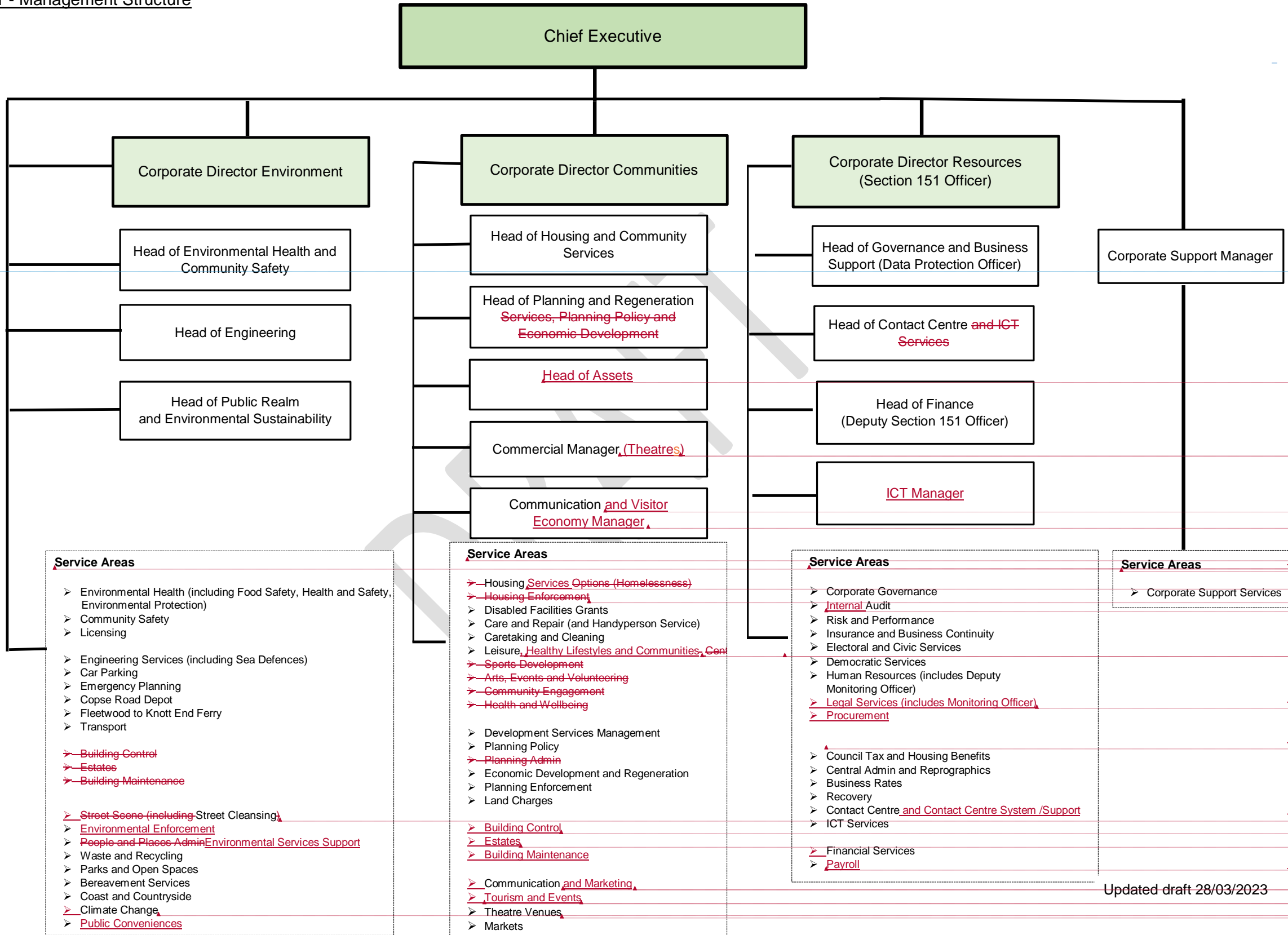
As at present, the site visits will be carried out prior to the Committee Meeting and will not constitute a part of the meeting.

The site visits will consist of an inspection by Members of the Planning Committee only, accompanied by planning officers (normally the Development Manager and/or the Head of Planning [Services & Regeneration](#)). The inspection should be unaccompanied (i.e. without the applicant/agent and/or objectors/supporters).

Prior to Members viewing the site (and during the site visit as appropriate), the officers shall describe the proposal and any accompanying plans and explain the key issues, particularly where relevant to what Members will be looking at on the site visit. Members may ask questions of the officers for clarification on any matter relating to the application, but should not express their opinion on the merits of the application, nor enter into any debate on the merits of the application with other Members at this time.

For particularly contentious applications objectors/supporters may be at the site (or gathered on public land adjacent to the site) and will be looking to make representations verbally to Members or to hand out material to Members to support their case. In these instances Members should explain that the purpose of their visit is to view the site and its surroundings and that they cannot enter into any discussion in respect of the merits of the application, and cannot accept any written or other material.

If the applicant or agent needs to be present to provide access to the site, they shall be requested to allow the Members to view the site unaccompanied. An exception to this would be where the applicant/agent is required to show the Planning Committee around – either for safety or security reasons or where it involves looking inside any occupied building. Under such circumstances, the applicant/agent will be asked not to speak on any issues concerning the merits of the application.



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Updated draft 28/03/2023

Scheme of Delegations to Officers

Functions, matters, powers, authorisations, delegations, duties and responsibilities within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.

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.
 7. In consultation with the Legal Services Manager to make orders under s.91 of the Local Government Act 1972.

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 and with virements over £20,000 also 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 consultations 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 Public Realm 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) Environment Act 1995 and 2021;
 - (j) Environmental Protection Act 1990 (in so far as it is an executive function);
 - (k) Guard Dogs Act 1975;
 - (l) Household Waste Duty of Care Regulations 2005;
 - (m) Litter Act 1983;
 - (n) Local Government (Miscellaneous Provisions) Act 1982.
 - (o) Tort (Interference with Good) Act 1977;
 - (p) Town Police Clauses Act 1847;
 - (q) 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 and 2021;
 - (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 Legal Services Manager

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.
16. To settle maladministration claims against the Council and to agree compensation to persons adversely affected by maladministration, pursuant to section 92 of the Local Government Act 2000.

(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 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 agreements pursuant to section 106 Town and Country Planning Act 1990 after consultation with the Head of Planning [and Regeneration Services](#).
2. To approve the naming of streets and the numbering of properties under Section 17 and 18 respectively of the Public Health Act 1925.

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 to delegate 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 executive functions delegated to the Corporate Director Resources, Corporate Director Communities and Corporate Director Environment.
7. To sign and/or seal any documents on behalf of the Council including any agreement, contract, notice, demand, order, or other document.

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.
 8. To sign and/or seal any documents on behalf of the Council including any agreement, contract, notice, demand, order, or other document
 9. In consultation with the Chief Executive to make orders under s.91 of the Local Government Act 1972.

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

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 carry out hearings 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 and Regeneration~~

To discharge any executive function falling within the area of responsibility of the Head of Planning ~~and~~ Regeneration 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 and Regeneration 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 and Regeneration 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 and Regeneration 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 15~~0~~ 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 and:-

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.

- (b) Any such request to the Head of Planning and Regeneration must state the planning reasons for doing so and include confirmation that they do not consider themselves to have a disclosable pecuniary interest relating directly to the Planning Permission or Advertisement Consent.

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 of the Town and Country Planning 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 determine, in respect of any report of an alleged breach of planning control, whether or not it is expedient to take formal enforcement action.
12. To issue, vary and withdraw enforcement notices for breach of planning control under the Town and Country Planning legislation.
13. 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.
14. To issue stop notices and temporary stop notices.
15. To issue breach of condition notices or planning contravention notices.
16. To Issue completion notices under S94 (2) of the Town and Country Planning Act 1990.
17. 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.

18. 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.
19. To apply for injunctions restraining a breach of planning control.
20. To take action, serve notices and enforce any notice served under section 215 Town and Country Planning Act 1990.
21. 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.
22. 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.
23. 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.
24. To approve, in consultation with the relevant Portfolio Holder, any update to the Local Development Scheme.
25. To comment whenever the Council is consulted by other public authorities or bodies on development proposals.
26. 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.
27. 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.
28. To authorise the execution of works in accordance with Section 54(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
29. To issue notices under Section 55 of the Planning (Listed Building and Conservation Areas) Act 1990.
30. To publish an Authorities Monitoring Report.
31. To apply for an injunction in relation to a listed building.
32. To serve listed building preservation notices under S3 and S4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and related powers.

33. 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 to 7, ~~and 9 to 18 and 20 to 23~~ of the Non-Executive Functions above, the Principal Planning Officer is authorised to perform duties set out in paragraphs 1, 9 to 18 and 20 to 23 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 and Community Services

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~~Assets

To discharge any executive function falling within the area of responsibility of the Head of ~~Built Environment~~Assets 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 Assets

To discharge any non-executive function falling within the area of responsibility of the Head of Built Environment Assets 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 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) Environment Act 1995 and 2021;
 - (k) Equality Act 2010 (regarding taxi travel);
 - (l) 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
 - (m) Factories Act 1961;
 - (n) Food Act 1984;
 - (o) Food Safety Act 1990;
 - (p) House to House Collections Act 1939;
 - (q) Licensing Act 2003;
 - (r) Local Government Act 1988;
 - (s) Mobile Homes Act 1983;
 - (t) Motor Salvage Operators Regulations 2002;
 - (u) Noise Act 1996;
 - (v) Noise and Statutory Nuisance Act 1993;
 - (w) Pollution Prevention and Control Act 1999;
 - (x) Salmon and Fresh Water Fisheries Act 1923 (Amendment) Act 1964;
 - (y) Slaughter of Poultry Act 1967; and
 - (z) 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 Corporate 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 and 2021;
 - (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 Revenues Manager and Senior Compliance Officers

To discharge any executive function falling within the area of responsibility of the Revenues 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.

Non-Executive Functions Delegated to the Partnership Officer (CCTV) and in their absence to the Manager of Environmental Protection and Community Safety

To discharge any non-executive function falling within the area of responsibility of the Partnership Officer (CCTV) including, but not limited to, the function set out in the paragraph below.

1. Officers must always ensure that prior to the purchasing, installing or modifying of any council CCTV system, approval and/or sign off must have been sought from the council's Partnership Officer (CCTV).

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APPENDIX TO PARAGRAPH 3 OF THE EXECUTIVE FUNCTIONS DELEGATED TO THE HEAD OF PLANNING AND REGENERATION 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>Designation of a Neighbourhood Forum</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"> • 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. • 6 week consultation with a further 7 weeks to make a decision (13 week overall 	<p>Decision to designate the Neighbourhood Forum is delegated to the Head of Planning and Regeneration 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>

	limit) – this applies in all other cases.		
<p>Designation of a Neighbourhood Area</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"> • 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; • 6 week consultation with a further 14 weeks to make a decision (20 week overall limit) – this applies when the Neighbourhood Area 	<p>Decision to designate the Neighbourhood Area is delegated to the Head of Planning <u>and Regeneration</u> 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>Signing off the local planning authority's representations on the pre submission draft</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 <u>and Regeneration</u>, 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>Publicising the Plan Proposal or modification proposal and submission to examination</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 <u>and Regeneration</u>, 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>Signing off the local planning authority's representations on the submission draft</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 <u>and Regeneration</u>, 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>Whether the local planning authority declines or accepts a repeat proposal</p> <p><i>(Schedule 4B of the Town & Country Planning Act 1990)</i></p>		<p>Decision delegated to the Head of Planning Services <u>and Regeneration</u>, 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>Appointment of an examiner</p> <p><i>(Schedule 4B of the Town & 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 and Regeneration, 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>Actions to take following receipt of an Examiner's report and consideration of modifications.</p> <p><i>(Schedule 4B of the Town & 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 and Regeneration, 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 authority's decision whether the Plan proceeds to referendum.</p>
<p>Whether to make (adopt) a Neighbourhood Development Plan or Order following Referendum</p> <p><i>(Section 38A of the Planning & 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>