

CHESHIRE EAST COUNCIL

CONSTITUTION

Chapter 2 - Remember to delete when complete

Date	Version	Author	Summary of amendments made
15.03.21	1	J Barnes BB	Update
22.03.21	2	J Barnes BB	Update s151 to CFO; add ToR for Committees
22.03.21	3	J Barnes BB	DB comments & update with officer reflections on the ToR,
8.04.21	4	J Barnes BB	Updated following receipt of councillor comments and Constitution Committee
20.04.21	5	J Barnes BB	Updated following Council on 19 April – amended re staffing appeals
18.05.21	6	D Brown CEC	Update for 22.06.21
25.05.21	7	V Barman BB	Updated to include Constitution Committee on 29 April
14.07.21	8	V Barman BB	Approved Full Council 22 June
24.08.21	9	V Barman BB	Updated to include defined Glossary terms in bold, to reflect separation of DCS and DAS and updated ED Place delegations
22.09.21	10	V Barman BB	Updated following Constitution Committee meetings of 15 and 22 September 2021

EDITION: May 2021

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Chapter 2

Responsibility for Functions

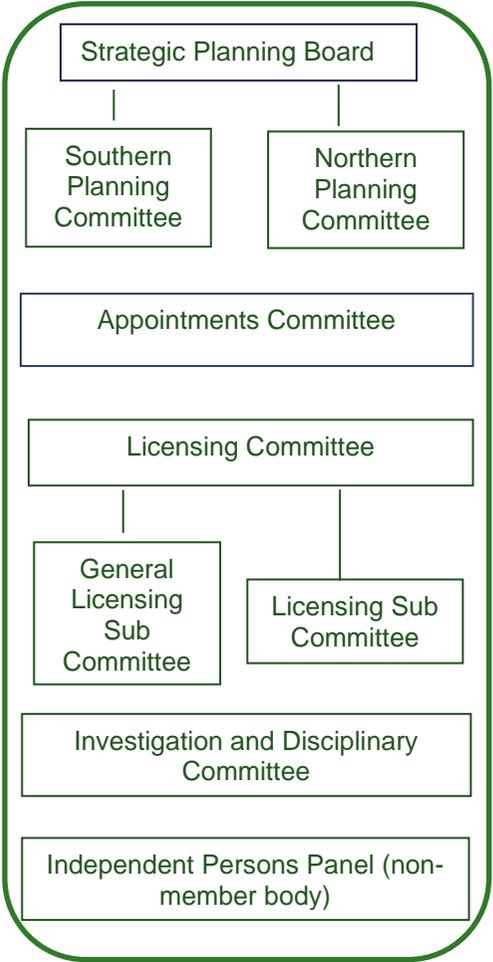
Part	Title	Contents
1	Explanation of Decision Making	This part shows a diagram of the Committee Structure
2	Introduction to Decision Making	This part sets out an introduction to who makes decisions in the Council
3	The Full Council	This part sets out: <ul style="list-style-type: none">• Functions of the Full Council• Council Meetings• Policy Framework• The Budget• Appointment to Outside Organisations
4	Functions of Committees	This part sets out the Functions, Roles and responsibilities of the Committees of the Council, which are: <ul style="list-style-type: none">• Corporate Policy Committee• Finance Sub-Committee• Staffing Appeals Sub-Committee• General Appeals Sub-Committee• Community Governance Review Sub-Committee• Economy and Growth Committee• Environment and Communities Committee• Highways and Transport Committee• Public Rights of Way Sub-Committee• Children and Families Committee• Corporate Parenting Committee• Health and Adults Committee• Health and Wellbeing Board• Scrutiny Committee

Part	Title	Contents
		<ul style="list-style-type: none"> • Strategic Planning Board <ul style="list-style-type: none"> ○ Northern Planning Committee ○ Southern Planning Committee • Licensing Committee • General Licensing Sub-Committee • Licensing Sub-Committee • Appointments Committee • Investigation and Disciplinary Sub-Committee • Independent Persons Panel • Audit and Governance Committee • Hearing Sub-Committee • Independent Remuneration Panel • Joint Arrangements <ul style="list-style-type: none"> ○ Shared Services Joint Committee ○ Cheshire Police and Crime Panel ○ Cheshire Fire Authority
5	Officer Delegations	<p>This part sets out the Scheme of Officer Delegation and contains a diagram of the officer structure at the Council. It sets out the areas of responsibility of the Senior Officers and Statutory Officers and the arrangements for the discharge of the Proper Officer functions.</p>

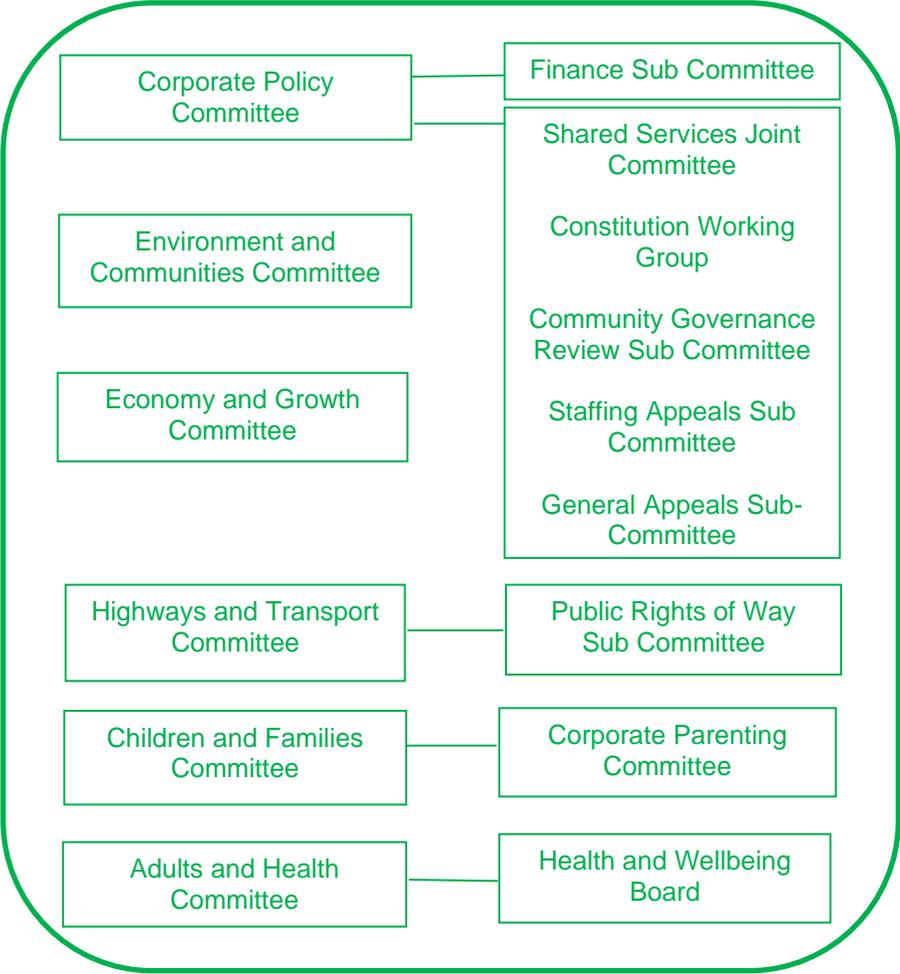
Chapter 2 – Part 1: Committee Structure

Council

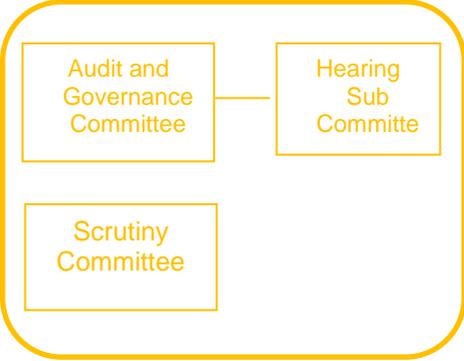
Regulatory and other Committees



Service Committees



Oversight Committees



Chapter 2 – Part 2

Introduction to decision making

- 1 This Part of the Council's Constitution sets out how decisions are made so that members of the public are clear about which part of the Council or which individual has responsibility for particular types of decisions.
- 2 The **full Council** and any Committee or Sub-Committee of the Council may delegate a function or decision to an **officer** in accordance with this Constitution. This can be on a permanent or one-off basis.
- 3 Where a matter covers numerous Committee Terms of Reference or there is any dispute or disagreement between Committees on:
 - Whether something falls within a Committee's Terms of Reference; or
 - A proposed course of action;the matter shall be referred to the Corporate Policy Committee (or **full Council** if more convenient) to resolve and decide upon a way forward.

Types of decision and the decision-takers

- 4 When the **full Council** makes decisions, it will comply with the [Council Procedure Rules](#).
- 5 When Committees and Sub-Committees make decisions, they will comply with the [Committee Procedure Rules](#).
- 6 When the **Scrutiny** Committee makes decisions, it will comply with the Scrutiny Procedure Rules (Agenda for Scrutiny Committee).
- 7 On occasions, the **full Council**, a Committee, Sub-Committee or an **officer** will act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of an individual. When this happens, they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- 8 **Significant decisions** are likely to be taken by Committees and may therefore appear on the [Council's Forward Plan](#).

Chapter 2 – Part 3

The Full Council

Functions of the Full Council

- 1 The following functions are the responsibility of the **full Council** and will be discharged by the full Council (all Councillors meeting together) unless specifically delegated to another Committee, Sub-Committee, body or **officer** elsewhere in this Constitution. The Council:
 - 1.1 is accountable to residents and service users for the proper discharge of all of its functions and the delivery of its services
 - 1.2 will keep under review the running of the Council's affairs and will implement changes where it considers there is a need to do so to improve the way in which the organisation operates, its relationships with the public and the delivery of services in the most efficient and effective way to deliver best value
 - 1.3 will adopt the Council's Constitution and approve any amendments to it (except where specifically delegated to the Corporate Policy Committee or the **Monitoring Officer**)
 - 1.4 will:
 - 1.4.1 elect the Mayor
 - 1.4.2 appoint the Deputy Mayor
 - 1.4.3 elect the **Leader** of the Council and ~~appoint~~ elect the Deputy Leader
 - 1.4.4 appoint Chairs and Vice-Chairs to Committees and Sub-Committees; and
 - 1.4.5 appoint to such other offices and/or positions as may be required under this Constitution or by law.
 - 1.5 will adopt the Policy Framework and any of the policies within it
 - 1.6 will agree the Council's Budget
 - 1.7 will determine any decision which would otherwise be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
 - 1.8 will adopt the Council's Codes of Conduct for Councillors and Officers and the Protocol on Councillor/Officer Relations
 - 1.9 will agree:

The Full Council

- 1.9.1 the establishment and composition of Committees and Sub-Committees (except for ad-hoc Sub-Committees or Panels envisaged by this Constitution)
 - 1.9.2 The **political balance** of such bodies as required from time to time
 - 1.9.3 the allocation of Chairs and Vice-Chairs to those bodies (see paragraph 2 below).
 - 1.10 will agree and amend the terms of reference of its Committees and Sub-Committees ~~and the job description for committee Chairs~~
 - 1.11 will determine any matter which is referred to it for determination by a Committee or Sub-Committee
 - 1.12 will adopt (or otherwise) Motions submitted in accordance with the Council Procedure Rules
 - 1.13 will approve the [Councillors' Allowance Scheme](#) for elected Members following advice from the [Independent Remuneration Panel](#)
 - 1.14 will appoint/dismiss the **Head of Paid Service**, dismiss the **Monitoring Officer** and **Chief Finance Officer**, designate an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer
 - 1.15 will appoint the Returning Officer and Electoral Registration Officer
 - 1.16 will approve the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and community governance functions
 - 1.17 may take decisions relating to the name of the area and may confer the title of Honorary Alderman or Freedom of the Borough
 - 1.18 may make decisions relating to the making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal bills
 - 1.19 will take decisions in respect of functions which have not been delegated by the Council to Committees, officers or elsewhere.
- 2 Nominations to the Council's Committees, Sub-Committees and decision-making bodies, and changes to such nominations, including nominations to Chairs and Vice-Chairs, shall be notified by the Council's Group Leaders or **Group Whips-Administrators** in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council for that body in line with the **political balance** rules.

Policy Framework

- 3 By law, the Council must have a policy framework. This is a list of plans and strategies which are relevant to the Council's functions and are decided by the full Council. These are set out in the Budget and Policy Framework Procedure Rules.

Budget

- 4 The Full Council sets the Council's budget each year, following a recommendation from the Corporate Policy Committee. The budget includes:
 - 4.1 The allocation of financial resources to different services and projects
 - 4.2 The Medium Term Financial Strategy
 - 4.3 The Council tax base
 - 4.4 Setting the Council tax
 - 4.5 The Capital Strategy
 - 4.6 The Reserves Strategy
 - 4.7 The **Treasury Management** Strategy, which includes the Council's borrowing requirement and Investment Strategy
 - 4.8 Council also sets the financial limits within the Finance Procedure Rules.

Appointment to Outside Organisations

- 5 The Corporate Policy Committee may make appointments to a service delivery organisations including companies and [local and regional organisations](#) which can be found by clicking on the link.

Chapter 2 – Part 4

Functions of Committees

- 1 This section sets out the functions, roles and responsibilities of the Committees of the Council, which are listed in the Contents section on page 4. The Terms of Reference are set out below.
- 2 All committees and sub-Committees will be appointed in accordance with the **political balance** rules except for Licensing Sub-Committees and other quasi-judicial bodies, such as appeals and the Hearings Sub-Committee. (Political balance is not required where an alternative arrangement is proposed and no Councillor votes against).
- 3 The quorum for all Committees and Sub-Committees is one third with a minimum number of three unless otherwise stated.
- 4 Committees are able to exercise all of the functions of their Sub-Committees and anything calculated to facilitate or conducive or incidental to the exercise of those functions.
- 5 Committees and Sub-Committees and their Chairs and Vice-Chairs are appointed by the Council, and they may appoint informal working groups, panels or task groups with defined terms of reference and timeframes (and may or may not be politically balanced).
- 6 All Panels, Working Groups and ad-hoc meetings of Sub-Committees may be convened by the Head of Governance and Democratic Services under the normal processes for making appointments to committees (via Group Leader/ Group Administrator ~~Whip~~ notification to the Head of Governance and Democratic Services).

Corporate Policy Committee

Membership: 13 Councillors

With the **Leader** of the Council as Chair

Functions

- 1 The Corporate Policy Committee will provide strategic direction to the operation of the Council by developing and recommending the Corporate Plan to **full Council** and making decisions on policies and practice where such decisions are not reserved to full Council.
- 2 The Committee's responsibilities include:
 - 2.1 formulation, co-ordination and implementation of the Corporate Plan and
 - 2.2 corporate policies and strategies, alongside the medium term financial plan (budget) which is the responsibility of the Finance

Committees

Sub-Committee. In the discharge of those responsibilities the Committee shall determine such matters to the extent that they are not reserved to full Council.

- 2.3 Human Resources, Organisational Development and Health and Safety matters affecting the Council; including adopting HR policies and practices and assurance in relation to staffing related matters;
- 2.4 making recommendations to **full Council** in relation to the annual Pay Policy Statement and any amendments to such statement.
- 2.5 making recommendations to **full Council** in relation to decisions affecting the remuneration of any new post where the remuneration is or is proposed to be or would become £100,000 p.a. or more.
- 2.6 making decisions in relation to proposed severance packages with a value of £95,000 or more as appropriate (excluding contractual and holiday pay), subject to the need to obtain a approval from **full Council** and central Government if required.
- 2.7 exercising the functions relating to local government pensions, so far as they relate to Regulations made under sections 7, 12, or 24 of the Superannuation Act 1972 or subsequent equivalent legal provisions.
- 2.8 determining key cross-cutting policies and key plans that impact on more than one service committee.
- 2.9 determining policy matters not otherwise allocated to any other **C**ommittee.
- 2.10 determining any matter of dispute or difference between any **C**ommittees.
- 2.11 a co-ordinating role across all other committees and exercising a corporate view of outcomes, performance, budget monitoring and risk management.
- 2.12 determining any matter that has a major impact on a number of Council services or the Council as a whole.
- 2.13 oversight and monitoring of the Councillors' Allowances budget and keeping under review the scheme for the payment of allowances to Councillors through the appointment of an Independent Remuneration Panel (IRP) to advise **full Council** on the adoption and any proposed amendments to such scheme.
- 2.14 reviewing considering amendments to the Council's Constitution and the recommendation of any changes to **full Council for**

approval except where specifically delegated to the **Monitoring Officer**;

- 2.15 considering recommendations and an Annual Report of the Council's involvement in **ASDVs**;
 - 2.16 appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) and reviewing the process for considering appointments to outside organisations;
 - 2.17 appointing Lay Members (who shall not be **Councillors**) to serve on the Independent Admissions and Exclusion Appeals Panel as required under the relevant legislation; and
 - 2.18 approving the payment of a reasonable and proper allowances and expenses for the work undertaken by the Council's Independent Persons
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorates of Finance & Customer Services; Governance & Compliance Services and Transformation including the following functions: Legal, Governance and Compliance; Audit and Risk; Transactional Services; Transformation; Business Change; B4B/ERP; Human Resources, ICT; together with Strategic Partnerships and shared services.
- 4 The Corporate Policy Committee shall be entitled to exercise: any function of the full Council not otherwise allocated; as well as the functions of all other Committees and Sub-Committees, particularly where plans, strategies or activities straddle a number of Committees.

Finance Sub-Committee

Membership: 8 Councillors

Functions

- 1 The Finance Sub-Committee will co-ordinate the management and oversight of the Council's finances, performance and corporate risk management arrangements. The Sub-Committee will make recommendations to the Corporate Policy Committee regarding the development of the Medium Term Financial Strategy and the setting and monitoring of the Capital and Revenue Budgets in accordance with the Corporate Plan and the Policy Framework.
- 2 The Sub-Committee's responsibilities include:
 - 2.1 determination of finance issues, including but not limited to **Treasury Management**, Insurance, Procurement, debt write off, settlement payments and virements in line with the constitution;
 - 2.2 establishment of a Procurement Forward Plan;

- 2.3 oversight of the Investment Strategy;
 - 2.4 grant awards for sums in excess of £50,000;
 - 2.5 property transactions including buying selling and appropriation of land and property (including compulsory purchase where required);
 - 2.6 management of the Council's involvement in **ASDVs** and overseeing the production of an Annual Report on performance; and
 - 2.7 making decisions as Shareholder or owner, reviewing and approving Business plans, including risk registers and commissioning services.
- 3 Oversight, scrutiny and budgetary review of the following functions: Land and Property; Central Budgets; Pensions; Grants; Council Tax; Business Rates; Reserves; and Other Funding.

Staffing Appeals Sub-Committee

Membership: 3 Councillors, established on an ad hoc basis in consultation with the Chair of the Corporate Policy Committee drawn from a pool of 10.

The requirement for **political balance ~~proportionality~~** under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee.

Before a **Councillor** can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Sub-Committee.

Functions

- 1 To consider appeals from **staff officers** in the following circumstances:
 - 1.1 Appeals against dismissal
 - 1.2 Appeals against grievances
 - 1.3 Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)

General Appeals Sub-Committee

Membership: 5 Councillors drawn from a pool of 10

The requirement for **political balance ~~proportionality~~** under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee.

Before a Councillor can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Sub-Committee.

Functions

- 1 The Sub-Committee is responsible for:
 - 1.1 hearing and determining appeals lodged under the various Marriage and Civil Partnership Acts;
 - 1.2 hearing and determining any appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (schools admissions and exclusions);
 - 1.3 hearing and determining any appeals lodged with the Council in respect of school transport or school organisation;
 - 1.4 hearing and determining appeals from bus contractors in accordance with contract procedures;
 - 1.5 hearing and determining any appeals lodged with the Council as Social Services Authority, and as authorised under all relevant social services legislation;
 - 1.6 hearing and determining any other appeals (other than staffing matters).

Community Governance Review Sub-Committee

Membership: 7 Councillors

Functions

- 1 The Sub-Committee is responsible for:
 - 1.1 undertaking a Borough-wide review of community governance arrangements for Cheshire East;
 - 1.2 Appointing persons to fill vacancies on Parish Councils where such Councils are otherwise unable to act; and
 - 1.3 All other Parish Council matters that are not reserved to full Council or delegated to Officers.

Constitution Working Group

Membership: No more than 8 Councillors

Functions

- 1 The Constitution Working Group will make recommendations to the Corporate Policy Committee and Council on:

Committees

- 1.1 the Council's administrative business, including electoral matters; administrative boundaries and support for Councillors;
- 1.2 determining policies and conventions in relation to the political management of the Council, including **political balance** and party groups for the purpose of Councillors' duties;
- 1.3 reviewing the Council's Constitution and recommending any changes to the Monitoring Officer (where not significant), or Corporate Policy Committee and Council;
- 1.4 recommending to Council or Corporate Policy Committee, as appropriate, the appointment of Councillors to Committees and Sub-Committees (including any co-opted Members);
- 1.5 overseeing and monitoring the Councillors' Allowances budget and keeping under review the scheme for the payment of allowances;
- 1.6 making recommendations to the Council on civic issues, including those affecting the Mayoralty, Honorary Freemen and Aldermen, nationally significant events and the Council's flag flying policy and civic regalia.

Environment and Communities Committee

Membership: 13 Councillors

Functions

- 1 The Environment and Communities Committee is responsible for developing policies and making decisions on matters relating to the delivery of inclusive and sustainable growth, improving the quality of the environment and delivering improvement in key front line services.
- 2 The Committee's responsibilities include:
 - 2.1 development and delivery of the Council's strategic objectives for Environmental Management, sustainability, renewables and climate change;
 - 2.2 the development and delivery of the Council's Environment Strategy and Carbon Neutral Action Plan;
 - 2.3 development and delivery of the Local Development Framework including the Local Plan, Supplementary Planning Documents, Neighbourhood Plans, the Brownfield Land Register, Conservation Areas, Locally Listed Buildings, the Community Infrastructure Levy, and Statement of Community Involvement;
 - 2.4 Regulatory functions including external health and safety good practice and enforcement including instituting proceedings and prosecutions;

- 2.5 determination of policies and making decisions, in relation to waste collection and disposal, recycling, fly tipping, parks and green spaces, community strategy and community hub, leisure, libraries and sports development, bereavement services, trading standards, environmental health, emergency planning, CCTV, nuisance and anti-social behaviour, public space protection orders, community enforcement, animal health and welfare, food safety, licensing, pest control, contaminated land and air quality; and
 - 2.6 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Environment and Neighbourhood, including: the Planning Service; Environmental Services; Regulatory Services; Neighbourhood Services and Emergency Planning.

Economy and Growth Committee

Membership: 13 Councillors

Functions

- 1 The Economy and Growth Committee will be responsible for developing policies and making decisions on matters relating to delivering inclusive and sustainable economic growth.
- 2 The Committee's responsibilities include:
 - 2.1 determination of policies and making of decisions in relation to housing management and delivery;
 - 2.2 determination of policies and making of decisions in relation to economic development, regeneration, skills and growth;
 - 2.3 development and delivery of the Council's estates, land and physical assets policies;
 - 2.4 determination of policies and making decisions in relation to the rural and cultural economy; and
 - 2.5 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Growth and Enterprise including: Facilities Management; Assets; Farms; Economic Development; Housing; Rural and Cultural Management; Tatton Park; Public Rights of Way; Cultural Economy; Countryside; and the Visitor Economy.

Highways and Transport Committee

Membership: 13 Councillors

Functions

- 1 The Highways and Transport Committee shall be responsible for developing policies and making decisions on matters relating to highways and transport as they affect the area of the Council taking into account regional and national influences.
- 2 The Committee's responsibilities include:
 - 2.1 formulation, co-ordination and implementation of corporate policies and strategies in connection with all car parking, transport and accessibility matters;
 - 2.2 determination of any matter affecting the Council's interests in relation to national infrastructure matters, for example HS2, Northern Powerhouse Rail and the National Road Network;
 - 2.3 discharge of the Council's responsibilities as Highway Authority; local transport authority; parking authority; and lead local flood authority
 - 2.4 determination of policies and making decisions in relation to flooding and accessibility, in co-ordination with the Scrutiny Committee;
 - 2.5 compulsory purchase of land to support the delivery of schemes and projects promoted by the Committee; and
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Highways and Infrastructure including: Transport Policy; Transport Commissioning; Car-parking; Highways; Infrastructure and HS2.

Public Rights of Way Sub-Committee

Membership: 7 Councillors

Before any **Councillor** can attend a meeting and participate in the business of the meeting, determination of an application or an appeal by any individual or body he/she must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Functions

- 1 The Public Rights of Way Sub-Committee's responsibilities include:
 - 1.1 discharge all the functions of the Council in relation to public rights of way (except the determination of non-contentious Public Path Order applications which has been delegated to the Executive Director Place);

Committees

- 1.2 discharge of Commons and Town and Village Greens functions;
- 1.3 being apprised of, approve, and comment on a range of policies, programmes and practices relating to Rights of Way, Commons, Town and Village Greens and countryside matters including:
 - 1.3.1 progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan);
 - 1.3.2 Statements of Priorities;
 - 1.3.3 Enforcement Protocols;
 - 1.3.4 Charging Policy for Public Path Order applications.

Children and Families Committee

Membership: 13 Councillors

The Chair of the Committee shall be the statutory Lead Member for Children's Services

Functions

- 1 The Children and Families Committee will be responsible for those services which help keep children and young people safe and enable them to achieve their full potential. The responsibility incorporates matters in relation to schools and attainment, early help and family support and social care for children and families. The Committee will oversee the work of the Corporate Parenting Committee, which focuses on those children who are cared for by the local authority and for whom the Council has corporate parenting responsibility.
- 2 The Committee's responsibilities include:
 - 2.1 determining policies and making decisions in relation to the delivery of services to children and young people in relation to their care, well-being, education and health.
 - 2.2 discharging the Council's functions in relation to children in need and child protection including safeguarding and youth justice.
 - 2.3 discharging the Council's functions and powers in relation to the provision of education and Schools Forum.
 - 2.4 support to and maintenance of relationships with schools in relation to raising standards of attainment.
 - 2.5 the Council's role as Corporate Parent.
 - 2.6 discharging the Council's functions in relation to Special Educational Needs and/or Disability (SEND).

Committees

- 2.7 discharging the Council's functions in relation to early help and family support;
 - 2.8 making arrangements for the nomination of school governors; and
 - 2.9 provision and commissioning of domestic violence support services and quality assurance.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorates of Prevention and Support, Education and 14-19 Skills and Children's Social Care including: Children's mental health, Prevention and early help, Children's transport, , Children Service Development and Children's Partnerships, Commissioning of support for children, Cared for Children and Care Leavers, Child in Need and Child Protection, Children with Disabilities and Fostering, Children's Safeguarding, Education Infrastructure and Outcomes, Education Participation and Pupil Support, Inclusion and SEND.

Corporate Parenting Committee

Membership: 12 Councillors

Additionally the Committee is informed by representative young people from My Voice (Cheshire East's Children in Care Council) to advise the Committee.

The Chair is the Lead Member for Children and Families.

Functions

- 1 The purpose of the Corporate Parenting Committee in its role as an advisory committee to the Children and Families Committee is to ensure that the Council effectively discharges its role as Corporate Parent for all children and young people in care and care leavers from 0- 25 years of age and holds partners to account for the discharge of their responsibilities.
- 2 The Committee's responsibilities include:
 - 2.1 acting as advocate for cared for children and care leavers, ensuring that their needs are addressed through key plans, policies and strategies throughout the Council and its commissioned services;
 - 2.2 ensuring key strategic plans relating to children in care and care leavers are in place and are delivered including the Corporate Parenting Strategy, Sufficiency Statement and Children and Young People's Plan;
 - 2.3 overseeing the implementation of Cheshire East's Corporate Parenting Strategy and action plan and monitoring the quality

Committees

- and effectiveness of services to ensure that they fulfil the Council's responsibilities;
- 2.4 monitoring the quality of care delivered by Cheshire East's residential children's homes through visits and reports, including summary reports of Ofsted inspections;
 - 2.5 reviewing the performance of the Council in relation to outcomes for children and young people in care via the scrutiny of both quarterly performance reports and annual reports including the Health of Cared for Children and Care Leavers, the Virtual School, Fostering and the Independent Reviewing Service;
 - 2.6 establishing an environment whereby Councillors and young people work together to address the needs and aspirations of Cheshire East's children and young people in care and empower children and young people to participate in decision making with adults;
 - 2.7 overseeing with the Children and Families Committee the implementation of best practice principles in all aspects of service delivery, with the aim of producing positive outcomes for children and young people in care;
 - 2.8 supporting the work of foster carers and adopters in making a difference to the care and support they provide;
 - 2.9 making sure that staff and partners commit to follow the pledges to cared for children and young people and care leavers set out in the Corporate Parenting Strategy.

Governance

- 3 The Committee will:
 - 3.1 meet bi-monthly;
 - 3.2 report to the Children and Families Committee on at least an annual basis; and
 - 3.3 review its terms of reference annually.
- 4 The Committee will be serviced by Democratic Services.
- 5 Minutes and agendas will be distributed and published no later than 5 clear working days prior to the meeting.

Health and Adults Committee

Membership: 13 Councillors

Functions

- 1 The Health and Adults Committee will be responsible for community welfare, public health and adult social care services with a view to

enabling all people to live fulfilling lives and to retain their independence. When discharging its functions the Committee shall recognise the necessity of promoting choice and independence.

- 2 The Committee's responsibilities include:
 - 2.1 promotion of the health and well-being of residents and others;
 - 2.2 determination of policies and making decisions in relation to people aged 18 and over (some young people up to the age of 25 may still be within Children's services as care leavers or with a Special Educational Needs and Disability) with eligible social care needs and their carers including;
 - 2.3 adult safeguarding, adult mental health, physical health, older people and learning disabilities and lifelong learning;
 - 2.4 determination of policies and making decisions in relation to Public Health in coordination with the Health and Wellbeing Board and the Scrutiny Committee;
 - 2.5 oversight of the Communities Strategy;
 - 2.6 provision and commissioning of domestic violence support services and quality assurance; and
 - 2.7 prevent reporting and Channel Panel counter terrorism oversight.
- 3 Oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorates of Adult Social Care Operations; Commissioning and Public Health including: Public Health, lifelong learning, health improvement and intelligence, Adult social care and safeguarding, Adult Mental Health and Learning Disability, Adult social care operations, Care4CE and commissioning of support for adults.

Scrutiny Committee

Membership: 13 Councillors

Functions

The purpose of the Scrutiny Committee is to undertake reviews and make recommendations on services or activities carried out by other organisations and which affect residents, businesses as well as the Council and its Committees.

- 1 The Committee's responsibilities include:

The discharge of the Council's responsibilities set out in section 19 of the Police and Justice Act 2006, section 244 of the Health and Social Care Act 2006, and section 9JA and 9JB of the Local Government Act 2000 in relation to flood risk management.

Planning and Development Control

Committee Structure and Delegations

- 1 Development control functions will be discharged by a Strategic Planning Board, supported by two Planning Committees as follows:

- 1.1 **Strategic Planning Board** (12)

- 1.2 **Northern Planning Committee** (12)

- 1.3 **Southern Planning Committee** (12)

Any Councillor (including planning pool Councillors), must attend all planning training sessions held each year (including induction), in order to properly discharge their planning committee obligations.

Any Councillor who cannot attend the training must submit their apologies in advance to the event organiser. If a Councillor fails to attend, they must undertake refresher training, in line with the Committee training programme.

Any Councillor (including planning pool Councillors) involved in the exercise of Planning and Development Control functions shall observe the **Planning Code of Conduct**.

Substitutes and Pool of Planning Substitutes

- 2 A cross party pool of 9 planning substitutes, in **political balance**, shall be maintained to supplement the substitution arrangements for planning committees. Each member of the pool must receive appropriate and up to date planning training without which they may not serve as a member of a planning committee. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements.

Strategic Planning Board

Functions

- 1 To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision making at the most appropriate level, and to that end:
 - 1.1 monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate
 - 1.2 vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning
 - 1.3 adopt working protocols and procedures: e.g. protocols governing the direction of applications between the Planning

Committees

Committees, public speaking rights, Referral procedure and others.

- 2 To exercise the Council's functions relating to town and country planning and development control, protection of important hedgerows, preservation of trees, regulation of high hedges, and any relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning, but the following are reserved to the Board:
 - 2.1 Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes:
 - 2.1.1 residential developments of 200 dwellings or more, or 4 ha. or more
 - 2.1.2 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.
 - 2.2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
 - 2.3 Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.
 - 2.4 Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is minded to approve.
 - 2.5 Any other matters which have strategic implications by reason of their scale, nature or location.
 - 2.6 Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in paragraph 2.1 above which have wider strategic implications.
 - 2.7 To exercise a consultation and advisory role, commenting upon the content of proposed planning policy, any document which forms part of or linked to the Local Plan and upon the effectiveness of existing policies employed in development control decisions.
 - 2.8 To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 4 However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

Northern and Southern Planning Committees

Functions

- 1 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, preservation of trees, regulation of high hedges and any relevant applications pursuant to Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Planning: the following are retained for the Planning Committees:
 - 1.1 Applications for Small Scale Major Development for:
 - 1.1.1 residential developments of 20 to 199 dwellings or between 1 and 4ha.
 - 1.1.2 retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4 ha.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
- 2 To determine any other planning and development control matters:
 - 2.1 advertised as a departure from policy, which the Head of Planning is minded to approve;
 - 2.2 submitted by a Councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers;
 - 2.3 considered to be significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made;
 - 2.4 referred up to the Committee by a Councillor in accordance with the Committees` Referral procedure. However, any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee (except for a request to review a Schedule 17 application, where a 7 day time frame will apply);
 - 2.5 any other matters referred up to them at the discretion of the Head of Planning;

Committees

- 2.6 any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.
- 4 Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will normally be dealt with under delegated powers.
- 5 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 6 However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
- 7 Each Committee will refer up to the Strategic Planning Board matters involving a significant departure from policy which it is minded to approve contrary to recommendation by the Head of Planning.

Licensing

- 1 The Licensing functions of the Council shall be carried out by the following bodies:
 - 1.1 A full Licensing Committee of **15 Councillors**
 - 1.2 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising **3 Councillors** drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003.
 - 1.3 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising **5 Councillors** (with a **quorum of 3**) drawn from the full Committee (of which at least one shall, subject to availability, be the Chair or Vice-Chair of the full Committee), to deal with 'general' licensing matters.
 - 1.4 The requirement for **political balance** ~~proportionality~~ under section 15 of the Local Government and Housing Act 1989 is waived in relation to a sub-committee established under the above sub-paragraphs.
- 2 Before any **Councillor** who is a member of the Licensing Committee can attend a meeting and participate in the business of the meeting, the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Functions

Committees

- 3 The Licensing Committee and its Sub-Committees have responsibility for the following licensing and registration functions of the Council:
 - 3.1 Caravan sites and moveable dwellings/camping sites
 - 3.2 Hackney carriages and private hire vehicles, drivers and operators
 - 3.3 Sex shops and sex cinemas
 - 3.4 Performances of hypnotism
 - 3.5 Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
 - 3.6 Pleasure boats and vessels
 - 3.7 Market and street trading
 - 3.8 Premises for the preparation of food
 - 3.9 Scrap yards and motor salvage operators
 - 3.10 Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals
 - 3.11 Employment of children
 - 3.12 Charitable collections
 - 3.13 Operation of loudspeakers
 - 3.14 Storage of celluloid
 - 3.15 Meat product premises and dairy establishments
 - 3.16 Egg products, butchers and fish products
 - 3.17 Auction and wholesale markets
 - 3.18 Food business premises
 - 3.19 Licensed premises
 - 3.20 Gambling
 - 3.21 Public Space Protection Orders.
- 4 With the exception that the power to resolve not to issue a casino licence is reserved to **full Council**.
- 5 The functions of the Licensing Committee or Sub-Committee shall be determined by the full **C**ommittee based on the delegations set out below.
- 6 These delegations to Sub-Committees shall be subject to the proviso that the Chair or Vice-Chair of the full Committee may refer a matter up

from a Sub-Committee to the full Committee where that matter is significant or controversial in nature.

Ad Hoc Licensing Act 2003/Gambling Act 2005 Sub-Committee

- 7 All functions under the Licensing Act 2003 and the Gambling Act 2005 shall be determined by the Sub-Committee or **officers** in line with the statutory guidance issued by the Home Office, other than the power to set fees for Premises Licences (section 212 2005 Act) which shall be reserved to the full Licensing Committee.

General Licensing Sub-Committee

- 8 All functions relating to:
- 8.1 licensing of hackney carriages and private hire vehicles
 - 8.2 licensing of sex establishments
 - 8.3 licensing of street collections
 - 8.4 licensing of house to house collections
 - 8.5 licensing of street trading
 - 8.6 licensing of scrap metal dealers
 - 8.7 any other functions referred it by **officers** (with the exception of matters under the Licensing Act 2003/Gambling Act 2005) shall be determined by the General Licensing Sub-Committee or officers other than the following functions which are reserved to the full Licensing Committee:
 - 8.8 power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators
 - 8.9 power to set hackney carriage fares and tariffs
 - 8.10 power to set fees for sex establishments
 - 8.11 power to designate streets as consent streets, licence streets or prohibited streets.
 - 8.12 power to set fees in relation to street trading
 - 8.13 power to approve policy in relation to the Scrap Metal Dealers Act 2013
 - 8.14 power to set fees and charges in relation to scrap metal dealers licences.

Appointments Committee

Membership: 8 Councillors

Functions

- 1 The purpose of the Committee is to make or recommend senior appointments:
 - 1.1 with regard to the **Head of Paid Service, Monitoring Officer and Chief Finance Officer** (Designated Statutory Officers (the 'DSOs')):
 - 1.1.1 to undertake the recruitment and selection process in accordance with the Employment Procedure Rules
 - 1.1.2 make a recommendation to the Council to approve the proposed appointment before an offer of appointment is made to that person
 - 1.2 appoint the Statutory Directors, namely:
 - 1.2.1 The Director of Children's Services;
 - 1.2.2 Director of Adult Social Services
 - 1.2.3 Director of Public Health
 - 1.3 to appoint/the Executive Directors for Place, People; Adults, Health and Integration; Children Services and Corporate Services.
 - 1.4 Excluding national agreements, to approve "in year" salary or other benefit increases to the Head of Paid Service provided that this is within the agreed annual pay policy.
 - 1.5 Appeals against disciplinary action short of dismissal from the three Designated Statutory Officers.

Investigation and Disciplinary Committee (IDC)

~~Please refer to the IDC Handbook (link provided in Chapter 7, list of associated documents) for further information~~

Membership: 5 Councillors

Councillors must have completed mandatory training.

A **quorum** for the meeting shall be **3 Councillors**.

Functions

- 1 **Councillors** shall be appointed to the Committee, as and when a Committee is required to be convened, under the normal processes for making appointments to committees (via Group Leader/ Group Administrator ~~Whip~~-notification to the Head of Governance and Democratic Services). In accordance with the Model Disciplinary Procedure contained in the JNC Handbook for *Directors*, IDC meetings shall be convened by the Monitoring Officer (in consultation with the Chair of Corporate Policy Committee). Should the **Monitoring Officer** (MO) be unable to act, the **Head of Paid Service** or Deputy Monitoring Officer (DMO) can also convene the Committee. Subsequent meetings

- of a convened IDC Committee will be convened by the IDC Co-ordinator in conjunction with the Chair of the Committee.
- 2 The **Monitoring Officer** (or DMO) shall, in consultation with the Chair of the Corporate Policy Committee filter out and deal with allegations of misconduct which are clearly unfounded, trivial or can best be dealt with under some other procedure. The **Monitoring Officer MO**/DMO will also consider whether informal resolution is appropriate.
 - 3 For consistency, unless unavoidably indisposed or conflicted, once appointed, the same **Councillors** shall comprise the Committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter), until such time as the matter is completed. Should any **Councillor Member** become conflicted or indisposed over the course of the matter, any substitution shall be at the Chair's discretion in conjunction with the Committee's legal adviser.
 - 4 All papers issued to the Committee by the IDC Co-ordinator must be returned to the Co-ordinator (legal representative) or IDC Clerk at the end of each IDC meeting.
 - 5 If a matter passes the filter stage, the Committee will in conjunction with its legal adviser consider allegations/issues regarding disciplinary matters (as defined in The Local Authorities (Standing Orders) (England) Regulations 2001 as amended) relating to the DSOs.
 - 6 The Committee will after taking advice from its legal adviser decide:
 - 6.1 Whether no further formal action under this procedure is required,
 - 6.2 To appoint an Independent Investigator ("II") to investigate the issue and to commission reports from an II;
 - 6.3 Whether it is appropriate to reach agreement with the DSO on a formal sanction (short of dismissal) without the need to appoint an II;
 - 6.4 Whether to suspend a DSO or to reconsider suspension and to review at a frequency to be determined by the Committee, any decisions taken to suspend;
 - 6.5 What action should be taken against a DSO following an investigation. This could include a hearing, taking no further action, informal resolution/other appropriate procedures, disciplinary action short of dismissal or proposed dismissal. The Committee shall have delegated authority to impose disciplinary action short of dismissal in these circumstances.
 - 7 In the event that the Committee recommends dismissal then that recommendation shall be referred to the Independent Persons Panel prior to being referred to full Council for a determination in accordance with the IDC Handbook.

- 8 With the exception of a decision to recommend to full Council that a DSO be dismissed, there shall be a right of appeal to the Appointments Committee against any decisions made by the Committee to take disciplinary action against a DSO.

Independent Persons Panel

Membership: At least two (preferably three) of the Independent Persons appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate. The Monitoring Officer shall invite the Independent Persons, as necessary/appropriate.

The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:

- an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
- any other Independent Person who has been appointed by the authority
- an Independent Person who has been appointed by another authority or authorities.

Functions

- 1 The Independent Persons Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purpose of advising the authority on matters relating to the dismissal of the officers designated as the **Head of Paid Service, the Chief Finance Officer** and the **Monitoring Officer** (together the "Designated Statutory Officers" or "DSOs") in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001.
- 2 The advice of the Independent Persons Panel must be sought in accordance with the *Employment Procedure Rules* and *IDC Handbook* where the Investigation and Disciplinary Committee propose to recommend the dismissal of a DSO.
- 3 The advice of the Independent Persons Panel may (but need not) be sought by the Investigation and Disciplinary Committee at any other point in an investigation under the IDC process or (if not conflicted) by the Appointments Committee in respect of an appeal.
- 4 For the avoidance of doubt, the Committee may commission and have access to external legal and professional advice and may meet concurrently with an IDC hearing.

Audit and Governance Committee

Membership: 9 Councillors (excluding the **Leader** and Deputy and Chairs of the service Committees) and **2 co-opted independent members**

The Chair and Vice Chair of the Audit and Governance Committee should not be appointed to service Committees.

Members may not review decisions as part of the Audit and Governance Committee that they have made as a member of another Committee.

Co-opted independent members are appointed for a four year period and may vote on advisory matters (pursuant to a Council resolution on 22 October 2015).

To ensure that the Committee remains focussed on its assurance role, all members of the Committee, and any designated substitute, must be appropriately trained.

The success of the Audit and Governance Committee depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on Councillors not to make inappropriate use of information provided to the Committee for other purposes.

Functions

- 1 The Audit Committee is a key component of the Council's corporate governance. It provides:
 - 1.1 an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards;
 - 1.2 independent review of the Council's governance, risk management, control frameworks and oversees the financial reporting and annual governance processes; and
 - 1.3 promotes high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Councillors and co-opted Members (including other persons acting in a similar capacity).

- 2 The Committee receives reports and assurances from across the organisation. In doing so the Committee will consider the effectiveness of the arrangements described, identifying further information needed and/or making recommendations for improvements and additional action required.

Committees

- 3 It also oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 4 The Committee will report to **full Council** on a regular basis on the Committee's performance and effectiveness.

Governance, risk and control

- 5 To consider the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- 6 To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control, including an agreed action plan for improvements where necessary.
- 7 To consider the effectiveness of the system of risk management arrangements by receiving regular reports on the adequacy and effectiveness of the Council's risk management and reporting arrangements and receive assurance that actions have been taken as necessary.
- 8 To review the Council's Risk Management Policy and Framework and recommend it for approval by Corporate Policy Committee.
- 9 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 10 To monitor the counter-fraud strategy, actions and resources.
- 11 To review the governance and assurance arrangements for significant partnerships or collaborations.
- ~~12 To consider amendments to the Constitution and recommend proposals to Full Council for approval except where specifically delegated to the Monitoring Officer~~

Internal Audit

- ~~12~~ 13 To approve the internal audit charter.
- ~~14~~ 13 To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

~~15~~14 To consider reports from the Head of Audit and Risk Management on internal audit's performance during the year, including

(a) updates on the delivery of the audit plan, including key findings, issues of concern and monitoring the actions taken in response to internal audit recommendations.

(b) reports on Internal Audit's effectiveness and compliance it's Quality Assurance and Improvement Programme, including conformance with the Public Sector Internal Audit Standards, and the results of the external assessment review of Internal Audit when due.

~~16~~15 To approve significant interim changes to the risk-based internal audit plan and resource requirements.

~~17~~16 To make appropriate enquiries of both management and the Head of internal audit to determine if there are any inappropriate scope or resource limitations.

~~18~~17 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

~~19~~18 Receive the annual report from the Head of Audit and Risk Management setting out internal activity during the year, and an opinion on the level of assurance as to the Council's arrangements for governance, risk management and internal control.

~~20~~19 To consider summaries of specific internal audit reports as requested.

~~24~~20 To receive reports outlining the action taken where the Head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

External Audit

~~22~~21 To oversee the process by which the Council's external auditor is appointed.

~~23~~22 To consider specific reports as agreed with the external auditor.

~~24~~23 To commission work from internal and external audit.

~~25~~24 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Annual Statement of Accounts

- 2625 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2726 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- 2827 Monitor management actions in response to issues raised by the external auditor

Related Functions

- 2928 Subject to the requirements set out below, to consider findings of the Local Government and Social Care Ombudsman, including reports resulting in a finding of maladministration against the Council, and to make recommendations as to actions that may be necessary or which arise from or are as a result of the Ombudsman's findings.
- (a) There are statutory obligations which will, in some circumstances, require reports to be taken to Council or a Committee.
 - (b) The Ombudsman operates protocols in relation to the timing of the publication of findings. The Council would have to give consideration to those protocols when determining how to manage the Audit and Governance Committee's agenda.
- 3029 To oversee the operation of the Contract Procedure Rules and provide assurance in respect of procurement and significant partnerships or collaborations.

Standards Arrangements

- 3130 The Committee is responsible for the Council's standards arrangements to:
- (a) promote high standards of ethical behaviour.
 - (b) develop, maintain and update Codes of Conduct and protocols
 - (c) Training Audit and Governance Committee
- 3231 The Committee is responsible for monitoring and advising Council about the operation of its Code of Conduct for Councillors in the light of best practice and any changes in the law.
- 3332 The Committee will approve the arrangements for dealing with allegations that a Councillor or a town/parish Councillor within the borough has failed to comply with the relevant Councillors' Code of Conduct.

- 3433 To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and any independent persons under other secondary legislation.
- 3534 To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer or to appeal against a determination by the Monitoring Officer.
- 3635 To respond on behalf of the Council to national reviews and consultations on standards related issues.
- 3736 To consider and make recommendations to Full Council on any other matter that may be referred to the Standards Committee relating to the conduct and training of Councillors.
- 3837 To review, advise, monitor and report to Full Council on member training.
- 3938 To recommend proposals to Full Council for changes to the constitution in respect of any governance or standards matters, except where specifically delegated to the **Monitoring Officer**
- 4039 Council on 14th December 2017 approved a procedure to be followed when considering a complaint that an elected member of the Council or of a town or parish council within its area has failed to comply with the Council's Code of Conduct. The full procedure is available [here](#).

Hearing Sub-Committee

- 4140 The Hearing Sub-Committee is appointed to consider complaints that a Councillor has breached the Code of Conduct under the Council's arrangements adopted under the Localism Act 2011. It has 3 Councillors drawn from the Audit and Governance Committee.
- 4241 The standing Chair of the Hearing Sub Committee is the Chair of the Audit and Governance Committee; when convened for any individual item, the Chair should be of a different political group to any subject member. Where practicable the Vice Chair will be from a different political group from the Chair.
- 4342 An Independent Person is invited to attend all meetings of the Hearing Sub-committee and his/her views will be sought and taken into consideration before the Hearing Sub-committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
- 4443 The requirement for **political balance** ~~proportionality~~ under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee.

4544 Before a **Councillor** can attend a meeting and participate in the business of the meeting, the determination of any Code of Conduct matter, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Sub-Committee.

4645 Where the Committee finds that a failure to comply with the Code of Conduct has occurred, the Hearing Sub-Committee will determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction.

Independent Remuneration Panel

Membership: 4 Independent Members (the minimum is 3 Members)

Functions

- 1 To make recommendations to the **full Council**:
 - 1.1 as to the amount of basic allowances that should be paid to **Councillors**
 - 1.2 about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such allowance
 - 1.3 about the duties for which a travelling and subsistence allowance can be paid and as to the amount of such allowance
 - 1.4 as to the amount of the co-optees' allowance
 - 1.5 as to whether the Council's allowances scheme should include an allowance in respect of the expenses for arranging for the care of children and dependants and, if it does make such recommendation, the amount of such allowance and the means by which it is determined
 - 1.6 on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
 - 1.7 as to whether annual adjustments of allowance levels may be made by reference to an index and, if so, for how long such a measure should run
 - 1.8 as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

Cheshire East Statutory Health and Wellbeing Board (CEHWB)

Context

1. The full name of the Board shall be the Cheshire East Health and Wellbeing Board. (CEHWB)

2. The CEHWB was established in April 2013.
3. The Health and Social Care Act 2012 and subsequent regulations provide the statutory framework for Health and Wellbeing Boards (HWB).
4. For the avoidance of doubt, except where specifically disapplied by these Terms of Reference, the Council Procedure Rules (as set out in its Constitution) will apply.

Purpose

- To work in partnership to make a positive difference to the health and wellbeing of the residents of Cheshire East through an evidence based focus on improved outcomes and reducing health inequalities.
- To prepare and keep up to date the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- To lead integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- To be a forum that enables member organisations of the Board to hold each other to account for their responsibilities for improving the health of the population
- To assist in fostering good working relationships between commissioners of health-related services and the CEHWB itself.
- To assist in fostering good working relationships between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services
- To undertake any other functions that may be delegated to it by the Council - such delegated functions need not be confined to public health and social care.
- To provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.

Roles and Responsibilities

5. To work with the Council and CCG effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.
6. To work within the CEHWB to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership.
7. To participate in CEHWB discussions to reflect the views of their partner organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery.
8. To champion the work of the CEHWB in their wider work and networks and in all individual community engagement activities.
9. To ensure that there are communication mechanisms in place within partner organisations to enable information about the CEHWB's priorities and recommendations to be effectively disseminated.
10. To share any changes to strategy, policy, and the system consequences of such on budgets and service delivery within their own partner organisations with the CEHWB to consider wider system implications.

Accountability

11. The CEHWB carries no formal delegated authority from any of the individual statutory bodies.
12. Core Members of the CEHWB have responsibility and accountability for their individual duties and their role on the CEHWB.
13. The CEHWB will discharge its responsibilities by means of recommendations to the relevant partner organisations, which will act in accordance with their respective powers and duties.
14. The Council's Core Members will ensure that they keep Policy Committee and wider Council advised of the work of the CEHWB.
15. The CEHWB may report and be accountable to Full Council and to the relevant Governing Body of the NHS Clinical Commissioning Group by ensuring access to meeting minutes and presenting papers as required.
16. The CEHWB will not exercise scrutiny duties around health or adult social care services directly. This will remain the role of the Cheshire

East Scrutiny Committee. Decisions taken and work progressed by the CEHWB will be subject to scrutiny by the Scrutiny Committee.

17. The CEHWB will provide information to the public through publications, local media, and wider public activities by publishing the minutes of its meetings on the Council's website. The CEHWB is supported by an Engagement and Communications Network across HWB organisations to ensure this function can operate successfully.

Membership

18. The Core membership of the CEHWB will comprise the following:

Voting members:

- ~~Three~~ **3 councillors** from Cheshire East Council
- The Director of Adult Social Services
- The Director of Public Health

- A local Healthwatch representative
- Two representatives from the Cheshire Clinical Commissioning Group
- Two representatives from the Cheshire Integrated Care Partnership
- The Chair of the Cheshire East Place Partnership

Non-voting members:

- The Chief Executive of the Council
- The Director of Children's and Families
- A nominated representative of NHS England / NHS Improvement

The **Councillor** membership of the CEHWB (three core voting members) will be determined by the **full Council**.

19. The Core Members will keep under review the Membership of the CEHWB and if appropriate will make recommendations to **full Council** on any changes to the Core Membership.
20. The above Core Members through a majority vote have the authority to appoint individuals as Non-Voting Associate Members of the CEHWB. The length of their membership will be for up to one year and will be subject to re-selection at the next Annual General Meeting "AGM" of the CEHWB. Associate Members will assist the CEHWB in achieving the priorities agreed within the Joint Health and Wellbeing Strategy and may indeed be chairs of sub structure forums where they are not actual Core Members of the CEHWB.
21. The above Core Members through a majority vote have the authority to recommend to Council that individuals be appointed as Voting Associate Members of the CEHWB. The length of their membership will

be for up to one year and will be subject to re-selection at the next Annual General Meeting “AGM” of the CEHWB.

22. Each Core Member has the power to nominate a single named substitute. If a Substitute Member be required, advance notice of not less than 2 working days should be given to the Council whenever practicable. The Substitute Members shall have the same powers and responsibilities as the Core Members.

Frequency of Meetings

23. There will be no fewer than four public meetings per year (including an AGM), usually once every three months as a formal CEHWB.
24. Additional meetings of the CEHWB may be convened with agreement of the CEHWB’s Chair.

Agenda and Notice of Meetings

25. Any agenda items or reports to be tabled at the meeting should be submitted to the Council’s Democratic Services no later than seven working days in advance of the next meeting. Generally, no business will be conducted that is not on the agenda.
26. Any voting member of the Board may approach the Chair of the Board to deal with an item of business which the voting member believes is urgent and under the circumstances requires a decision of the Board. The Chair’s ruling of whether the requested item is considered / tabled or not at the meeting will be recorded in the minutes of the meeting.
27. In accordance with the Access to Information legislation, Democratic Services will circulate and publish the agenda and reports prior to the next meeting. Exempt or Confidential Information shall only be circulated to Core Members.

Annual General Meeting

28. The CEHWB shall elect the Chair and Vice Chair at each AGM, the appointment will be by majority vote of all Core voting Members present at the meeting.
29. The CEHWB will approve the representative nominations by the partner organisations as Core Members.

Quorum

30. Any full meeting of the CEHWB shall be quorate if there is representation of any **three of the following statutory members**: – the relevant NHS Cheshire CCG(s), Local Health Watch, a **Councillor** and an **officer** of Cheshire East Council.

31. Failure to achieve a quorum within fifteen minutes of the scheduled start of the meeting, or should the meeting become inquorate after it has started, shall mean that the meeting will proceed as an informal meeting but that any decisions shall require appropriate ratification at the next quorate meeting.

Procedure at Meetings

32. General meetings of the CEHWB are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time Session. Papers, agendas and minutes will be published on the Cheshire East Health and Wellbeing website.
33. The Council's Committee Procedure Rules will apply in respect of formal meetings subject to the following:
34. The CEHWB will also hold development/informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests.
35. Core Members are entitled to speak through the Chair. Associate Members are entitled to speak at the invitation of the Chair.
36. With the agreement of the CEHWB, subgroups can be set up to consider distinct areas of work. The subgroup will be responsible for arranging the frequency and venue of their meetings. The CEHWB will approve the membership of the subgroups.
37. Any subgroup recommendations will be made to the CEHWB who will consider them in accordance with these terms of reference and their relevance to the priorities within the Joint Health and Wellbeing Strategy and its delivery plan.
38. Whenever possible decisions will be reached by consensus or failing that a simple majority vote by those members entitled to vote.

Expenses

39. The partnership organisations are responsible for meeting the expenses of their own representatives.
40. A modest CEHWB budget will be agreed annually to support engagement and communication and the business of the CEHWB.

Conflicts of Interest

41. In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all CEHWB Members shall declare

disclosable pecuniary or non-pecuniary interests and any conflicts of interest.

42. In the case of non-pecuniary interests Members may remain for all or part of the meeting, participate and vote at the meeting on the item in question.
43. In the case of pecuniary matters Members must leave the meeting during consideration of that item.

Conduct of Core Members at Meetings

44. CEHWB members will agree to adhere to the seven principles of Public Life outlined in the CEHWB Code of Conduct when carrying out their duties as a CEHWB member.

Review

45. The above terms of reference will be reviewed every two years at the CEHWB AGM.
46. Any amendments shall only be included by consensus or a simple majority vote, prior to referral to the Corporate Policy Committee and Council.

January 2017

Revised July 2019

Revised August 2020

Revised March 2021

Definitions

Exempt Information

Which is information falling within any of the descriptions set out in Part I of Schedule 12A to the Local Government Act 1972 subject to the qualifications set out in Part II and the interpretation provisions set out in Part III of the Schedule in each case read as if references to “the authority” were references to “CEHWB” or any of the partner organisations.

Confidential Information

Information furnished to, partner organisations or the CEHWB by a government department upon terms (however expressed) which forbid the disclosure of the information to the public; and information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

Conflict of Interest

You have a Conflict of interest if the issue being discussed in the meeting affects you, your family or your close associates in the following ways;

- The issue affects their well-being more than most other people who live in the area.*
- The issue affect their finances or any regulatory functions and*
- A reasonable member of the public with knowledge of the facts would believe it likely to harm or impair your ability to judge the public interest.*

Associate Members

Associate Member status is appropriate for those who are requested to chair sub groups of the CEHWB.

Health Services

Means services that are provided as part of the health service.

Health-Related Services *means services that may have an effect on the health of individuals but are not health services or social care services.*

Social Care Services

Means services that are provided in pursuance of the social services functions of local authorities (within the meaning of the Local Authority Social Services Act 1970)

CEHWB Member Code of Conduct

1. Selflessness

Members of the Cheshire East Health and Wellbeing CEHWB should act solely in terms of the interest of and benefit to the public/patients of Cheshire East. They should not do so in order to gain financial or other benefits for themselves, their family or their friends

2. Integrity

Members of the Cheshire East Health and Wellbeing CEHWB should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their duties and responsibilities as a CEHWB member

3. Objectivity

In carrying out their duties and responsibilities members of the Cheshire East Health and Wellbeing CEHWB should make choices based on merit and informed by a sound evidence base

4. Accountability

Members of the Cheshire East Health and Wellbeing CEHWB are accountable for their decisions and actions to the public/patients of Cheshire East and must submit themselves to whatever scrutiny is appropriate

5. Openness

Members of the Cheshire East Health and Wellbeing CEHWB should be as transparent as possible about all the decisions and actions that they take as part of or on behalf of the CEHWB. They should give reasons for

their decisions and restrict information only when the wider public interest clearly demands

6. Honesty

Members of the Cheshire East Health and Wellbeing CEHWB have a duty to declare any private interests relating to their responsibilities and duties as CEHWB members and to take steps to resolve any conflicts arising in a way that protects the public interest and integrity of the Cheshire East Health and Wellbeing CEHWB

7. Leadership

Members of the Cheshire East Health and Wellbeing CEHWB should promote and support these principles by leadership and example

Health and Wellbeing Board Principles and Behaviours

The Cheshire East Health and Wellbeing Board Partners shall work together to achieve the objectives of the Cheshire East Health and Wellbeing Strategy and The Cheshire East Place Partnership Five Year Plan. The Board shall:

- (a) Collaborate and work together on an inclusive and supportive basis, with optimal use of their individual and collective strengths and capabilities;
- (b) Engage in discussion, direction setting and, where appropriate, collective agreement, on the basis that all the Partners will participate where agreed proposals affect the strategic direction of the Health and Wellbeing Board and/or of Services, and in establishing the direction, culture and tone of the work and meetings of the Board;
- (c) Act in the spirit of partnership in discussion, direction setting and, where appropriate, collective agreement making;
- (d) Always focus upon improvement to provide excellent Services and outcomes for the Cheshire east population;
- (e) Be accountable to each other through the Board by, where appropriate, taking on, managing and accounting to each other in respect of their financial and operational performance;
- (f) Communicate openly about major concerns, issues or opportunities relating to the Board;
- (g) Act in a way that is best for the delivery of activity to drive forward the Five Year Plan, and shall do so in a timely manner and respond accordingly to requests for support promptly;
- (h) Work with stakeholders effectively, following the principles of co- design and co-production.

Joint Arrangements

Shared Services Joint Committee

Terms of Reference of the Joint Committee

- 1 The Joint Committee's role is to oversee the management of those services which are provided on a Cheshire wide basis on behalf of Cheshire West and Chester Borough Council and Cheshire East Borough Council, to ensure effective delivery of such services and to provide strategic direction.
 - 2 The Joint Committee is specifically responsible for:
 - 2.1 Ensuring that service strategies and the resources and budgets required to deliver the service strategies are in place and overseeing the implementation of the service strategies.
 - 2.2 Ensuring that adequate risk management and audit processes are in place for each shared service.
 - 2.3 Overseeing changes and projects and changes to shared services.
 - 2.4 Report on the performance of the five service areas (Civil Contingencies and Emergency Planning, Farms Estate, Archaeology Planning Advisory and Cheshire Rural Touring Arts Network)
 - 2.5 Overseeing and developing ICT, TSC and Archives.
 - 2.6 Agreeing the basis for apportioning cost between the two councils and the amount to be apportioned.
 - 2.7 Resolving issues that have been referred to the Joint Committee.
 - 2.8 Reviewing the Shared Services Outturn and Performance Report, which will take a back wards look and a forward look, on an annual basis and by exception as appropriate, and initiating additional or remedial action as appropriate.
 - 2.9 Agreeing business cases for proposed changes and overseeing the progress of the subsequent work.
 - 2.10 Ensuring that there are robust plans for any disaggregation of services and that there is a smooth transition into the separate arrangements.
- The following matters are reserved to the councils:
- 2.11 Approving the budget for the specified functions.
 - 2.12 The delivery of service business plans via client and service manager

Constitution of the Joint Committee

- 3 Each of the Councils shall appoint three Members (being elected Members of that Council) as its nominated members of the Joint Committee; the Members appointed shall have full voting rights.
- 4 Each Council may nominate one or more substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Lawyer and Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the Member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 5 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 6 Each of the Councils may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Lawyer and Secretary to the Joint Committee.
- 7 Each Council shall have three votes. These shall be exercised by the nominated Members who are elected Members of the Council. In the absence of a Council's nominated Member, a vote may be exercised by the named substitute who is an elected Member of the Council.
- 8 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a Member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.
- 9 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Lawyer and Secretary to the Joint Committee.
- 10 Meetings of the Joint Committee shall be held at the offices of the Member appointed as the Chair.
- 11 The Council hosting the first Meeting shall appoint one of its nominated Members as Chair and that Member shall remain Chair until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a Member of the Joint Committee. On the expiry of the first Chair's term of office, the Council which did not appoint the first Chair shall appoint one of its nominated Members as Chair for a period of one year from the date of his or her appointment. The same procedure shall be followed for the appointment of Chair in subsequent years.

Committees

- 12 The Council which has not appointed the Chair of the Joint Committee In any year shall appoint one of its nominated Members as Vice-Chair.

Cheshire Police and Crime Panel

Terms of Reference

- 13 The Terms of Reference for the [Cheshire Police and Crime Panel](#) are available.

Cheshire Fire Authority

Constitution

- 14 The [Constitution for the Cheshire Fire Authority](#) can be accessed on its own website.

Chapter 2 – Part 5

Responsibility for Functions – Officer Delegations

Scheme of Delegation

Introduction

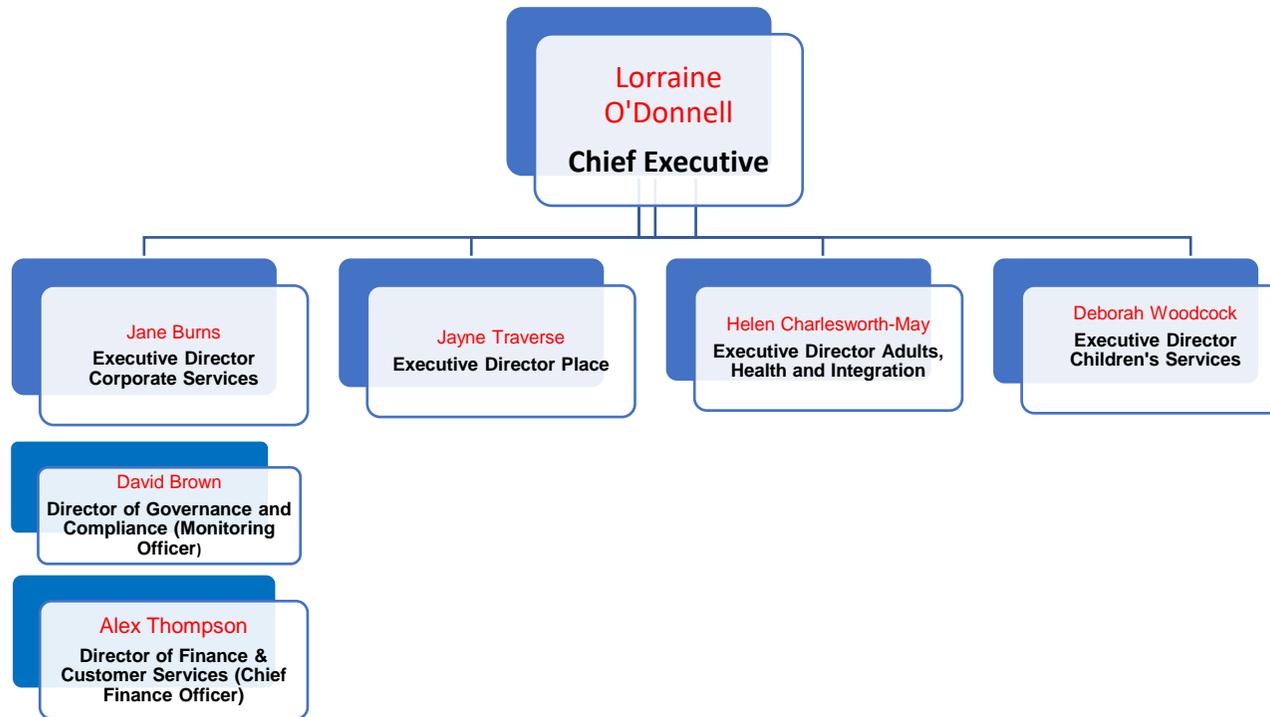
- 1 This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Scheme of Delegation."
- 2 This Scheme of Delegation is set out as follows:

Title	Contents
Introduction	Sets out what this Part of the Constitution (the "Scheme of Delegation") covers and relevant definitions. This part contains a diagram of the senior officer structure at the Council.
<u>General Principles Relating to Officer Delegation</u>	Sets out the general principles which apply to all decision making by officers
<u>General Delegations to all Directors</u>	Sets out the delegations which apply to all officers called "Directors"
<u>Delegations to the Chief Executive/Head of Paid Service</u>	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (Adults, Health & Integration)</u>	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (Adults, Health & Integration)</u>	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (Place)</u>	Sets out the delegations which apply to this officer
<u>Delegations to the Executive Director (Corporate Services)</u>	Sets out the delegations which apply to this officer
<u>Delegations to the Chief Finance Officer</u>	Sets out the delegations which apply to this officer

Title	Contents
Delegations to the Monitoring Officer	Sets out the delegations which apply to this officer
Arrangements for Statutory and Proper Officer functions	Sets out the legal requirements for "proper officers"

- 3 “**Officers**” is the term used to refer to the people employed, retained or appointed by the Council to advise and support **Councillors** and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers.
- 4 The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
- 5 In order to ensure the smooth functioning of the Council and the efficient delivery of services, **full Council** and the Committees and Sub-Committees have delegated to officers all of the powers that they need to perform their roles.
- 6 Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles. These roles are explained below.
- 7 The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a **Chief Executive/Head of Paid Service** (as the most senior officer of the Council) supported by other senior roles as the [Corporate Leadership Team](#)
- 8 The **Head of Paid Service**, the **Chief Finance Officer** and the **Monitoring Officer** are also called "Statutory Officers" (because every Council is required by statute – the law – to have these posts).
- 9 There are also a number of formal functions which the Council has to allocate to named officers called "Proper Officers". There is a [Proper Officer Register](#) which sets out these details.
- 10 See the [current organisational structure](#) of the Council, showing more detail about the roles and responsibilities of the *Directors* and the officers supporting them to deliver all the Council's services.

CHESHIRE EAST COPORATE LEADERSHIP TEAM



General Principles Relating to Officer Delegation

- 11 This scheme gives the power for the Directors and Statutory Officers to take decisions in relation to all the functions in their areas of responsibility except where:
- 11.1 a matter is prohibited by law from being delegated to an **officer**, and
- 11.2 a matter has been specifically excluded from delegation by this scheme, by a decision of the **full Council**, a Committee or Sub-Committee.

Directors and Statutory Officers may not take decisions unless specifically provided for within the constitution or specifically delegated by a Committee or Sub-Committee.

- 12 The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers ~~either: 12.1 through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). This is a [full list](#) of the Local Schemes of Delegation and you can look at any of the schemes in detail, or 12.2 through a Specific Delegation in relation to an individual decision which Officer decisions must be evidenced in writing using the agreed standard form, dated and signed by the officer ~~delegating the power with a copy supplied to the Monitoring Officer here is a register of these Specific Delegations exercising the delegated authority.~~~~
- 13 All Local Schemes of Delegation (and any changes to them) must be agreed by the relevant Executive Director (~~Corporate Services~~) and the Monitoring Officer.
- 14 Where a function has been delegated to an **officer** (including where sub-delegated through the cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.
- 15 In some circumstances the **officer** to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances he or she may refer the matter back to the delegator for determination.
- 16 Any power delegated or cascaded under this Scheme can be exercised by the relevant Director or Statutory Officer and in all cases by the Chief Executive personally, with the exception of those statutory functions delegated exclusively to the Council's **Chief Finance Officer** or the **Monitoring Officer**.
- 17 The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time – not to the individual person. The powers

are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post. Nominated Deputies are able to exercise all functions of the person delegating the functions.

- 18 Delegations relate to all provisions for the time being in force under any applicable legislation and cover functions of the Council and all powers and duties incidental to that legislation.
- 19 Any delegation must be exercised:
 - 19.1 In compliance with the **Budget and Policy Framework**, all the Council's Procedure Rules, the Pay Policy Statement approved annually and the Officer Code of Conduct
 - 19.2 In accordance with the decision-making requirements set out in the Constitution, including requirements for decision-records and access to information
 - 19.3 Having identified and managed appropriate strategic and operational risks within the officer's area of responsibility
 - 19.4 Within the approved **Budget and Policy Framework** approved by the Council (or separate approval must be sought)
 - 19.5 Following any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- 20 An **officer**, in exercising delegated powers may consult the relevant Committee Chair if he/she considers it appropriate to do so and shall consult other appropriate officers for professional advice including legal, financial and technical officers and shall have regard to any views and advice received.
- 21 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Director is introduced, that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the **full Council**, a Committee or the **Chief Executive** decides to whom to allocate responsibility for the new legislation.
- 22 Directors may appoint another officer as their deputy and such deputy shall have all the powers of the Director as set out in this Constitution. A deputy may be appointed in relation to all the areas of service delegated to the Director under this Constitution or in relation to a particular area of service only. A deputy may be appointed for a specific period of time (for example to cover the absence of a Chief Officer) or without time limitation. The appointment of a deputy shall not prevent the exercise by the Director of any delegation set out in this Constitution.

- 23 If there is any dispute or lack of clarity as to which Director has power to make decisions on specific areas of service, the Chief Executive shall have power to determine where the delegation should be exercised.

General Delegations to all Directors

- 24 The following delegations shall apply to all Directors (and to any appointed deputies).

Urgent action

- 25 To act on behalf of the Council in cases of urgency in the discharge of any function of the Council for which his/her Directorate or Service has responsibility, other than those functions which by law can be discharged only by the Council or a specific Committee. A decision will be urgent where any delay would seriously prejudice the legal or financial position of the Council or the interests of the residents of Cheshire East. This delegation is subject to the conditions that any urgent action:

- 25.1 shall be reported to the appropriate Committee
- 25.2 shall take account of advice of the **Monitoring Officer** and the **Chief Finance Officer**
- 25.3 shall be exercised in consultation with the Chair of the appropriate Committee.

Implementation of decisions

- 26 To take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Council a Committee or Sub-Committee, or an Officer.

General operational

- 27 To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the functions for which the service is responsible.

Consultation

- 28 To undertake and consider the outcome of statutory and non-statutory consultations on service provision.
- 29 To respond to Government Consultations and consultations from other bodies, in consultation with the relevant Committee Chair.
- 30 To undertake all steps required to complete Government Statistical Returns.

Finance

- 31 To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
- 32 To enter into contracts and incur expenditure.
- 33 To determine a Pricing Strategy that articulates the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery ~~in accordance with the budget and Medium Term Financial Strategy~~.
- 34 To submit applications for grant funding that align with the Council **Budget and Policy Framework**, in accordance with the approvals required under the Financial Procedure Rules.

Staffing

- 35 To deal with the full range of employment and staff management issues, below Director level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Employment Procedure Rules.
- 36 To implement changes to staffing structures subject to prior consultation with all appropriate parties affected by the decision, including any Trades Union, except where the restructure:
 - 36.1 involves the loss of more than one post not currently vacant
 - 36.2 involves re-grading of posts or the grading of new posts
 - 36.3 involves changes to existing National or Local Agreements and policies
 - 36.4 cannot be achieved within the delegated powers in respect of budgets.
- 37 To enter into reciprocal arrangements for the authorisation and appointment of officers to facilitate cross-border co-operation in the discharge of delegated functions with any other council or enforcement authority.

Land and assets

- 38 To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- 39 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.

- 40 To make application for planning permission and any other necessary applications for other consents required for the development of land.

Legal authorisation and enforcement

- 41 To act as “duly authorised officers” (for the purposes of all relevant legislation) and to enforce/administer the requirements of all relevant regulatory legislation which shall (for the avoidance of doubt) include (but not be limited to) taking the following action (and all actions reasonably necessary, expedient or ancillary in order to facilitate or enable the same):
- 42.1 Applying for warrants, carrying out investigations, inspections or surveys, entering land and premises, taking samples and seizing property
- 42.2 issuing (or declining to issue) licences, certificates or certified copies of documents, approvals, permissions, consents, notices, orders, directions or requisitions for information
- 42 With the approval of the **Monitoring Officer**, to authorise the institution, defence or participation in civil and criminal proceedings and quasi-proceedings (which for the avoidance of doubt shall include but not be limited to all court hearings, tribunal, inquiry and appeal processes), administer cautions and/or take any other action considered necessary to protect the interests of the Council.
- 43 To exercise the role of authorising officer and designated person under the Regulation of Investigatory Powers Act 2000. (The **Monitoring Officer** is excluded from this provision as he/she has the formal ‘reviewer’ role.)

Safeguarding children and vulnerable adults

- 44 To ensure that arrangements are in place to discharge the responsibilities of the Council within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Delegations to the Chief Executive/Head of Paid Service

- 45 The **Chief Executive** is the most senior officer in the Council. It is his/her role to support the Councillors and to provide **leadership** for the Council.
- 46 The **Chief Executive** is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a Councillor decision-making body, to exercise all powers, duties and functions of the Council, including those delegated to other **officers** with the exception of those statutory functions delegated exclusively to the Council’s **Chief Finance Officer** or the **Monitoring Officer**.
- 47 Every Council has to, by law, appoint one of its officers as the Head of Paid Service. The Chief Executive is also the Council’s **Head of Paid Service**. His/her responsibility in this role is to make proposals to the Council about the manner in which the discharge of the Council’s functions is co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff.

- 48 The **Chief Executive** is given delegated power to undertake the following roles and responsibilities and to take the following decisions subject to the terms of this Constitution:
- 48.1 To be the Council's principal officer representative and to promote its good image and reputation
 - 48.2 To lead and direct the strategic management of the Council
 - 48.3 To appoint other officers as **Proper Officers** for the purposes of any specific Council service area or function
 - 48.4 Unless another officer is appointed as Proper Officer, to act as Proper Officer for the Council for the purposes of all Council service areas and functions
 - 48.5 To maintain an up to date **Proper Officer** Register showing who is appointed to act as the Proper Officer for all Council service areas and functions
 - 48.6 To discharge emergency planning and civil protection functions;
 - 48.7 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Council
 - 48.8 To sign settlement agreements for employees/ex-employees, in consultation with the Chair of the Corporate Policy Committee
 - 48.9 To approve the pay, terms and conditions of service and training of any employee except where approval would be contrary to the provisions of the annual Pay Policy Statement which is reserved to full Council or where an approval falls within the responsibilities of the Corporate Policy Committee or would be contrary to the employment policies of the Council
 - 48.10 To make decisions affecting the remuneration of any existing post where the remuneration is (or could become) £100,000 p.a. or more in consultation with the **Leader** as Chair of the Corporate Policy Committee, provided the remuneration for the post remains within the Council approved Pay Policy Statement.
 - 48.11 To undertake the communications, marketing and media functions of the Council with regard to policy and strategic direction (operational responsibility rests with the Executive Director (Corporate Services)).

Delegations to the Executive Director (Adults, Health & IntegrationPeople)

- 49 The Executive Director (Adults, Health & IntegrationPeople) ~~and post-holders within the Directorate~~ holds the statutory role for the Council of the Director of Adult Social Services (required by Section 6 of the Local Authority Social Services Act 1970).

- 50 The Executive Director (Adults, Health & Integration People) is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

Adult Social Care ~~and Health~~ Operations

- Adult Social Care Services – Community Teams
- Adult Social Care – Hospital Teams
- Care4CE (~~internal care provision~~)
- Mental Health and Learning Disability Services
- Adult Safeguarding
- ~~Social Work Support~~
- ~~Deprivation of Liberty Safeguards~~

Public Health

- Public Health Intelligence
- Health Improvement
- Public Health Protection and the Wider Determinants of Health

Commissioning

- Integrated commissioning - Communities and Public Health commissioning, contract management and quality assurance
- Integrated commissioning - Children's commissioning, contract management and quality assurance
- Integrated commissioning – Adult Social Care commissioning, contract management and quality assurance
- Adult Social Care Business Support and Finance
- ~~Contract management and quality~~
- ~~Support and Finance~~

Public Sector Transformation Programme

- Delivery of the Public Sector Transformation Programme

Delegations to the Executive Director (Children's Services)

- 51 The Executive Director (Children's Services) holds the statutory role for the Council of the Director of Children's Services (required by Section 18 of the Children Act 2004).

- 52 The Executive Director (~~Children's Services~~People) ~~and the Director of Children's Services~~are given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution:

Children's Social Care

- Cared for Children and Care Leavers
- Children in Need and Child Protection
- Children's Safeguarding
- Children with Disabilities and Fostering

Education and 14-19 Skills

- Education Infrastructure and Outcomes
- Education Participation and Pupil Support
- ~~Special Educational Needs and Disability, Quality development and specialist services~~
- Inclusion

Children's Prevention and Support

- Prevention and Early Help Services
- Children's service development and partnerships

Delegations to the Executive Director (Place)

- 53 The Executive Director (Place) is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution.

Environment and Neighbourhood Services

- Strategic Planning and Planning Policy
- Neighbourhood Planning Services
- Development Management
- Planning Enforcement
- Community Infrastructure Levy and s106 Agreements
- Building Control
- Waste Management
- Greenspace Management

- Bereavement Services
- Energy and Carbon Strategy
- Environmental Regulation and Protection
- Food Safety
- Animal Health and Welfare
- Licensing
- Trading Standards
- Libraries
- Leisure Services
- Anti-social Behaviour and Community Enforcement
- CCTV
- Emergency Planning
- HS2 Schedule 17 Applications

Infrastructure and Highways

- Strategic Transport Planning and Local Transport Plan
- Public Transport including local bus and rail services
- Walking, Cycling and Active Travel
- Parking Services - Operations and Enforcement
- Infrastructure Traffic Management
- Highways Asset Management and Maintenance
- Highways Service Contract Operations Management
- Highways and Transport Capital Programme
- Flood Risk Management
- HS2 Crewe Hub Redevelopment
- HS2 Line of Route
- HS2 Schedule 4 approvals and consents

Growth and Enterprise

- Housing
- Economic Development

- Rural and Cultural Economy
- Tatton Park
- Estates
- Assets and Property Management
- Asset Disposals and Acquisitions
- Facilities Management

Client Commissioning (Alternative Service Delivery Vehicles (ASDV) / ESAR)

- Transport Service Solutions
- ANSA
- Orbitas Bereavement Services Limited
- Everybody Sport and Recreation
- Tatton Park Enterprises Limited

Business Management

- Policy and Partnerships
- Business Support

Delegations to the Executive Director Corporate Services

- 54 The Executive Director Corporate Services is given delegated power to take any decisions in relation to the following areas of the Council's operations and services, subject to the terms of this Constitution.

Governance and Compliance

- Legal Services
- Governance and Democratic Services
- Audit and Risk
- Insurance

Finance and Customer Services

- Finance
- ~~and~~
- Procurement

- Customer Services

Transformation

- Business Change
- Human Resources
- ICT/Information Services Intelligence
- Business Solutions
- Collaboration and Shared Services

Delegations to the Chief Finance Officer

55 The **Chief Finance Officer** is:

- 55.1 The financial adviser to the Council, Committees and Officers
- 55.2 The Authority's 'responsible financial officer', and
- 55.3 Responsible for the proper administration of the Council's financial affairs as specified in, and undertakes the duties required by, section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.

56 "Proper Administration" is not defined but shall also include responsibilities for compliance with the statutory requirements for accounting and internal audit.

56.57 The **Chief Finance Officer** shall have the following delegated powers and responsibilities:

- 56.457.1 _____ To carry out the functions and responsibilities which are detailed in the Finance Procedure Rules.
- 56.257.2 _____ To secure effective **treasury management**, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally.
- 56.357.3 _____ To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges.
- 56.457.4 _____ To take all action necessary to facilitate debt recovery and enforcement action including instituting prosecutions, making applications to courts and tribunals and authorising officer to appear on behalf of the Council.

~~56.5~~57.5 To take all necessary action in respect of the Council's role in relation to the administration and operation of the Cheshire Pension Fund

~~56.6~~57.6 To make recommendations to the Council on Council Tax requirements, on the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates, ~~Community Charge~~ and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Council in respect of the same in accordance with all governing Regulations, ~~and~~

~~56.7~~ To negotiate, enter into arrangements and act generally on behalf of the Council in respect of continuing financial matters arising from arrangements and obligations existing between the former Cheshire County Council and six District Councils.

Delegations to the Monitoring Officer

~~57~~58 The **Monitoring Officer** is appointed in accordance with Section 5 of the Local Government and Housing Act 1989 and is responsible for supporting and advising the Council in relation to:

~~57.1~~58.1 the lawfulness and fairness of the decision making of the Council

~~57.2~~58.2 the Council's compliance with its legal responsibilities and requirements, and

~~57.3~~58.3 matters relating to the conduct of Councillors (including Parish Councillors).

~~58~~59 The **Monitoring Officer** will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the **Budget and Policy Framework**.

~~59~~60 The **Monitoring Officer** shall, where necessary, and in consultation with the **Head of Paid Service** and the **Chief Finance Officer**, report any proposal, decision or omission considered to be unlawful or that amounts to maladministration to the Council as appropriate in accordance with Section 5 of the Local Government and Housing Act 1989.

~~60~~61 The **Monitoring Officer** shall have the following delegated powers and responsibilities:

~~60.1~~61.1 To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council up to ~~£25,000~~£100,000. Settlements above £100,000 and below £500,000 shall be determined by the Monitoring Officer in consultation with the Chair of the Finance Sub-Committee and the Executive Director (Corporate Services), ~~(which after settlement shall be reported to the relevant Committee).~~

~~60.2 To authorise the settlement of actual or potential uninsured claims, borehole claims or Local Government and Social Care Ombudsman cases across all functions of the Council in accordance with the Financial Procedure Rules.~~

~~60.361.2~~ To prosecute, defend, make application, serve any notice or appear on behalf of the Council in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).

~~60.461.3~~ To institute legal proceedings for any offences under any local Byelaws or Orders in force within the Council's area.

~~60.561.4~~ To lodge objections to any proposal affecting the Council's interests.

~~60.661.5~~ To determine applications for the display of the crest or logo of the Council.

~~60.761.6~~ To take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.

~~60.861.7~~ To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer.

~~6162~~ In accordance with the Council's approved policy to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000 by:

~~61.162.1~~ Ensuring compliance with all relevant legislation and with the Codes of Practice.

~~61.262.2~~ Engagement with the Inspectors from the Investigative Powers Commissioners Office when they conduct their inspections, and, where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

~~61.362.3~~ Monitoring authorisations and conducting a quarterly review of applications, authorisations and refusals, and reviewing renewals and cancellations.

~~6263~~ To make Orders for the Temporary Closure of Highways and Regulation of Traffic.

~~6364~~ To attest the affixing of the Council's seal to all documents approved for sealing.

~~6465~~ To authorise appropriate Officers to administer formal cautions in respect of criminal offences.

~~6566~~ To determine whether a particular claim for payment under the *Councillors Allowances Scheme* is appropriate.

~~6667~~ To authorise appropriately qualified employees or persons acting on behalf of the Council to appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority.

~~6768~~ To prove debts owed to the Authority in bankruptcy and liquidation proceedings.

~~6869~~ In consultation with the Chair and Vice-Chair of the Corporate Policy Committee, to make such changes to the Council's Constitution as he/she deems to be necessary and which are in the Council's interests and not major in nature, including, but not limited to, changes:

~~68.469.1~~ amounting to routine revisions

~~68.269.2~~ to provide appropriate clarity

~~68.369.3~~ to correct typographical and other drafting errors

~~68.469.4~~ to reflect new legislation

~~68.569.5~~ to correct inconsistencies in drafting

~~68.669.6~~ to reflect new officer structures and job titles, properly approved through Council processes.

~~6970~~ To determine applications for dispensations under Section 33 of the Localism Act 2011, in consultation with the Chair of the Audit and Governance Committee, as follows:

~~69.470.1~~ if it is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

~~69.270.2~~ if it is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

~~69.370.3~~ if it is considered that granting the dispensation is in the interests of persons living in the authority's area; or

~~69.470.4~~ if it is considered that it is otherwise appropriate to grant a dispensation.

Arrangements for Statutory and Proper Officer functions

72 Many legislative provisions require the appointment of a **Statutory Officer or Proper Officer** to undertake formal responsibilities on behalf of the Council.

73 The **Chief Executive/Head of Paid Service** shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:

- 73.1 such designation is given by the Council to any other officer, or
- 73.2 the Chief Executive/Head of Paid Service, exercising the powers given to him/her by this Constitution, appoints another officer of the Council to be the Proper Officer for a specific service area or function.

74 The Scheme of Delegation to Officers and table below outlines the designated Statutory Officer and Proper Officer functions for the Council and those officers (or where necessary, their substitute) shall undertake the specific responsibilities entailed. Proper Officer shall maintain a Proper Officer Register which shall record all Proper Officer appointments.

75 Statutory provisions and regulations are from time to time amended, replaced or re-enacted. When a statutory provision or regulation is amended, replaced or re-enacted, the appointments in the table below shall be effective in relation to the corresponding new provision.

76 Substitutes are identified to act where the Proper Officer is absent or otherwise unable to act.

77 In the event of any officer (and their substitute) identified in the Scheme of Delegation to Officers or in the table below being for any reason absent or unable to act and the officer/substitute has not made any other arrangements for the exercise of the relevant duties, the Director of Governance & Compliance (Monitoring Officer) shall nominate an officer to act in their stead.

STATUTORY OFFICERS

STATUTORY REQUIREMENT	ALLOCATED TO	SUBSTITUTE
Local Government and Housing Act 1989 Section 4 Head of Paid Service	Chief Executive	Relevant Executive Director
Representation of the People Act 1983 Section 8 Electoral Registration Officer	Chief Executive	Head of Democratic Services and Governance
Representation of the People Act 1983 Section 28 Acting Returning Officer (Parliamentary)	Chief Executive	Head of Democratic Services and Governance
Representation of the People Act 1983 Section 35 Returning Officer (Local Elections)	Chief Executive	Head of Democratic Services and Governance
Weights and Measures Act 1985 Section 72 Chief Inspector of Weights and Measures	Trading Standards and Community Protection Manager	Senior Enforcement

Officer Delegations

		Officer, Trading Standards
Local Authority Social Services Act 1970 Section 6 Director of Adult Social Services	Executive Director Adults, Health & Integration	Director Adults Social Care Operations
Local Government Act 1972 Section 151 Chief Finance Officer	Director of Finance & Customer Services (Chief Finance Officer)	Head of Financial Services (Deputy Chief Finance Officer)
Local Government Act 2000 Section 9FB Scrutiny Officer	Head of Governance and Democratic Services	Democratic Services Manager-
Local Government and Housing Act 1989 Section 5 Monitoring Officer	Director of Governance & Compliance (Monitoring Officer)	Legal Team Manager(s) and Deputy Monitoring Officer (s)
Children Act 2004 Section 18 Director of Children's Services	Executive Director Children's Services	Relevant Service Director
Children Act 1989 Section 22 and 23ZZA Virtual School Headteacher	Head of Service Inclusion	Deputy Virtual School Headteacher
National Health Service Act 2006 Section 73A	Director of Public Health	Corporate Manager Health Improvement

PROPER OFFICERS

Chief Executive

To act as the Authority's Proper Officer in respect of the following statutory functions:

STATUTORY PROVISION	FUNCTION/DUTY	SUBSTITUTE
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Officer Delegations

Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or any instrument made before 26 October 1972	Reference to Town Clerk or Clerk to the Council is to be construed as reference to the Proper Officer of the Council	Executive Director Corporate Services
Local Government Act 1972 S13(3)	Formation of 'the Parish Trustees' with the chairman of parish meeting when no separate parish council	Head of Democratic Services and Governance
Local Government Act 1972 S88(2)	Convening a Council meeting to fill casual vacancy in office of chairman	Head of Democratic Services and Governance
Representation of the People Act 1983 S67	Receipt of notice of appointment of election agent	Head of Democratic Services and Governance
Representation of the People Act 1983 S82 and S89	Receipt and retention of election expense declarations and returns	Head of Democratic Services and Governance
Representation of the People Act 1983 S131	Provision of accommodation for election court	Head of Democratic Services and Governance
Local Government Act 1972 S210(6) and (7)	Exercise of certain residual functions relating to charities	Executive Director Corporate Services
Local Government Act 1972 S248	Keeping roll of persons admitted to the freedom of a city or town.	Head of Democratic Services and Governance
Local Government Act 1972 S99 & Schedule 12 para 4	Signature of summons to Council meetings and receipt of notices regarding address to which summons to meeting is to be sent	Head of Democratic Services and Governance
Local Government Finance Act 1988 S116(1)	Notifying the external auditor of arrangements for a meeting to consider a report of the Chief Finance Officer	Director of Finance & Customer Services (Chief Finance Officer)

Officer Delegations

Local Government and Housing Act 1989 S2	Receipt of list of politically restricted posts.	Executive Director Corporate Services
Local Government and Housing Act 1989 S3A	Determine applications for exemption from the list of politically restricted posts	Executive Director Corporate Services
Local Government and Housing Act 1989 S15	Receipt of notices relating to political groups.	Head of Democratic Services and Governance
Local Government and Housing Act 1989 S16	Receipt of notice of wishes of political groups as to appointments to committees and sub committees and termination of appointments	Head of Democratic Services and Governance
Local Government & Housing Act 1989 S18	Receipt of notice in writing that a Councillor wishes to forego any part of entitlement to an allowance	Head of Democratic Services and Governance
Local Government (Committee & Political Groups) Regulations 1990	Receipt of notice of formation and membership of a political group	Head of Democratic Services and Governance
Data Protection Act 2018	Data Protection Officer/Senior Information Risk owner.	Data Protection Officer
Local Elections (Principal Areas) (England and Wales) Rules 2006 Schedules 2 and 3, Rule 50	Receipt from Returning Officer of the names of persons elected to the Council	Director of Governance & Compliance (Monitoring Officer)
Terrorism Act 2000 Part 3	Nominated officer to receive disclosures on suspected terrorist property	Executive Director Adults, Health and Integration
Local Government Act 2000 Local Authorities (Referendums)(Petitions) Regulations 2011	Verification number (5% of local government electors for validating petitions) and publication of the number.	Head of Democratic Services and Governance

Officer Delegations

Reg 4 and 5		
Local Government Act 2000 Local Authorities (Referendums)(Petitions) Regulations 2011 Reg 7	Steps to be taken in relation to post announcement and post direction petitions.	Head of Democratic Services and Governance
Local Government Act 2000 Local Authorities (Referendums)(Petitions) Regulations 2011 Reg 8	Amalgamation of petitions.	Head of Democratic Services and Governance
Local Government Act 2000 Local Authorities (Referendums)(Petitions) Regulations 2011 Reg 11	Procedure on receipt of a petition.	Head of Democratic Services and Governance
Local Government Act 2000 Local Authorities (Referendums)(Petitions) Regulations 2011 Reg 13	Publicity for valid petitions.	Head of Democratic Services and Governance
Local Authorities (Conduct of Referendums) (England) Regulations 2012	Proper Officer functions in relation to referendums	Head of Democratic Services and Governance

Director of Finance & Customer Services (Chief Finance Officer)

To act as the Authority's Proper Officer in respect of the following statutory functions:

STATUTORY PROVISION	FUNCTION	SUBSTITUTE
Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or any instrument made before 26 October 1972	Reference to the Treasurer is to be construed as reference to the Chief Finance Officer of the Council	Head of Financial Services (Deputy Chief Finance Officer)
Local Government Act 1972 – S115(2)	Receipt of monies due from officers	Head of Financial Services (Deputy

Officer Delegations

		Chief Finance Officer)
Local Government Act 1972 – S146(1)(a) and (b)	Declarations and certificates relating to securities to enable transfer	Head of Financial Services (Deputy Chief Finance Officer)
Local Government Act 1972 – S228(3)	Making accounts available to inspection by Members of the Authority	Head of Financial Services (Deputy Chief Finance Officer)
Local Government Finance Act 1988 S114, S114A, S115	Responsibility for Chief Finance Officer Reports	Head of Financial Services (Deputy Chief Finance Officer)
Proceeds of Crime Act 2002 Part 7	Nominated officer to receive disclosures of suspected money laundering	Head of Financial Services (Deputy Chief Finance Officer)

Executive Director Place

To act as the Authority’s Proper Officer in respect of the following statutory functions:

STATUTORY PROVISION	FUNCTION	SUBSTITUTE
Local Land Charges Act 1975 Land Registration Act 2002	Local Registrar within the meaning of the Acts who shall register any matters specified by these Acts affecting land situated within the district	Head of Planning
Rent Act 1977 S63	Appointment of Rent Officers under a scheme	Head of Estates
Rent Act 1977 Sched 15, Part IV, para 7	Certification of provision of suitable alternative accommodation	Head of Estates
Housing Act 2004 S4	Receipt and inspection of complaints of category 1 and 2 hazards on residential premises	Head of Estates

Officer Delegations

Food Safety Act 1990 S5	“Authorised Officer” to act in matters arising under the Act	Head of Regulatory Services
Agriculture Act 1970 S67	Appointment of agricultural inspectors and an agricultural analyst	Head of Regulatory Services
Highways Act 1980 S37(5)	Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection	Head of Highways
<u>Highways Act 1980 S38</u>	<u>Power to adopt the highway by agreement</u>	<u>Head of Infrastructure</u>
Highways Act 1980 S205(3) and (5)	Duties in relation to street works in private streets	Head of Highways
Highways Act 1980 S210(2)	Certification of document giving details of any amendments to estimate of costs and provisional apportionment of costs of street works in private streets	Head of Highways
Highways Act 1980 S211(1), 212(4), 216(2) and (3)	Making a final apportionment of costs of street works under the private street works code	Head of Highways
<u>Highways Act 1980 S278</u>	<u>Agreements for the execution of works</u>	<u>Head of Infrastructure</u>
Highways Act 1980 S295	Issuing of notice to require owners to remove materials from streets in which works are due to take place	Head of Highways
Highways Act 1980 S321	Signature and authentication of notices, consents, approvals, orders, demands, licences, certificates or other documents	Head of Highways
Local Government (Miscellaneous Provisions) Act 1982	Entertainments, licensing control of sex shops	Head of Regulatory Services

Officer Delegations

Licensing Act 2003 Gambling Act 2005	Licensing and gambling functions	Head of Regulatory Services
Local Government Act 1972 S191(2)	Receipt of applications under section 1 Ordnance Survey Act 1841	Head of Planning
Building Act 1984 S61	Receive notification of, and having free access to, repairs of drains	Head of Planning
Building Act 1984 and Building Regulations	Authentication of Documents and issue of notices	Head of Planning
Building Act 1984	(a) Various purposes with regard to drainage, water supply, sanitary accommodation. (b) Purposes relating to building control other than those comprised in (a) above (c) authorise action in relation to dangerous structures under Section 78	Head of Planning
Planning (Consequential Provisions) Act 1990 Schedule 3, para 3	Receipt of deposit of list of protected buildings – S54(4) Town & Country Planning Act 1971	Head of Planning
Countryside and Rights of Way Act 2000 S1	Access to the Countryside	Head of Planning
Food Safety Act 1990 S5	“Authorised Officer” to act in matters arising under the Act	Head of Regulatory Services
Food Safety Act 1990 S27	Nomination of Public Analyst	Head of Regulatory Services

Officer Delegations

Food Safety Act 1990 S49	Signature of any document authorised or required by or under the Act	Head of Regulatory Services
Environmental Protection Act 1990 S149 - 151	Discharging the functions in this section for dealing with stray dogs	Head of Regulatory Services
Public Health Acts 1936 and 1961 Control of Pollution Act 1974 Housing Acts 1957 and 1988 Local Government Act 1989 Local Government (Miscellaneous provisions) Act 1976 Prevention of Damage by Pests Act 1948 Environmental Protection Act 1990	Authentication of Documents and issue of notices	Head of Regulatory Services
Public Health (Control of Disease) Act 1984 S48	Certification that it would be a health risk to retain a body in a building	Head of Regulatory Services
Public Health (Control of Disease) Act 1984 S61	Powers to enter premises for certain purposes under the Act	Head of Regulatory Services
Public Health (Control of Disease) Act 1984 S62	Supplementary provisions in relation to entry of premises	Head of Regulatory Services

Director of Public Health

To act as the Authority's Proper Officer in respect of the following statutory functions:

STATUTORY PROVISION	FUNCTION	SUBSTITUTE
Public Health (Control of	Signature and authentication of notices, orders or other documents	Lead for Health Protection and the Wider

OFFICIAL

Officer Delegations

Disease) Act 1984 S59		Determinants of Health
Health Protection (Notification) Regulations 2010 Regulation 2	Receipt of notice from medical practitioner of suspected disease, infection or contamination in patients	Lead for Health Protection and the Wider Determinants of Health
Health Protection (Notification) Regulations 2010 Regulation 3	Receipt of notice from medical practitioner of suspected disease, infection or contamination in dead persons	Lead for Health Protection and the Wider Determinants of Health
Health Protection (Notification) Regulations 2010 Regulation 6	Duty to disclose information to Public Health England and others	Lead for Health Protection and the Wider Determinants of Health

Director of Governance & Compliance (Monitoring Officer)

To act as the Authority's Proper Officer in respect of the following statutory functions:

STATUTORY PROVISION	FUNCTION	SUBSTITUTE
Local Government Act 1972 S83	Receipt of declaration of acceptance of office by chairman, vice-chairman or Councillor	Head of Democratic Services and Governance
Local Government Act 1972 S84(1)	Receipt of notice of resignation of office	Head of Democratic Services and Governance
Local Government Act 1972 S86	Declare any vacancy in office	Head of Democratic Services and Governance
Local Government Act 1972 S89 Local Elections (Parishes and Communities) (England and Wales) Rules 2006/3305	Receipt of notice of casual vacancy of Councillor (Also for Parish and Community Councils)	Head of Democratic Services and Governance
Local Government Act 1972 S100B(2)	Exclusion of whole or part of reports from public inspection	Legal Team Manager(s) and

OFFICIAL

Officer Delegations

		Deputy Monitoring Officer(s)
Local Government Act 1972 S100B(7)(c)	Supply of documents to the press	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S100C(2)	Written summary of proceedings where minutes would disclose exempt information	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S100D(5)	Identification of background papers	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S100F(2)	Exclusion from production to Members of the Authority documents disclosing exempt information	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S223(1) Also S60 County Courts Act 1984	Authorisation of any member or officer of the Authority to conduct, prosecute, defend or appear in proceedings before a magistrates court	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S225	Receipt and retention of documents deposited with the Authority	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S229(5)	Certification of photographic copies of documents	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S234 (1) and (2)	Signature of any notice, order or other document on behalf of the Authority, any document purporting to bear the signature of the proper officer shall be deemed as duly given, made or issued by the Authority	Legal Team Manager(s) and Deputy Monitoring Officer(s)

Officer Delegations

Local Government Act 1972 S236 (10)	Sending copies of byelaws to parish councils or parish meetings	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 S238	Certification of copy of byelaws	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1972 Schedule 14, para 25(7)	Certification of resolutions	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government (Miscellaneous Provisions) Act 1976 S41	Certification of copies of resolutions, orders, reports and minutes and other documents	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Freedom of Information Act 2000 – S36(2) & (5)	Decision of whether information is exempt from disclosure to the public arising from the prejudice to the conduct of public affairs	Monitoring Officer/Executive Director Corporate
Localism Act 2011 S29	Establish and maintain a register of member's and co-opted members' interests	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Localism Act 2011 S31	Receipt of notice of members' disclosable pecuniary interests and entering such interests in the Authority's register	Head of Democratic Services and Governance
Localism Act 2011 S32	Consideration whether a member's interest is a sensitive interest	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Localism Act 2011 S33	Determination of written requests from members for dispensations where they have a pecuniary interest	Legal Team Manager(s) and Deputy Monitoring Officer(s)
Local Government Act 1974 S30(5)	Publication of Local Commissioner (Ombudsman) reports	Legal Team Manager(s) and Deputy

Officer Delegations

		Monitoring Officer(s)
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Head of Democratic Services and Governance

STATUTORY PROVISION	FUNCTION	SUBSTITUTE
Registration Service Act 1953 S9 (1) and (2)	Appointment of interim superintendent registrars and registrars	Civic and Registration Services Manager
Registration Service Act 1953 S13 (2)(h) and (3)(b)	Powers under the local scheme of organisation	Civic and Registration Services Manager
Registration Service Act 1953 S20	Proper Officer to be subject to regulations made by the Registrar General	Civic and Registration Services Manager
Marriage Act 1949 Marriage Act 1994 Civil Partnership Act 2004	Determination of applications for approval of premises, exercise of registration functions	Civic and Registration Services Manager
Local Authorities Cemeteries Order 1977 Article 12	Responsibility for storage and charge of cemetery records	Civic and Registration Services Manager
Local Authorities Cemeteries Order 1977 Schedule 2	Responsibility for the signature of grants and granting of permission for various matters	Civic and Registration Services Manager

Miscellaneous

To act as the Authority's Proper Officer in respect of the following statutory functions:

STATUTORY PROVISION	FUNCTION	PROPER OFFICER	SUBSTITUTE

Officer Delegations

Local Government Act 1972 S100D(1)	Compilation of lists of background papers, identification of background papers	In the case of any report the name of the Officer at Corporate Leadership Team level who has responsibility for the subject matter of the report and in the case of the joint report the first named Officer	The relevant <u>Director/</u> Head of Service/Manager below the Corporate Leadership Team Officer.
Local Government (Miscellaneous Provisions) Act 1976 S16	Service of notices requiring details of any interests in land.	Chief Executive or other Officer at Corporate Leadership Team level	The relevant <u>Director/</u> Head of Service/Manager below the Corporate Leadership Team Officer.
Regulation of Investigatory Powers Act 2000 S27, 28 and 29	Authorising Officer & Designated person for the use of surveillance and the acquisition and disclosure of communications data	Chief Executive or other Officer at Corporate Leadership Team level	The relevant <u>Director/</u> Head of Service/Manager below the Corporate Leadership Team Officer.
Freedom of Information Act 2000 S36	Determination of exemptions apart from those relating to s.36 prejudice to conduct of public affairs	All Officers at Corporate Leadership Team level	The relevant <u>Director/</u> Head of Service/Manager below the Corporate Leadership Team Officer.
Anti-Social Behaviour Act 2003 and Anti-Social Behaviour Crime and Policing Act 2014	Proper Officer functions anti-social behaviour and community protection	Relevant Director	Relevant Head of Service

Officer Delegations

Any	Any other provisions for which arrangements are not made above or in the scheme of delegation to officers (whether made before or after this last was last updated) requiring a proper officer or authorised officer from time to time - either to nominate a proper officer or to exercise the functions.	Chief Executive	Relevant Director
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