



## Regulatory & Appeals Committee

Date: Monday, 2nd February, 2015  
Time: 7.00 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

### Membership

Chairman: Councillor J A Savage  
Vice Chairman: Councillor R Wilson

Councillors: M C Appleyard, A D Collingwood, R Farmer, R Gaffney, M Hanif, M Hussain JP, Mrs G A Jones, Ms P L Lee, B E Pearce and D A C Shakespeare OBE

### Standing Deputies

Councillors: K Ahmed, D A Anson MBE, G C Hall, Miss S Manir, J L Richards OBE and T Snaith

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## Supplementary Agenda Reports

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# **PART 1**

## **SUMMARY AND ARTICLES OF THE CONSTITUTION**

# Wycombe District Council Constitution Summary and Articles

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# **Article 1**

## **THE PURPOSE OF THE CONSTITUTION**

### **1. Summary and Explanation**

Wycombe District Council's Constitution sets out how the Council works and how decisions are made to ensure efficiency, transparency and accountability to its citizens. Some of these processes are required by the law, while others are a matter for the Council to choose. The behaviour of individuals and groups is regulated through codes of conduct, methods of working and standing orders.

The Constitution contains a number of Parts which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in the Council's Code of Conduct, Standing Orders, Financial Regulations and other sections.

### **2. Powers of the Council**

The Council will use all its powers and duties in accordance with the law and this Constitution. Where the Council chooses between different courses of action, it will always choose that option which it thinks is closest to the purposes set out below.

### **3. Purpose of the Constitution**

This is to:

- Work towards the Council's vision
- Provide clear democratic leadership in partnership with its citizens, local businesses and other representative organisations
- Involve its citizens in decision making
- Help councillors to represent their constituents effectively
- Enable decisions to be taken efficiently and effectively
- Create a powerful and effective means of holding decision-makers to public account
- Ensure that no one will review or scrutinise a decision in which he or she was directly involved
- Ensure that the person making the decision is clearly identified and gives reasons for decisions to local people
- Provide a means of improving service delivery within the Council's priorities and strategic objectives

### **4. Review and revision of the Constitution**

The Regulatory and Appeals Committee will monitor and review the operation of the Constitution to ensure that it achieves its purposes, drawing attention to any particular strengths and weaknesses and making recommendations for ways in which the purposes could be better achieved. In order to achieve

this, the Committee may:

- Observe any meetings
- Undertake an audit of a sample of decisions
- Record and analyse issues raised by Councillors, officers, the public or other relevant stakeholders
- Compare practices in Wycombe with other authorities, especially national examples of good practice

The Committee will report its findings to full Council.

## **5. Changes to the Constitution**

Changes to the Constitution will only be approved by full Council following consideration of proposals from the Regulatory and Appeals Committee.

Before any proposal is put forward to change from a Leader and Cabinet system to alternative arrangements or a mayoral system, reasonable steps must be taken to consult with local electors and other interested persons. In the case of a change to a mayoral system, the Council must also hold a binding referendum<sup>1</sup>.

## **6. Interpretation of the Constitution**

The Chairman of the Council's ruling as to the construction or application of the Constitution or as to the Council's proceedings may not be challenged at a Council meeting. Such interpretation must take into account the purposes of the Constitution<sup>2</sup>.

## **7. Suspension of the Constitution**

The sections of this Constitution may not be suspended, but the Council's procedural Standing Orders<sup>3</sup> (except Standing Order 31 – suspension of standing orders and those standing orders prescribed by law) may be suspended if the following procedure is followed:

- At least half of the number of councillors entitled to be present at a meeting is actually present
- The extent and duration of the suspension must be proportionate to the result to be achieved
- Any suspension must take account of the purposes of the Constitution<sup>4</sup>

## **8. Publication of the Constitution**

Every councillor upon his or her acceptance of office shall be provided with the appropriate link to the web site to gain access to the Constitution. On

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<sup>1</sup> Section 27, Local Government Act 2000

<sup>2</sup> See paragraph 3 above

<sup>3</sup> See Part 3 of the Constitution

<sup>4</sup> See paragraph 3 above

request an electronic copy of the Constitution will also be provided. .  
. Copies will also be available via the Intranet  
and Internet. .

#### 10. **How the Council works**

The Council has 60 councillors who are elected once every 4 years. Their main duty is to the whole District, but they have a special duty to people who live in the ward they represent and to whom they are democratically accountable. This duty is to all the ward's constituents including those who did not vote for them.

All councillors meet together as the full Council. The Council decides overall priorities and policies and sets the budget and holds to account the Cabinet and Committees<sup>5</sup>.

#### 11. **The Cabinet**

The Cabinet is responsible for most decisions. It is made up of the Leader, who is appointed by the Council, and up to 9 other councillors whom he/she appoints.

When major decisions are to be discussed or made, these are published in the Cabinet's forward plan and in the Cabinet agenda for a particular meeting. Agendas are published 5 clear days before a meeting and the meeting itself is open to the public unless exempt or confidential matters are being discussed<sup>6</sup>. The Cabinet can only make decisions on matters within the Council's overall policies and budgets<sup>7</sup>.

#### 12. **Overview and Scrutiny**

The Council must have at least one Overview and Scrutiny Committee which at Wycombe is known as the Improvement and Review Commission.

The Improvement and Review Commission encourages citizens to have a greater say in Council matters by enquiring into matters of local concern. Its main role is to propose ideas which will lead to improvements in Council services and it does this by investigating specific issues. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

The Improvement and Review Commission also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented provided certain criteria are met<sup>8</sup>. This enables it to consider whether the decision is appropriate. The Commission may recommend that the Cabinet reconsiders the decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the

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<sup>5</sup> See Section 4 for full details of the Council's roles and responsibilities

<sup>6</sup> See Access to Information Procedure Rules for details of the type of information not open to the public

<sup>7</sup> See Section 6 for full details of how the Cabinet works and the section on Policy and Budget Framework rules

<sup>8</sup> See the Improvement and Review Protocol in Part 3 of the Constitution for full details of the "Call-In" procedure criteria to be applied prior to call-in

development of policy<sup>9</sup>.

### 13. **The Council's Staff**

The Council employs officers to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and Councillors of the council<sup>10</sup>. Many officers make decisions on matters delegated to them<sup>11</sup>.

### 14. **Citizens' Rights**

Citizens have a number of rights in their dealings with the Council, including the right to vote, contact their local councillor, attend meetings open to the public and inspect the Council's accounts<sup>12</sup>.

### 15. **Description of Executive and Non Executive Arrangements**

This set out in Part 2 of the Constitution.

## **Article 2 COUNCILLORS**

### 1. **How many are there?**

Wycombe District Council has 60 councillors who between them represent 27 wards. Each ward has either one, two or three Councillors who are elected by the voters of that ward. The boundaries of each ward and the number of Councillors are decided by the Office of the Deputy Prime Minister upon recommendation from the Electoral Commission.

### 2. **Eligibility**

Only people registered as voters in Wycombe District, living or working in Wycombe, or have occupied property as owner or tenant in the area for at least the past 12 months, are eligible to stand or hold office as a councillor<sup>13</sup>.

### 3. **Election and term of office**

All Wycombe District councillors are elected every 4 years with the election being held on the first Thursday in May.

Once elected, the term of office starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election, except for that of the Leader (Standing Order 5).

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<sup>9</sup> See Section 5 for full details of the Improvement and Review Commission

<sup>10</sup> See Part 5 of the Constitution

<sup>11</sup> See Schemes of Delegation for more details

<sup>12</sup> See Section 3 for more details

<sup>13</sup> Representation of the People Acts and regulations made thereunder

If a vacancy occurs, a by-election will be held unless there is less than 6 months to go before the next scheduled elections. Any Councillor elected at a by-election holds office only until the next scheduled election.

#### **4. Roles and functions of all Councillors**

All Councillors are collectively and individually responsible for:

- Setting strategic direction
- Being the ultimate policy makers
- Promoting the interests of the community
- Promoting or improving the social, economic and environmental well-being of the district<sup>14</sup>
- Participating in good governance
- Encouraging community participation and citizen involvement in decision making
- Developing open government
- Effectively representing the interests of their ward and of individual constituents (whether or not that constituent voted for them)
- Dealing with individual casework
- Acting as an advocate for constituents in resolving particular concerns or grievances fairly and impartially
- Participating fully and effectively as a Councillor of any committee to which they are appointed
- Undertaking appropriate training if appointed to a quasi-judicial committee
- Providing 2 way communication between the Council and any outside body to which they are appointed
- Respecting the requirement that the party whip is not applied at meetings of the Improvement and Review Commission, its Task and Finish Groups, Planning Committee, Licensing Committee or whilst exercising any quasi-judicial function

Further details can be found in the job description for an individual councillor<sup>15</sup>.

#### **5. Access to Information**

Every Councillor can access such documents, information, land and buildings belonging to the Council as are necessary for the proper discharge of his or her legal functions.

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<sup>14</sup> Section 4 Local Government Act 2000

<sup>15</sup> Part 2 of the Constitution



No Councillor may make confidential or exempt<sup>16</sup> information public without the specific consent of the Council or divulge information given in confidence to him or her other than to another Councillor or officer entitled to know it.

A Councillor who is not a member of a Committee may, with the prior consent of the Chairman, attend a meeting to make a statement on behalf of his or her constituents on any item on the agenda which directly affects his or her Ward. In these circumstances, the Chairman's consent must not be withheld unreasonably.

A Councillor who is not a member of a Committee may, at the Chairman's discretion, and with the Chairman's prior consent, speak on any item on the agenda whether or not affecting his or her Ward.

At meetings of the full Council, every Councillor has the right to ask questions of the Cabinet or a Committee Chairman<sup>17</sup>.

## **6. Conduct**

Councillors are expected to act at all times in accordance with the Councillors' Code of Conduct<sup>18</sup> and any other codes or guidance adopted by the Council<sup>19</sup>.

The Members' Code of Conduct is set out in Part 5 of the Constitution.

## **7. Allowances**

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme, as set out in Part 4 of the Constitution.

## **8. Honorary Aldermen**

In some cases, a long standing Councillor may be made an Honorary Alderman upon his or her retirement as a local councilor, in accordance with the Scheme for Honorary Aldermen, as set out in Part 5 of the Constitution.

# **Article 3 CITIZENS AND THE COUNCIL**

Citizens have a number of rights in their dealings with the Council and these are set out below. Some of these are legal rights and some depend on the Council's own processes. Where a specific service is provided, e.g. housing, a Council tenant has additional rights not covered in the Constitution.

Councillors or officers are available to help and advise on an individual's rights and the Citizens Advice Bureau can also advise.

## **1. Voting and petitions**

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<sup>16</sup> The Access to Information Rules in Part 3 of the Constitution give definitions of this type of information

<sup>17</sup> See procedural Standing Order 11 in Part 2 of the Constitution

<sup>18</sup> A model code was established under Section 50 of the Local Government Act 2000

<sup>19</sup> See Part 5 of the Constitution for copies of all the relevant Codes and guidance

Individuals registered on the electoral roll may vote at local and national elections or referenda and petition to request a referendum for an elected mayor.

## 2. **Obtaining information**

Any citizen can:

- contact local councillors about any issue of local concern
- obtain a copy of the Constitution
- ask questions of Cabinet Members at meetings of the full Council<sup>20</sup>
- speak at meetings of the Planning Committee on issues within the local area<sup>21</sup>

## 3. **Meetings**

All meetings of the Council, the Cabinet and Committees are open to the public unless exempt or confidential information<sup>22</sup> is being discussed. The Cabinet publishes an annual Forward Plan of what items are likely to be considered at which meeting. This is updated on a rolling basis and published on the Council's website at [www.wycombe.gov.uk](http://www.wycombe.gov.uk).

The Improvement and Review Commission takes evidence from local people and experts on particular issues of local concern. Any citizen can volunteer to give evidence or submit information to the Commission.

With the exception of exempt and confidential items, all agenda papers and minutes of meetings are freely available either in hard copy or via the Council's website. Any item which is drafted by relying on other reports or information must state that fact, and that information (known as background papers) is also available for inspection.

Agendas and minutes must be available for a period of 6 years from the date of a meeting, and background papers for 4 years.

A statement summarizing the rights of citizens to inspect agendas and minutes and attend meetings is available for inspection at the Council Offices in Queen Victoria Road, the Area Information Centres or on the Council's website.

## 4. **Accounts**

Every citizen can inspect the Council's accounts and make his or her views known to the external auditor. Public notice is given in local newspapers and on the Council's website when the accounts are available.

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<sup>20</sup> See Standing Order 10 for details of the procedure to follow

<sup>21</sup> See Part 3 Section I for details of the procedure to be followed

<sup>22</sup> See the Access to Information Rules in Part 3 of the Constitution for details

## 5. Complaints

The Council has a formal complaints procedure which will be followed whenever a complaint is made to it about service problems<sup>23</sup>. If a complainant is unsatisfied at the end of this process, then a complaint can be pursued with the Local Government Ombudsman<sup>24</sup>.

Any complaint about a Councillor's conduct should be addressed to the Complaints Officer, Wycombe District Council (email [complaints@wycombe.gov.uk](mailto:complaints@wycombe.gov.uk)).

Any complaint about an officer's conduct should be addressed to the appropriate Head of Service (if known) or the Chief Executive.

## 6. Behaviour

Citizens must treat Councillors and officers with respect and are entitled to expect the same courtesy.

Violence, abusive or threatening behaviour and willful harm to Council property will not be tolerated.

# Article 4 ROLES AND RESPONSIBILITIES OF FULL COUNCIL

The full Council has two different types of functions. **Statutory** functions are those which the law requires the full Council and no-one else to undertake. **Local Choice** functions are those which the Council has decided should remain with the full Council rather than being the responsibility of the Cabinet.

## STATUTORY FUNCTIONS

### 1. Meetings

There are 3 types of Council meeting conducted in accordance with the Council's procedural Standing Orders and rules of debate<sup>25</sup>

- Ordinary Meetings

These are held in February, April, July, October and December each year.

Regular items of business include questions from members of the public, questions from councillors and consideration of the minutes of Cabinet, the Improvement and Review Commission and the various committees. From time to time the Council receives presentations or debates motions from councillors on specific subjects

- The Annual Meeting

This meeting is a legal requirement and is held in May each year. It deals with a number of matters including:

Election of the Chairman and Vice Chairman of the Council and the Leader of

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<sup>23</sup> Have we got it right? leaflet

<sup>24</sup> [www.lgo.org.uk](http://www.lgo.org.uk)

<sup>25</sup> See Part 3 of the Constitution for full details especially SO 6 - 16

the Council

Report from the Leader of the Council

Committee and outside body appointments

- **Extraordinary Meetings**

These are held at the express request of 5 Councillors of the Council and if the Chairman of the Council does not call such a meeting, then after 7 days, any 5 Councillors of the Council may immediately call an extraordinary meeting.

All Council Meetings are held in the Council Chamber in the Queen Victoria Road Offices starting at 6.30pm. Notice of meetings will be given at least five clear working days before the meeting

## 2. **Public Participation**

The public is entitled to attend all Council meetings unless exempt or confidential business is being discussed<sup>26</sup>. All agendas and minutes are published on the Council's website. The public may ask questions of the Leader of the Council or any Cabinet member at ordinary meetings of the Council. Questions must be submitted not later than 12 noon on the Thursday of the week preceding the Council meeting<sup>27</sup>

## 3. **The Constitution**

Adoption and subsequent changes save for minor anomalies. The Council will maintain Part 3 of the Constitution setting out the responsibilities for those functions not the responsibility of the Cabinet<sup>28</sup>, including local choice functions and outside bodies for which it will be responsible for making appointments

## 4. **Executive arrangements**

Changes to the form of executive, eg replacing the Cabinet system with an elected mayor

## 5. **The draft policy framework<sup>29</sup>**

This is specified in the Local Government Act 2000 to be particular plans and strategies. Currently these are:

- **Crime and Disorder Reduction Strategy**
- **Licensing Authority Policy**

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<sup>26</sup> For details of the type of information likely to be considered without the press and public present see the Access to Information Rules in Part 3 of the Constitution

<sup>27</sup> Full details of the procedure to be followed can be found in Standing Order 10

<sup>28</sup> These are known as non executive functions and are specified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. In the main these tend to be mainly regulatory functions, eg determination of planning or licensing applications and will be the responsibility of the Council unless delegated to a committee or sub-committee of the Council or an officer. An executive function is any function not specified as non-executive and is the responsibility of the Cabinet unless delegated to a Cabinet Member or an officer

<sup>29</sup> A procedure must be adopted by the full Council to deal with conflict resolution in the event of dispute between the Council and Cabinet over the setting of either the policy or budget framework

- Sustainable Communities Strategy
- Wycombe Development Framework, including approval of draft proposals for public consultation purposes associated with preparation of alterations to, or the replacement of the Development Plan

The Council may decide to include other appropriate plans and strategies from time to time

## 6. **The draft budget framework**

The budget includes the allocation of resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, its investment strategy<sup>30</sup> and the setting of virement limits

## 7. **Setting the Council Tax**

This includes specific functions referred to in Section 67 of the Local Government Finance Act 1992 (Council Tax calculations etc) and special expenses resolutions

## 8. **Decisions not in accordance with agreed policies and budgets**

If a decision of the Cabinet or a Cabinet Member is not in accordance with the approved policy or budget framework then it is for the full Council to decide subject to the urgency provisions in the Access to Information Rules<sup>31</sup>

## 9. **Officer Reports**

- Reports of the Chief Finance Officer relating to proposals / decisions in connection with non-executive functions which are considered to involve unlawful expenditure, or to be unlawful and likely to cause a loss to the Council, or to involve a potential unlawful item of account<sup>32</sup>
- Reports of the Head of Paid Service on co-ordination of the carrying out of Council functions, the number and grade of officers required for this purpose, and the organisation of officers<sup>33</sup>
- Reports of the Returning Officer or Electoral Registration officer relating to electoral matters<sup>34</sup>
- Reports of the Monitoring Officer relating to proposals/decisions in connection with non-executive functions which are considered to give rise to unlawfulness, or in some cases, maladministration.<sup>35</sup>

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<sup>30</sup> Including the determination of borrowing limits under the Local Government and Housing Act 2003

<sup>31</sup> See Rule 15 under Access to Information Procedure Rules in Part 3 of the Constitution

<sup>32</sup> Section 114 Local Government Finance Act 1998

<sup>33</sup> Section 4 Local Government and Housing Act 1989

<sup>34</sup> Local Government Act 1972, Representation of the People Acts and regulations made thereunder

<sup>35</sup> Section 5 Local Government and Housing Act 1989

**10. Officer Appointments**

Making or confirming the appointments of Head of the Paid Service, Returning Officer, Electoral Registration Officer, Corporate Directors, Monitoring Officer and Chief Finance Officer. The Council has also reserved to itself the appointment of Councillors to first tier appointment committees in accordance with Standing Orders<sup>36</sup>

**11. Appointment of Committees**

Deciding which committees will be set up, determining their terms of reference and composition, number of Councillors, term of office, any area of the District to which their operation is to be restricted, and making appointments to them. Membership of committees will be determined in accordance with political balance rules<sup>37</sup> unless the full Council (with no councillor voting against) decides otherwise. The method of appointment will be as set out in Standing Order 18 and the names will be recorded in the minutes of the Annual Meeting of the Council

**12. Scheme of delegation**

Maintaining a list of functions delegated to committees or officers<sup>38</sup>

**13. Standing orders**

Making and approving standing orders for the formal procedure of the Council and its committees and for contracts and financial regulations<sup>39</sup>

**14. Chairman and Vice-Chairman of the Council**

The Chairman and Vice-Chairman of the Council will be elected at the Annual Meeting of the Council. If both the Chairman and Vice-Chairman are absent from a Council meeting, another person must be elected to chair the meeting<sup>40</sup>. The Chairman or in his/her absence the Vice-Chairman will:

- Be the first citizen of the district
- Provide a ceremonial focus for the district
- Chair Council meetings and major consultations impartially and in a politically neutral way so that business can be carried out efficiently and with regard to the rights and interests of councillors and citizens

The Chairman must be a serving Councillor of the Council, but unless he or she resigns or becomes disqualified to be a Councillor, the Chairman will remain in office until a successor is elected. Even if not standing, or defeated at the district council elections, the Chairman continues to be a Member of the Council until a successor is appointed at the Annual Meeting. However, if the Chairman remains a Councillor solely because of this provision, then he

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<sup>36</sup> See Standing Order 28

<sup>37</sup> Section 15 to 17 of the Local Government and Housing Act 1989

<sup>38</sup> See the detailed schemes of delegation to committees and officers in Part 2 of the Constitution

<sup>39</sup> See Part 3 of the Constitution

<sup>40</sup> See Standing Order 13

or she is unable to vote in the election for a successor unless the Chairman's casting vote is exercised.

**15. Enrolment of Honorary Aldermen**

To confer the honour of Honorary Alderman upon past councillors who have fulfilled the requirements and been nominated in accordance with the Council's Scheme<sup>41</sup>

**16. Electoral matters**

Any matters not by law the responsibility of the Returning Officer or Electoral Registration Officer or not delegated to Committee

**17. Legislation**

Any Local Act functions and the promotion or opposing of local legislation or personal Bills

**18. Bye-laws**

Making, amendment, revocation, re-enactment or adoption

**19. Standards and ethics**

Overall responsibility for including:

- Resolution adopting or revising new Codes of Conduct for Councillors and officers
- Setting up of Standards Committee

A Register of Councillors' Disclosable Pecuniary Interests and of gifts and hospitality received is maintained and open for public inspection upon application. All Councillors must abide by the Council's Code of Conduct and other guidance adopted from time to time.<sup>42</sup>

**20. Name of the District**

Any application to change the name of the District including a petition to confer borough status

**21. Scheme of Allowances**

Consideration of the report of the Independent Remuneration Panel and the adoption of the Scheme of Councillors' Allowances<sup>43</sup>

**22. Housing Land Transfers**

Any application to the Secretary of State in respect of Housing Land Transfer<sup>44</sup>

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<sup>41</sup> See Scheme for the Enrolment of Honorary Aldermen in Part 5 of the Constitution

<sup>42</sup> Details can be found in Part 5 of the Constitution

<sup>43</sup> See Part 6 of the Constitution for details of the current allowances

<sup>44</sup> Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing

23. **Other Matters**

Any other matters required by law to be dealt with by full Council

<b>LOCAL CHOICE FUNCTIONS</b>
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1. **Leader of the Council**

To elect the Leader of the Council in accordance with Standing Order 5

2. **Boundary or re-organisation proposals**

Final decision or recommendation to government as necessary on any boundary or re-organisation affecting the district

3. **Judicial Review**

Authorisation of proceedings relating to non-executive functions, unless a Corporate Director after consultation with the Chairman of the Improvement and Review Commission considers that such proceedings relate to a planning application or appeal

4. **Joint Working**

Endorsement of the overall strategy for joint working with other bodies.

5. **Outside Bodies**

Appointment of representatives to outside bodies unless the appointed has been delegated by the Council or is a Cabinet appointment.

6. **Call-In**

Issues called-in to full Council.

7. **High Wycombe Town Centre Redevelopment**

Approval or adoption of any strategies relating to the High Wycombe Town Centre redevelopment (Eden) (including any amendments, modifications, variations or revocations).

8. **Plans and Strategies**

Approval, adoption, amendment, modification, variation, or revocation of any plan or strategy unless the Cabinet is authorised by the Council to make the same at the time the plan or strategy is approved or adopted or which is a matter the responsibility of the Cabinet by law.

9. **Policies**

Major changes to existing policies or new policies for non-executive functions, unless specifically delegated to a committee.



## **Article 5**

### **IMPROVEMENT AND REVIEW COMMISSION**

#### **1. What is the Improvement and Review Commission?**

The Local Government Act 2000 as amended (the Act) requires that the Council must appoint at least one improvement and scrutiny committee. Wycombe has decided that this Committee should be known as the Improvement and Review Commission.

#### **2. What does the Commission do and what are its terms of reference?**

The Commission's functions are to scrutinise effectively and openly decisions and performance and to discharge the functions set out in section 21 of the Act. By law the Commission has no power to carry out functions itself; its role is to propose improvements to the Cabinet, the Council or other Committees and to scrutinise Cabinet (or individual Cabinet Member or officer) decisions.

It has no powers other than those set out in the Local Government Act 2000.

#### **3. General Functions**

The Commission's remit covers the whole range of Council functions. It is required to hold the Cabinet to account on behalf of the whole Council and it may assist in the review and development of Council policy across all Cabinet and other Committee functions.

The Commission must conduct its work in accordance with the Improvement and Review Protocol<sup>45</sup> and Council Standing Orders<sup>46</sup>.

The Commission has more specific functions as shown below.

#### **4. Policies**

To review the policies of the Council, its Committees and the Cabinet and to recommend to the Council or the Cabinet whether:

- any new policies are required
- any existing policies should be revoked, amended or made more effective

#### **5. Review of Functions**

To review how the Cabinet discharges its functions and to recommend to the Council or the Cabinet whether:

- any action should be taken to improve the economy, efficiency and effectiveness of those functions or their co-ordination, either within the authority or with the functions of another person or body
- the function should continue or continue in another way

The Commission may recommend that a particular issue should

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<sup>45</sup> See Part 3 of the Constitution for further details of the protocol

<sup>46</sup> See Part 3 of the Constitution for Procedural Standing Orders

be included in the Cabinet's Forward Plan<sup>47</sup>.

Subject to the "call-in" procedures<sup>48</sup> set out in the Improvement and Review Protocol, to review and scrutinise any decisions or proposed decisions of the Council, the Cabinet, or officers and to report or recommend to the Council or the Cabinet whether:

- the decision should be reconsidered or amended and if so how
- any further action should be taken to ensure proper or better implementation of decisions
- any lessons can be learned from that decision to improve future decision-making

The Improvement and Review Commission will not routinely scrutinise decisions of another Committee of the Council, especially decisions in respect of development control and other quasi-judicial functions<sup>49</sup>. Improvement and Review is not an alternative to normal appeals procedures, but it may look at particular issues and make recommendations for improvements.

## **6. Improvements**

To consider any matters which affect the Council's area or its inhabitants and to make recommendations or reports to the Council or the Cabinet

## **7. References from Council or Cabinet**

To consider any matter referred to it by the Council or the Cabinet and recommend or report to the Council or the Cabinet accordingly. The Commission has an automatic right to consider the following before they are actioned if it so wishes:

- reports of statutory inspections (including Best Value inspections)
- reports from the External Auditors (if appropriate)
- draft policies, plans and strategies which are recommended by the Cabinet to the Council for approval
- the draft budget which is recommended to the Council by the Cabinet
- any proposals from the Cabinet for a modification of the authority's Constitution
- Ombudsman reports which include a finding of maladministration

## **8. Reference from Members**

- To deal with references from Members of the Commission of matters which are relevant to the functions of the Commission

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<sup>47</sup> The Cabinet is required to publish a schedule of subjects on which it will be making decisions known as the Forward Plan

<sup>48</sup> Certain decisions may be 'called-in' by the Commission prior to implementation. See the Improvement and Review Protocol in Part 3 of the Constitution for full details of the 'call-in' procedures and tests to be applied prior to call-in

<sup>49</sup> See Part 2 of the Constitution for full details of the quasi-judicial functions of the Council

- To deal with references from Councillors who are not Members of the Commission of any non-excluded local government matter which is relevant to the functions of the Commission.

#### 9. **Criteria which the Commission will use in its work**

When carrying out reviews and considerations, the Improvement and Review Commission must consider whether:

- the relevant criteria were used
- the decision is in accordance with the Policy and budget framework<sup>50</sup> set by the Council
- the decision or action was within the powers of the Authority
- the decision was lawful
- the decision contributes to the efficient, effective and economic discharge of the function

#### 10. **How will the Commission work?**

Part 3 E of the Constitution sets out the Improvement and Review Commission Protocol, outlining how the Commission operates/

#### 11. **Preparation and publication of reports**

The recommendations of the Commission will either be published in a separate report or summarized within its minutes. Copies of the report or recommendations on any Cabinet matter will be given to the Cabinet or the appropriate Cabinet member. This will usually be by way of an item on the next Cabinet agenda.

When a Member of the Commission raises an issue under the procedure described in paragraph 8, a copy of the report or recommendation must be provided to that Member. In a matter involving an improvement target for a partner authority specified in the local area agreement, that partner must receive a copy of any report or recommendation.

#### 12. **Membership**

Membership will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989, or as the full Council shall determine with no Councillor voting against. The numbers and method of appointment will be as set out in Council Procedure Standing Orders. The names of Councillors so appointed will appear in the Minutes of each Annual General Meeting of the Council.

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<sup>50</sup> See Part 3 of the Constitution for details of the policy and budget framework

**13. Chairman and Vice Chairman**

The Chairman and Vice Chairman are responsible for leading the work of the Commission, liaising with Cabinet and Committee Chairmen on behalf of the Commission and ensuring that Commission and Task and Finish Group members receive appropriate training<sup>51</sup>.

**14. Speakers**

Cabinet Members, other Councillors, Officers, representatives of outside bodies, external experts or any resident of the District or person with a legitimate interest in the subject under consideration at the Commission or one of its Task and Finish Groups may be requested to attend a meeting and speak or give evidence as appropriate<sup>52</sup>.

When any Member raises an issue under the procedure described in paragraph 8, he or she will have the right to attend the meeting of the Commission when it is to be discussed.

**Article 6  
CABINET**

**1. What are the Cabinet's functions?**

The Cabinet carries out all the Council's functions which by law are not the responsibility of either the Council itself or any of its Committees or officers<sup>53</sup> or which the Constitution states will be the Cabinet's responsibility<sup>54</sup>.

The Council's responsibilities as Trustee of the Higginson Park Trust to provide parks, open spaces and recreational facilities at Court Garden and Higginson Park, Marlow are also the function of the Cabinet, an individual Cabinet Member or officers<sup>55</sup>.

The detailed arrangements for which Cabinet member, committee of the Cabinet or officer carries out which function are set out in in Part 2 of the Constitution.<sup>56</sup>

**2. Who is in the Cabinet?**

The Cabinet consists of the Leader of the Council, the Deputy Leader of the Council and at least 2, but not more than 8, councillors appointed as Cabinet members by the Leader of the Council.

**3. The Leader of the Council**

The full Council appoints the Leader of the Council on a four year term of office. If there is a clear political majority, only that party is permitted to put forward a nomination.

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<sup>51</sup> See job descriptions at the end of Part 2 of the Constitution for more details

<sup>52</sup> See the Improvement and Review protocol for details of procedures to be followed and documentation to be made available

<sup>53</sup> Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations made thereunder

<sup>54</sup> See Part 2 of the Constitution for full details

<sup>55</sup> See Part 2 of the Constitution for full details

<sup>56</sup> See Part 2 of the Constitution

If there is no clear political majority then specific provisions apply<sup>57</sup>.

The Leader of the Council holds office a 4 year term in accordance with the Local Government and Public Involvement in Health Act 2007 or until:

- He or she resigns as Leader of the Council
- He or she is removed as Leader of the Council by resolution of the full Council

There is no limit on the number of times that a councillor may be re-elected as Leader of the Council.

#### **4. Appointment of Cabinet Members**

Cabinet members<sup>58</sup> usually take up their appointments at the Annual Council meeting. At other times any appointment takes place two working days following written notification by the Leader of the Council to the Head of Democratic, Legal and Policy Services.

A Cabinet Member may be appointed for up to 4 years at any one time or until:

- He or she resigns from office
- He or she is no longer a councillor
- He or she is removed / dismissed from office by the Leader of the Council who must give written notice of the removal to the Head of Democratic, Legal and Policy Services. For the avoidance of doubt, a Councillor may be re-appointed as a Cabinet Member on any number of occasions.

Names and functions for individual Cabinet members are published and updated regularly and are available on the Council's website [www.wycombe.gov.uk](http://www.wycombe.gov.uk).

#### **5. How does the Cabinet operate?**

The Cabinet's method of operation is set out in detail under Cabinet Procedures and processes in Part 3 D of the Constitution.

#### **6. Notice of decisions**

The Cabinet publishes details of its decisions on the third working day following a Cabinet meeting. A weekly list of all individual decisions made by Cabinet members is also published.

No decision may be implemented until the expiry of 5 working days to allow for the possibility of call-in by members of the Improvement and Review

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<sup>57</sup> See Standing Order 5

<sup>58</sup> Name, address and ward represented of each Cabinet member is set out in Part 2 of the Constitution and on the Council's website [www.wycombe.gov.uk](http://www.wycombe.gov.uk)

Commission<sup>59</sup>

If any urgent decisions are made, the Leader of the Council must report a summary of such decisions to the next full Council meeting.

## **Article 7 COMMITTEES**

The Council may set up committees to cover any of its functions. Committees may set up sub-committees to deal with any of its functions. The Localism Act 2011 permits the Council to appoint a Standards Committee.

The full Council has to act in accordance with its procedural Standing Orders and many of these also apply to its Committees<sup>60</sup>.

### **1. The different types of Committees**

Committees may be either 'standing' or 'ad hoc'.

Standing committees are appointed for at least one Council year and usually for several years. Typically they will cover a range of functions and will meet in accordance with a timetable drawn up and published a year in advance. Most committees will meet 5 or 6 times per year, although special meetings may be called from time to time.

Some standing committees are also 'quasi-judicial' committees and as the name implies deal with matters prescribed by law. The Planning Committee dealing with planning applications is probably the best known. Unlike other committees, the Planning Committee meets every 4 weeks.

Ad hoc committees are time limited and usually set up to deal with a single issue.

### **2. The appointment of Committees**

Standing Committees are set up at the annual meeting of the Council. Ad hoc committees may be set up at any Council meeting during the year. The Council determines the number of Councillors who will serve on each Committee, their term of office, the committee's terms of reference, and any particular area of the district in which the committee may operate.<sup>61</sup>

The full Council also appoints the Chairman and Vice Chairman.

### **3. Proportionality**

Seats on Committees and Sub Committees are distributed among the political groups in line with the proportion of seats which that group has overall on the Council, unless the full Council determines an alternative composition and no Councillor votes against<sup>62</sup>. Places for independent Councillors are allocated at the full Council's discretion.

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<sup>59</sup> See Improvement & Review Protocol in Part 3 of the Constitution

<sup>60</sup> See Part 3 of the Constitution for full details of the procedural Standing Orders

<sup>61</sup> See Part 2 of the Constitution for details of the terms of reference etc

<sup>62</sup> Sections 15 to 17 of the Local Government and Housing Act 1989

#### **4. Standing Deputies**

With the exception of the Cabinet (where standing deputies are not permitted), standing deputies are appointed in accordance with an agreed formula<sup>63</sup>.

#### **5. Records of attendances**

The names of all Councillors attending a meeting are recorded and published in the minutes.

#### **6. Training**

No Councillor may serve on a quasi-judicial committee, eg Planning or Licensing, unless he or she has completed a specified training programme.

#### **7. Rights of access to committee meetings**

All meetings are open to the public unless exempt or confidential information is being discussed<sup>64</sup>. Public speaking is permitted at meetings of the Planning Committee with prior notice.

A Councillor who is not a member of a Committee may, with the prior consent of the Chairman attend a meeting to make a statement on behalf of his or her constituents on any item on the agenda which directly aspects his or her ward. In these circumstances, the Chairman's consent must not be withheld unreasonably.

A Councillor who is not a member of a Committee may, at the Chairman's discretion and with the Chairman's prior consent, speak on any item on the agenda whether or not affecting his or her ward.

If a motion has been referred to a committee by full Council, the mover of that motion has the right to attend the appropriate meeting and speak to the motion.

Meetings take place at the Council Offices in Queen Victoria Road, usually in the evening starting at 19.00. Custom and practice is that meetings finish by 22.00.

#### **8. Access to documents**

Agendas (with the exception of exempt or confidential items) and minutes are available for inspection at the Council Offices and the Area Information Centres. Copies are also published on the Council's website ([www.wycombe.gov.uk](http://www.wycombe.gov.uk)) and are freely available at the actual meetings.

All agenda documents are available 5 clear working days before the meeting takes place.

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<sup>63</sup> Standing Order 22 sets out the formula to be applied

<sup>64</sup> The Access to Information Rules in Part 3 of the Constitution give details of the categories of information covered

## 9. Terms of Reference of Standing Committees

A summary of the broad areas of responsibility and the main functions of each of the Council's Committees is set out in Part 2 of the Constitution.

## Article 8 JOINT ARRANGEMENTS

1. The Council has the power<sup>65</sup> to take steps to promote the social, environmental or economic well being of the Wycombe District, and to this end the Council may take direct action itself. Alternatively, for the same purpose, the Cabinet may enter agreements or make arrangements with a third party, or co-operate with them or help them with their activities, or act on their behalf.
2. In relation to any of their powers or duties, the Cabinet (or the Council in respect of non Cabinet activities) may enter into joint arrangements with one or more other authorities, and this might include the creation of a joint committee<sup>66</sup>.
3. Generally speaking, the Cabinet may only appoint Cabinet members to a joint committee, and those members need not reflect the political composition of the Council. Exceptions relate to the appointment of ward Councillors on area committees covering an area smaller than two fifths of the District's population.<sup>67</sup>
4. Details of joint arrangements operated by the Council are shown in the Cabinet scheme of Delegation in Part 3 of this Constitution. These are currently the Chilterns Crematorium Joint Committee and the Joint Waste Committee for Bucks.
5. Joint committees are subject to the same access to information rules as the Cabinet.<sup>68</sup>
6. Certain activities of the Council may be contracted out where the relevant legislation permits.
7. The Leader reports to each Annual Council meeting on joint arrangements for the forthcoming year.<sup>69</sup>

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<sup>65</sup> Section 2 Local Government Act 2000

<sup>66</sup> Section 101 Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 as amended

<sup>67</sup> See the above Regulations

<sup>68</sup> See Access to Information Procedure Rules at page 3B – 1 to 15 of this Constitution

<sup>69</sup> See page 3D – 1 of this Constitution



## Article 9 OFFICERS

### 1. Management Structure

All staff employed by Wycombe District Council are known as ‘officers’.

The Council itself approves the appointment of the Chief Executive and Head of Paid Service, the Corporate Directors, the Chief Finance Officer and the Monitoring Officer. The Corporate Directors are then responsible for recruiting Heads of Service. Heads of Service appoint all other staff.

Post	Summary of functions and areas of responsibility
Chief Executive and Head of Paid Service	<p>The Chief Executive is the Council’s most senior officer<sup>70</sup>. The Council determines the officer structure at first tier level and the Chief Executive as Head of Paid Service then determines the management arrangements to ensure that all the Council’s functions can be properly carried out and co-ordinated. A diagram of the structure is set out in Part 6 of the Constitution.</p> <p>The Chief Executive is also the Returning Officer and Electoral Registration Officer.</p> <p>The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.</p>
Corporate Directors	<p>Corporate Directors are first tier officers and are responsible for performance managing Heads of Service and leading on major cross-cutting projects.</p>
Heads of Service	<p>These are second tier officers<sup>71</sup>.</p>
Chief Finance Officer <sup>72</sup>	<p>The key functions of this post are:</p> <ul style="list-style-type: none"> <li>• Ensuring lawfulness and financial prudence of decision making</li> <li>• Consulting the Head of Paid Service and the Monitoring Officer and reporting to full Council or Cabinet if he or she thinks that unlawful expenditure may take place</li> <li>• Administration of the Council’s finances</li> <li>• Provision of professional financial advice and information to Councillors, officers,</li> </ul>

<sup>70</sup> For full details of responsibilities see Part 2 of the Constitution

<sup>71</sup> For full details of responsibilities see Part 2 of the Constitution

<sup>72</sup> For full details of responsibilities see Part 2 of the Constitution

Post	Summary of functions and areas of responsibility
	media and the public
Monitoring Officer <sup>73</sup>	<p>The key functions of this post are:</p> <ul style="list-style-type: none"> <li>• Ensuring lawfulness and fairness of decision making</li> <li>• Consulting the Head of Paid Service and the Chief Finance Officer and reporting to full Council or Cabinet if he or she thinks that an unlawful decision or omission may take place or give rise to a claim of maladministration against the Council</li> <li>• Advice and support to the Standards Committee including arranging for any investigations to be carried out</li> <li>• Advising whether Cabinet decisions comply with the budget and policy framework rules<sup>74</sup></li> <li>• Providing advice on the legality of powers, authority to take decisions, maladministration, impropriety or probity</li> </ul> <p>The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service</p>

## 2. Duty to provide resources

The law requires that the Council must provide the Returning Officer, the Electoral Registration Officer, the Chief Finance Officer and the Monitoring Officer with sufficient officers, accommodation and other resources as in their opinions are adequate to allow their duties to be performed.

## 3. Conduct

All officers are required to comply with the Code of Conduct<sup>75</sup>, the Protocol on Councillor / Officer relationships<sup>76</sup> and any other codes or protocols currently in force.

<sup>73</sup> For full details of responsibilities see Part 2 of the Constitution

<sup>74</sup> See part 3 of the Constitution for the detailed Policy and Budget Framework Rules

<sup>75</sup> See Part 5 of the Constitution for full details

<sup>76</sup> See Part 5 of the Constitution for full details

## **Article 10**

### **RESPONSIBILITY FOR DECISION MAKING**

#### **1. Who does what?**

Wycombe District Council publishes and keeps up to date schedules of what part of the Council or individual may make which decisions in which areas<sup>77</sup>.

#### **2. Principles of Decision Making**

All decisions, whether made by the Council, the Cabinet, a Committee or an individual Councillor or officer must be made in accordance with the following principles:

- Proportionality (i.e. the action must be proportionate to the outcome)
- Respect for human rights
- Presumption in favour of openness
- Clarity of aims and desired outcomes
- All relevant matters must be taken into account and irrelevant matters must not be taken into account
- All necessary officer advice must be sought
- Standing orders, Financial Regulations and Contract Standing Orders must be complied with
- The Council's Procurement Strategy must be complied with
- Any decision must be in accordance with approved terms of reference and schemes of delegation
- Any declaration of interest must be made and if necessary dealt with in accordance with the Code of Conduct<sup>78</sup>
- The decision must be properly recorded and published within the approved timescale
- A clear audit trail for the decision and the reasons for it must be available

#### **3. Types of Decision makers**

##### **Full Council**

Any decision made by full Council must follow the procedures set down in the Council's procedural Standing Orders<sup>79</sup>. Some decisions may only be made by the full Council and cannot be delegated<sup>80</sup>.

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<sup>77</sup> See Part 2 of the Constitution for full details

<sup>78</sup> See Part 5 of the Constitution

<sup>79</sup> See Part 3 of the Constitution

<sup>80</sup> See Section 3 above and Part 3 of the Constitution

## **Cabinet**

The Cabinet will follow the procedure set down in its own rules when making a decision<sup>81</sup>. When making a key decision<sup>82</sup> additional requirements are imposed. Individual Cabinet Members may only make a decision if the Leader of the Council has delegated the necessary authority for this purpose<sup>83</sup>.

## **Improvement and Review**

The Improvement and Review Commission will follow the procedures set down in its own protocol when making a decision or putting forward a recommendation to the Council, the Cabinet or another decision making body<sup>84</sup>.

## **Other Committees**

All other decision making bodies will follow the appropriate parts of the Council's procedural Standing Orders<sup>85</sup> when making decisions.

## **Officers**

Certain statutory responsibilities and day to day management of services is delegated to officers to carry out<sup>86</sup>. When making a decision, officers must also ensure that that decision complies with financial regulations and contract standing orders currently in force and the Council's procurement strategy.

## **4. Quasi-judicial decisions**

Whenever the Council, a Committee, a Councillor or an officer considers or determines a matter in a quasi-judicial manner which affects the civil rights or criminal responsibility of any person, a proper procedure will be followed 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.

## **5. Miscellaneous matters**

The management of the Council's financial affairs and resultant decisions will be conducted in accordance with the Council's Financial Regulations and Contract Standing Orders currently Any decisions in respect of legal proceedings brought by and against the Council will be made according to the rules and procedures set out in the relevant Schemes of Delegation and terms of reference<sup>87</sup>.

Documents may only be authenticated and the Council's seal applied as provided for in the Council's procedural Standing Orders<sup>88</sup>.

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<sup>81</sup> See Cabinet Procedures and Processes in Part 4 of the Constitution

<sup>82</sup> See Section 3 on decision making in Cabinet Procedures and Processes for a full explanation

<sup>83</sup> See Section B of Part 3 of the Constitution for full details of delegations

<sup>84</sup> See Section E Improvement and Review Protocol in Part 3 of the Constitution

<sup>85</sup> See Section A of Part 3 of the Constitution

<sup>86</sup> See Parts 2 and 3 of the Constitution

<sup>87</sup> See Part 2 of the Constitution

<sup>88</sup> See Section A of Part 3 of the Constitution



## **Part 2**

# **Responsibilities for Functions**

- A - FULL COUNCIL AND COMMITTEES
- B - CABINET AND PORTFOLIO HOLDERS
- C - OFFICER DELEGATION SCHEME
- D - PROPER OFFICER FUNCTIONS
- E - COUNCILLOR ROLES

# **A - FULL COUNCIL AND COMMITTEES**

## **1. Full Council**

### **Statutory requirements**

1. Adoption of the Constitution for new political management arrangements and any subsequent changes to it save for minor anomalies.
2. Changes to the form of executive
3. Agreeing or amending the draft policy framework
4. Agreeing or amending the draft budget framework
5. Borrowing or capital expenditure or investment strategy including determination of borrowing limits under the Local Government and Housing Act 2003
6. Setting the Council Tax including functions referred to in Section 67 of the Local Government Finance Act 1992 (Council Tax calculations etc) and special expenses resolutions
7. Decisions in respect of executive functions that are not in accordance with agreed policies and budgets
8. Reports under Section 114 Local Government Finance Act 1988 unless and to the extent that legislation authorises reports in respect of executive functions to be submitted to the Cabinet
9. Making or confirming the appointments of Head of the Paid Service, Monitoring Officer, S151 Officer and any other first tier appointments
10. Adoption of statutory plans for example:
  - The Corporate Plan
  - The Community Plan
  - The Local Development Framework
11. Scheme of delegation for non-executive functions in the event of the need to assign or re-assign a relevant function
12. Approval of standing orders
13. Approval of procedures for conflict resolution between Council and Cabinet in setting the policy and budget framework

14. Election of Chairman and Vice-Chairman of the Council
15. Enrolment of Honorary Aldermen
16. Electoral matters including the reports of the Returning Officer
17. Reports of the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989
18. Any Local Act functions
19. Making, amendment, revocation or re-enactment of bye-laws
20. Overall responsibility for Standards and ethics including:
  - Resolution adopting or revising new Codes of Conduct for Members and officers
  - Setting up of Standards Committee
21. Monitoring Officer reports under the provisions of Section 5 of the Local Government and Housing Act 1989, unless and to the extent that legislation authorises reports in respect of executive functions to be submitted to the Cabinet
22. Appointment of Improvement and Review Commission and other Committees of the Council and determination of their terms of reference, composition, number of members, term of office, and any area of the District in which their operation is limited
23. Any other matters required by law to be dealt with by full Council

**Functions designated by Wycombe to be the responsibility of full Council**

24. Appointment of Leader of the Council
25. Boundary or re-organisation proposals
26. Authorisation of judicial review proceedings relating to non-executive functions, save where the relevant Head of Service after consultation with the Chairman of the Planning Committee and appropriate Improvement and Review Commission Chairman considers that such proceedings are in respect of planning applications and appeals only
27. Appointment to outside bodies not the responsibility of the Executive



28. Issues called-in to full Council
29. Approval or adoption of the investment strategy
30. Major changes to existing policies or new policies for non-executive functions, unless specifically delegated to a Committee.



Action	Reserved to Council	Reserved to Committee	Reserved to Executive
		<p>8. applications to modify, discharge or waive any requirement of any consent or agreements/obligations</p> <p>9. all actions ancillary to the above (including any consultation process)</p>	
<p>Enforcement of planning control</p> <p>Page 34</p>		<p>Authorisation of all actions (including service of any notices or the taking or defending of any other form of legal action or the decision not to pursue or to continue to pursue any such action) to enforce the control of development or use of land or the control of any other actions for which consent or approval is required pursuant to the Planning Acts or any local Act</p> <p>Authorisation of all actions which are a preliminary to or are required to properly pursue any action referred to above including (but not exclusively) the power to enter and survey land and to take action in default of compliance</p>	<p>Any actions in respect of the enforcement of planning control whether under the Planning Acts or otherwise which by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is a function which is the responsibility of the Executive</p>

Action	Reserved to Council	Reserved to Committee	Reserved to Executive
		<p>Authorisation of any action having the effect of relaxing or waiving the provisions of any such notices etc.</p>	
<p>Control of Development etc</p>	<p>Authorisation of discontinuance/ alteration of use of land or buildings pursuant to Sec 102 Town and Country Planning Act 1990</p>	<p>Authorisation of any other notice (if not authorised above) order, agreement or other action under the Planning Acts or any local Act having the effect of controlling or regulating the development or use of land (or relaxing or waiving any such controls) or protecting any land or buildings thereon or any other matter the subject of control or action under the Planning Acts including the protection of trees and hedgerows</p> <p>Authorisation of all actions which are a preliminary to or are required to properly pursue any action referred to above including (but not exclusively) the power to enter and survey land and action in default of compliance</p> <p>The modification, discharge or waiver of any such notice order or agreement or any condition or provision thereof</p>	<p>Authorisation of Compulsory Purchase or revocation / modification of planning consents under the Planning Acts</p> <p>Any other actions in respect of the control of development whether under the Planning Acts or otherwise which by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is a function which is the responsibility of the Executive</p>

<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Committee</b>	<b>Reserved to Executive</b>
Consultation	Promotion or opposition of personal or local Bills and similar processes (e.g. major Transport and Works Act orders) where consideration by a Committee is proscribed by law	Authorisation of any response to a consultation process initiated in connection with an application made or deemed made under the Planning Acts	Authorisation of any response to a consultation process initiated in connection with Development Plans and other central and regional planning guidance issued made or to be issued or made under the Planning Acts or in pursuance of land use planning
Appeals Page 36	Authority to pursue actions to the European Court of Justice or the European Court of Human Rights	Pursuit of all appeals against any action of the Council taken (or omitted to be taken) under the Planning Acts or authorisation of any appeal (or any process having the effect of an appeal) by the Council (whether to the Supreme Court or other Tribunal) against or in respect of any action taken (or any omission to so act) by any competent authority pursuant to or in connection with the Planning Acts.	Authority to initiate Judicial Review proceedings (unless such action constitutes any of the actions referred to in Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and is therefore not the responsibility of the Executive).

<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Committee</b>	<b>Reserved to Executive</b>
Highways		Authorisation of all actions to create, stop up, divert and protect footpaths and bridleways under the Highways Acts	Any other actions relating to Highways (whether under the Planning Acts or the Highways Act 1980 or otherwise) as are the function of the District Council but are not Reserved to Committee

### 3. Regulatory and Appeals Committee

Subject	Reserved to Council	Reserved to Committee
<p>1. Licensing and registration functions</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 38</p>	<ol style="list-style-type: none"> <li>1. Major new policy initiatives</li> <li>2. Major new changes in established policies and practices</li> <li>3. Policy determination</li> </ol>	<ol style="list-style-type: none"> <li>1. Power to refuse to grant a licence in respect of a sexual entertainment venue, sex cinema or sex shop</li> <li>2. Power to refuse to renew a licence in respect of a sexual entertainment venue, sex cinema or sex shop</li> <li>3. Power to refuse to transfer a licence in respect of a sexual entertainment venue, sex cinema or sex shop</li> <li>4. Power to license pleasure boats and pleasure vessels</li> <li>5. To review and revise conditions to be attached to licences relating to taxis (hackney carriages) and private hire vehicles</li> <li>6. To consider and determine applications for additional taxi (hackney carriage) licences</li> <li>7. In relation to control of pollution, statutory nuisances and other environmental protection functions, the following matters:- <ul style="list-style-type: none"> <li>• Determining an application from a person for a licence, approval, consent, permission or registration</li> <li>• Direct regulation of a person (with substantial discretion as to the regulatory action)</li> <li>• Enforcement of any such licence, approval, consent, permission or direct regulation, save as may be reserved to full Council or delegated to another Committee / Sub-Committee or officer.</li> </ul> </li> </ol>





Subject	Reserved to Council	Reserved to Committee
4. Miscellaneous functions	1. Power to make standing orders 2. Power to make standing orders as to contracts	1. Power to make payments or provide other benefits in cases of maladministration etc. 2. To make casual appointments to outside bodies in relation to any functions within the Council's responsibility 3. To undertake any functions required in respect of local government pensions under the Superannuation Acts 4. Any other non-executive functions (including where appropriate recommendations to Council) which are not reserved to any other Committee / Sub-Committee or delegated to officers.
5. Appeals Page 40		To hear and determine, in accordance with the Committee's Appeals Protocol, the following matters:- (i) any appeal against the refusal to grant a street trading consent (ii) any appeal against an applicant's assessed financial contribution towards the cost of works to be carried out under the renovation grant scheme (iii) any appeal by a member of the Council's staff who has been issued with a final written warning or has been dismissed (iv) any appeal against the refusal of registration as a door supervisor (v) Appeals by market traders under the Market Regulations.

Subject	Reserved to Council	Reserved to Committee
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 41</p>		<p><b>N.B. Any matter under (i) to (v) and (vii) above will be heard by an Appeals Panel comprising three Members of the Committee; any appeal under (vi) above will be heard by an Appeals Panel comprising two Members of the Committee and a representative of the local entertainments industry</b></p> <p>Determinations of applications relating to land under the control of the Planning Committee or the Planning and Sustainability Service</p> <p>Determination of any application (after initial consideration by the Planning Committee) which in the opinion of the Head of Planning and Sustainability after consultation with the Chairman of the Planning Council would, if determined by that Committee in the manner in which that Committee would wish to see it determined:</p> <ol style="list-style-type: none"> <li>1. expose the Council to a substantial risk of incurring or being ordered to pay substantial costs</li> <li>2. be both substantially inconsistent with adopted or emerging planning or other policies or programmes and would compromise the future application or implementation of those policies or programmes</li> </ol>

<b>Subject</b>	<b>Reserved to Council</b>	<b>Reserved to Committee</b>
6. Monitoring, review and revision of the Constitution	1. Approval of changes	Recommendations for changes.
7. Health and Safety at Work		Health and Safety at Work - any functions allocated as non- executive in relevant legislation to the extent that they are not reserved to full Council or delegated to another Committee / Sub-Committee or to officers.
8. Members' allowances	1. Adoption of scheme of Members' allowances.	Members' allowances - to deal with appointment of independent remuneration Panel; initial consideration of the Panel's report and recommendation to Council in light of report.
9. Electoral Matters		Matters not by law the responsibility of the Returning Officer or the Electoral Registration Officer or otherwise stated to be non-executive functions.

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**NOTES**

1. Members of the Regulatory and Appeals Committee may not also be Members of Personnel and Development Committee.

#### 4. Standards Committee

Subject	Reserved to Council	Reserved to Committee
Standards of Conduct	Major changes to Codes of Conduct and Procedures affecting District Council Members and Officers.	<ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by the Members and co-opted Members of Wycombe District Council.</li> <li>2. To assist Members and co-opted Members of the District Council to observe the Council's Code of Conduct.</li> <li>3. To advise the District Council on the adoption or revision of a Code of Conduct.</li> <li>4. To monitor the operation of the District Council's Code of Conduct, having regard to any national or local guidance.</li> <li>5. To consider and grant dispensations in respect of Member interests as provided in the Localism Act 2011.</li> </ol>
Training		(1) To advise, train or arrange the training of Members and Co-opted Members of the District Council on matters relating to the authority's Code of Conduct
Investigation of complaints		(1) To consider any matters referred to it by the Monitoring Officer (delegated to ad hoc Hearings Panel).
Parishes		(1) To discharge the functions in (a) to (g) above in relation to Parish Councils within the area of the Wycombe District.
Officers		(1) To advise the Council on the adoption or revision of Codes of Conduct.

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- Note:**
1. The Committee may call upon any Member or Officer to assist with its work.
  2. Membership to be made up as follows:- 8 Councillors in accordance with political balance, and including one Member of the Cabinet.
  3. Standing Deputies are permitted for this Committee, in accordance with Standing Orders (reference SO 22.2) and subject to appropriate training having been completed.
  4. The Council may appoint up to 2 Independent Persons whose views must be sought before a decision is made on any matter that it has been decided to investigate. Independent Persons are not Members of the Committee and have no voting rights.
  5. Parish Councils may nominate a maximum of 3 Parish Councillors to be co-opted as non-voting Members of the Committee.

## 5. Audit Committee

Subject	Reserved to Council	Reserved to Committee
<p>1. Membership and attendance at meetings</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 45</p>	<p>(a) Appointment of Members in accordance with Standing Orders</p> <p>(b) Appointment for a period not exceeding 2 years of one external co-optee, ideally Finance Director from another large public organisation such as Bucks College or Bucks NHS Trust. This co-optee will not have voting rights.</p>	
<p>2. Frequency of meetings</p>		<p>Meetings shall be held not less than four times a year or more frequently as circumstances require. The external auditors and the Head of Finance and Commercial may request a meeting with the Committee or its Chairman if they consider that one is necessary, at least once a year, without the presence of a Corporate Director, the Committee shall meet respectively with the external auditors and with the Head of Finance and Commercial.</p>

<b>Subject</b>	<b>Reserved to Council</b>	<b>Reserved to Committee</b>
3. Authority		<ol style="list-style-type: none"> <li>1. Investigation of any activity within its terms of reference.</li> <li>2. Seeking any information that it requires from any employee and</li> <li>3. Obtaining outside legal or other independent professional advice.</li> </ol>

4. Duties External  
Audit

1. Discussing with the external auditors the nature and scope of the audit;
2. Reviewing and considering the results of the external audit, its cost effectiveness and the audit fee;
3. Considering communications from the external auditors on audit planning and findings and on material weaknesses in accounting and internal control systems that came to the auditors' attention;
4. Reviewing and discussing with management and auditors the annual financial statements before submission to the Cabinet and Full Council focussing particularly on: i) the quality and acceptability of accounting policies and practices and financial reporting disclosures; ii) areas involving significant judgement estimation or uncertainty; iii) compliance with financial reporting standards and relevant governance reporting requirements; iv) material misstatements detected by the auditors that individually or in aggregate have not been corrected and management's explanations as to why they have not adjusted; v) the basis for the going-concern assumption.



Subject	Reserved to Council	Reserved to Committee
		5. Discussing any difficulties, reservations or matters arising from the external auditors' audits (in the absence of officers where necessary)  6. Reviewing the external auditor's management letter and officers' responses;
Corporate Governance		Reviewing the Council's framework for Corporate Governance and its compliance with the six principles <sup>1</sup> of the CIPFA / SOLACE Framework 'Delivery good governance in Local Government 2007'.

Good governance means: 1. Focusing on the organisation's purpose and on outcomes for citizens and service users; 2. Performing effectively in clearly defined functions and roles; 3. Promoting values for the whole organisation and demonstrating the values of good governance through behaviour; 4. Taking informed, transparent decisions and managing risk; 5. Developing capacity and capability of the governing body to the effective; 6. Engaging Stakeholders and making accountability real.

Subject	Reserved to Council	Reserved to Committee
Internal Audit		<ol style="list-style-type: none"> <li data-bbox="1010 264 1910 440">1. Considering any necessary disclosure implications of the process that has been applied by the Cabinet to deal with material internal control or risk management aspects of any significant problems disclosed in the annual reports and accounts;</li> <li data-bbox="1010 456 1910 639">2. Reviewing and discussing with the Head of Finance and Commercial the scope of work of the internal audit and risk management function, its plans, the issues identified as a result of its work and how management is addressing these issues;</li> <li data-bbox="1010 655 1910 767">3. Ensuring that the function is adequately resourced and has appropriate authority and standing within the authority;</li> <li data-bbox="1010 783 1910 855">4. Reviewing Co-ordination between the internal and external auditors and Risk Management Service;</li> <li data-bbox="1010 871 1910 943">5. Periodically reviewing the terms of reference of the Internal Audit and Risk Management function;</li> <li data-bbox="1010 959 1910 1142">6. Considering the major findings of any relevant risk assessments, internal investigations into control weaknesses, fraud or misconduct and management's response (in the absence of management where necessary);</li> </ol>

Subject	Reserved to Council	Reserved to Committee
Page 50		<ol style="list-style-type: none"> <li data-bbox="1010 264 1917 480">7. Considering the objectives of non-financial audits or consultancy work on internal controls or risk management provided by external review agencies. Also to review the remuneration for this work and ensure there are no conflicts of interest within the organisation or with the external auditors.</li> <li data-bbox="1010 504 1877 647">8. Considering the objectives and scope of any additional work undertaken by the internal auditors to ensure there are no conflicts of interest and the independence not comprised;</li> <li data-bbox="1010 671 1854 751">9. Considering the disclosure about the role of the Audit Committee included in the annual report;</li> <li data-bbox="1010 775 1877 991">10. Considering other topics such as the Council's policies for preventing or detecting fraud, its Code of Conduct / ethics and the policies that the Council complies with relevant regulatory and legal requirements and in particular overseeing the work of the counter benefit fraud service and considering policy changes thereto;</li> <li data-bbox="1010 1015 1839 1126">11. Consideration of the Council's Statement on Internal Control prior to its signature by the Leader of the Council and Chief Executive.</li> </ol>

Subject	Reserved to Council	Reserved to Committee
Health and Safety	Approval of changes on recommendation of Regulatory and Appeals Committee	Maintaining an overview of the Council's framework for Health and Safety in its capacity as employer or regulator for consideration by Cabinet or Regulatory and Appeals Committee as appropriate;
Terms of Reference	Approval of changes	Reviewing and updating its own terms of reference and at appropriate intervals, evaluating its own performance against its terms of reference and best practice;
Statement of Accounts Treasury and Management		Approval of the Authority's Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).  Ensuring effective scrutiny of the Council's treasury management strategy and policies.

## 6. Personnel and Development Committee

Subject	Reserved to Council	Reserved to Committee
1. Staffing policy	Major changes / new policies	To develop and review a human resource and human resource development strategy. Conditions of service for all/majority of staff.
2. Appointment of Staff	1. Appointment of Head of the Paid Service, Monitoring Officer and Head of Finance and Commercial 2. Appointment of Members to first tier appointment or dismissal committees in accordance with Standing Orders	
3. Officer Structure	1. Organisational Structure at first tier level	
4. Member Development	Member Development Strategy	Development Programme

### NOTES

1. A Member of Personnel and Development Committee may not be a Member of Regulatory and Appeals Committee.

## 7. Joint Staff Committee

Subject	Reserved to Council	Reserved to Personnel and Development Committee	Reserved to Committee
1. Overall remit of the Committee  Page 5			To ensure that staff and Members have the opportunity to discuss and be consulted on the development and management of personnel policies and practices in line with legal requirements and the Best Value review of Personnel as adopted by the Regulatory and Appeals Committee on 4 March 2003
2. Membership	<ol style="list-style-type: none"> <li>1. Appointment of Council representatives (membership shall not include serving members of Regulatory and Appeals Committee)</li> <li>2. Appointment of Chairman</li> <li>3. Determination of numbers of members</li> </ol>		Appointment of Vice Chairman from staff representatives

<b>Subject</b>	<b>Reserved to Council</b>	<b>Reserved to Personnel and Development Committee</b>	<b>Reserved to Committee</b>
3. Reporting method	Consideration of recommendation as necessary	Consideration of minutes and recommendations to Council as appropriate	Presentation of minutes by the Chairman at Personnel and Development Committee
4. Terms and conditions of service Page 54	Major changes to or new policies	Conditions of service for all or a majority of staff	<ol style="list-style-type: none"> <li>1. Recommendations as to the application of the National Scheme of Conditions of Service that still apply</li> <li>2. Recommendations as to local terms and conditions</li> </ol>

Subject	Reserved to Council	Reserved to Personnel and Development Committee	Reserved to Committee
5. Other staffing matters			<ol style="list-style-type: none"> <li>1. To discuss any issues affecting staff within the Council excluding individual discipline, promotion, redundancy, job evaluation/grading issues or efficiency matters</li> <li>2. To make recommendations to the Personnel and Development Committee on any staffing matter</li> </ol>
Page 25 Consultation	<ol style="list-style-type: none"> <li>1. The right to seek the views of the Joint Staff Committee on major new initiatives</li> <li>2. Approval of any request for referral to the South East Employers Organisation (SEEMP), the Arbitration and Conciliation Service (ACAS) or the Employers Organisation</li> </ol>	<ol style="list-style-type: none"> <li>1. Referral of any issues to the Joint Staff Committee requesting a view</li> <li>2. Initial consideration of any request for referral to the SEEMP, ACAS or the Employers Organisation</li> </ol>	<ol style="list-style-type: none"> <li>1. To consider any issue referred to it by the Council, the Cabinet, a Committee or a recognised staff representative</li> <li>2. To request referral of a specific issue (of more than local interest) to the SEEMP</li> </ol>



Subject	Reserved to Council	Reserved to Personnel and Development Committee	Reserved to Committee
7. Resolution of disputes	By referral 1. to the South East Employers Organisation in accordance with the constitution of that body or 2. by external conciliation	Formal recommendation to Council	Initial consideration of any requests for external resolution of disputes
8. Meetings		Annual timetable of meetings to include one meeting of Joint Staff Committee per committee cycle	Other meetings as shall be necessary

**Notes**

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- 1. To qualify for a place on the Committee, officers must represent a minimum of 25 members of other staff
- 2. Membership shall initially be 5 councillors and 5 staff representatives. At least 2 representatives of Personnel and Development Committee shall be members of the Joint Staff Committee
- 3. A quorum shall be 3 representatives from both sides
- 4. The Branch Secretary and/or an official of UNISON or any other trade union as is recognised may be invited to attend the Committee in an advisory and ex-officio capacity but without voting rights
- 5. The Chief Executive or his representative may be invited to attend the Committee in an advisory and ex-officio capacity but without voting rights
- 6. The Head of Human Resources, Information Communications Technology and Shared Support Services will advise the Committee as required and shall attend meetings if requested to do so by the Chairman or Vice Chairman
- 7. No resolution or recommendation shall be agreed unless it is agreed by a majority of each side
- 8. The Joint Staff Committee shall not arrive at any recommendation that conflicts with the policies of either the Council or the South East Employers Organisation

## 8. Disciplinary Committee

Subject	Reserved to Council	Reserved to Committee
1. Overall remit of the Committee	Terms of reference	<ol style="list-style-type: none"> <li>1. To consider whether any allegation made is sufficiently well founded and serious in content to justify a formal disciplinary investigation</li> <li>2. To appoint an Investigating Officer to conduct an investigation</li> <li>3. To receive the report of the Investigating Officer</li> <li>4. To undertake disciplinary hearings and to determine a course of action (up to and including dismissal)</li> </ol>
Membership	Categories of Members - currently <ol style="list-style-type: none"> <li>(a) Chairman or past Chairman of the Council</li> <li>(b) A Member of the Cabinet</li> <li>(c) A Leader or Deputy Leader of an opposition Party</li> <li>(d) The Chairman of a Council Committee</li> <li>(e) The Vice-Chairman of a Council Committee</li> <li>(f) A Member of the Personnel and Development Committee</li> <li>(g) Another Back Bench Member</li> </ol>	

## 9. High Wycombe Town Committee

Subject	Reserved to Council	Reserved to Cabinet	Reserved to Committee
1. Overall remit of the Committee	Decisions in respect of non-executive functions	Decisions in respect of executive functions	To consider and advise the Council, the Cabinet or relevant Committee on any issues affecting the High Wycombe Town Area
2. Membership  Page 58	1. Appointment of Committee (membership is restricted to those 23 Members representing High Wycombe town wards – see note 1 below)  2. Appointment of Chairman and Vice Chairman		
3. Reporting method	Consideration of recommendations as necessary	Consideration of any recommendations relating to executive functions	Presentation of minutes to full Council or recommendations to Cabinet or any other relevant Committee

<b>Subject</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Committee</b>
4. Consultation	The right to seek the views of the Committee on any non-executive functions	Referral of any executive issue to the Committee for advice or expression of a view	<ol style="list-style-type: none"> <li>1. To consider any issue referred to it by the Council, the Cabinet, or a Committee</li> <li>2. To initiate consideration of any issue, which in the opinion of the Chairman, or at least 5 members of the Committee, is of particular relevance / importance to the residents of High Wycombe town</li> </ol>
Page 59 Special Expenses	Determination of which services should be deemed a Special Expense	<ol style="list-style-type: none"> <li>1. Recommendations as appropriate as to which services should be deemed a Special Expense</li> <li>2. Recommendation as to the amount required to be raised for Special Expenses purposes</li> </ol>	<ol style="list-style-type: none"> <li>1. Recommendations to the Cabinet / full Council as to which services should be deemed a Special Expense</li> <li>2. The right to be consulted on any scheme or proposal that would alter significantly the level of Special Expenses</li> <li>3. To recommend to Cabinet each year the amount required to be raised for Special Expenses purposes</li> </ol>

Subject	Reserved to Council	Reserved to Cabinet	Reserved to Committee
6. Service provision		Major decisions in respect of executive functions	<ol style="list-style-type: none"> <li>1. To monitor and review those services provided under Special Expenses and make any recommendations for change or improvement to the Cabinet, appropriate Committee or Corporate Director</li> <li>2. Membership of any relevant Best Value Challenge team</li> </ol>
7. Resolution of disputes Page 60	Determination of matter in dispute having considered the views of the High Wycombe Town Committee and other relevant committees	In accordance with the Policy and Budget framework procedure	<ol style="list-style-type: none"> <li>1. Request for relevant process to be initiated in respect of executive functions</li> <li>2. Recommendation to Council in respect of non-executive functions</li> </ol>
8. Meetings		Annual timetable of meetings to include one meeting of High Wycombe Town Committee per committee cycle	Other meetings as shall be necessary shall be called by the Chairman of the Committee or upon the request of at least 5 members of the Committee

**Notes**

1. Membership of the Committee is restricted to those Members representing the following wards: Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill, Totteridge
2. The Committee is an advisory body and does not have decision making powers in respect of either executive or non-executive functions

## 10. Licensing Committee – A. Licensing Act 2003

Matter to be dealt with	Council	Licensing Committee	Licensing Sub-Committee	Head of Environment
Review Licensing Policy	All cases	Recommendation to Council		
Deal with Policy Issues	All cases	Recommendation to Council		
Matters of Cumulative Impact	When referred by Licensing Committee	All cases except when referred to Council		
Determination of Fees	When referred by Licensing Committee	All cases except when referred to Council		
Determination of an application for a Temporary Event Notice			Where a representation is made unless all parties agree that no hearing is necessary	All other cases
Application for personal licence			Where a police representation is made in relation to an unspent conviction for a relevant offence or foreign offence	If no representation is made
Application for premises licence/club premises certificate			If a representation is made	If no representation is made
Application for provisional statement			If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate			If a representation is made	If no representation is made
Application to vary designated personal licence holder			If a police representation is made	If no representation is made

<b>Matter to be dealt with</b>	<b>Council</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Head of Environment</b>
Request to be removed as designated personal licence holder				All cases
Application for transfer of premises licence			If a police representation is made	If no representation is made
Decision of whether a representation is vexatious, frivolous or irrelevant				All cases
Application for interim authority			If a police representation is made	If no representation is made
Decision whether to consult other responsible authorities on Minor Variation application				All Cases
Determination of a Minor Variation application				All Cases
Application to review premises licence/club premises certificate			All cases	
Approval of plans which do not comply with statutory scale				All cases
Decision to impose conditions on a premises licence / club premises certificate in relation to the Live Music Act 2012 following a review hearing			All cases	
Decision to impose interim sanctions in accordance with s.53A-C of the Act			All cases	

## Licensing Committee – B. Gambling Act 2005

Matter to be dealt with	Council	Committee	Licensing Sub-Committee	Head of Environment
Preparation, publication and review of a Statement of Principles	All cases			
Resolution not to issue casino premises licences	All cases			
Consideration of Policy Issues		All cases		
Fee Setting		All cases		
Application for a Premises Licence / Provisional Statement and Application for Club Gaming / Club Machine Permits and Application for a variation to a licence			If a representation made and not withdrawn, or where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and the parties have not agreed to dispense with the requirement for a hearing	All other cases
Application for a transfer of licence			If representation received from the Gambling Commission	Where no representation received
Determination of a review of a premises licence			All cases	
Cancellation of Club gaming / Club Machine Permits			All cases	
Applications for other permits				All cases
Cancellation of Licensed premises gaming machine permits				All cases



<b>Matter to be dealt with</b>	<b>Council</b>	<b>Committee</b>	<b>Licensing Sub-Committee</b>	<b>Head of Environment</b>
Consideration of Temporary Use Notices				All cases
Decision to give a Counter Notice to a Temporary Use Notice			All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc				All cases
Decision to make representations as licensing authority				All cases
Decision to propose additional conditions/remove default conditions				All cases
Decision to apply for a review of a premises licence				All cases

**11. JNC Officer Selection Committee**

<b>Subject</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Committee</b>
1. Overall Remit of the Committee	Terms of Reference		To undertake the appointment of first tier officers and second tier officers if the Council so desires.
2. Membership	To select 5 members from the eight categories listed to form the Committee subject to two or more political groups always being represented, and to the inclusion of at least one Cabinet Member.		

## THE BUCKS JOINT COMMITTEE ON WASTE – TERMS OF REFERENCE

### General

A joint committee established by Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council (“the participating Councils”) to facilitate the effective planning and delivery of municipal waste management functions and services in Buckinghamshire in accordance with the principles and aims and objective of the Joint Waste Strategy for Buckinghamshire through consultation, co-operation, partnership and joint procurement or joint service delivery.

### Membership, Chairmanship and Quorum

Number of Members	Ten – two from each of the participating Councils
Substitute Members Permitted	Members have the right to appoint standing deputies with the same rights as the class of member who appointed them by giving notice to that effect to the Secretary to the Joint Committee, subject to the qualification that members who are Cabinet / Executive members of a participating Council may only appoint as a standing deputy another member of the Cabinet / Executive of which they are a member.
Political Balance Rules apply	No
Appointments / Removals from Office	By a resolution of the Cabinet / Executive of the participating Councils

Term of Appointment	In respect of a member whose is a Cabinet / Executive member of a participating Council, from the date of appointment to the date that they cease to hold office as a Cabinet / Executive member or cease to have portfolio responsibilities for waste related functions. For all other members their term shall begin on the date of appointment and continue for the term notified to the Secretary to the Joint Committee by the appointing participating Council (being not less than twenty four months in duration).
Restrictions on Membership	One appointee from each participating Council must be the Cabinet / Executive member with portfolio responsibility for waste related functions and the second appointee should be a non-Cabinet / Executive member. Non-Cabinet / Executive members should not be a member of an Overview and Scrutiny Committee whose terms of reference include the review and scrutiny of municipal waste management functions.
Restrictions on Chairmanship / Vice-Chairmanship	Chairman must be a member of the Cabinet / Executive of one of the participating Councils
Restrictions on Voting	Only the Cabinet / Executive members with portfolio responsibility for waste related functions (or their duly appointed standing deputies) shall be entitled to vote.
Quorum	Three
Number of ordinary meetings per Council Year	Minimum of three

## Terms of Reference

To exercise the following duties and powers in relation to municipal waste management functions (but only to the extent unanimously delegated to it by the participating Councils in accordance with the terms of the Constitution of the Joint Committee):-

1. To be responsible for the development, implementation and review of municipal waste management strategies and policies for Buckinghamshire, particularly the Bucks Joint Waste Strategy and any Waste Recycling Plans.
2. To be responsible for monitoring the achievement of Best Value or other central government Performance Indicators relating to municipal waste management functions and services
3. In so far as permitted by law to approve local waste minimisation and other relevant municipal waste management targets and be responsible for monitoring the achievement of such targets.
4. To approve Service Delivery Plans and Service Standards relating to municipal waste management functions and services
5. To be responsible for the procurement of works supplies and services in connection with municipal waste management functions and services, including without limitation, contracts for the collection, recycling and disposal of household and commercial waste, the collection and disposal of clinical waste, the recovery and sale of paper, glass plastics and other recyclable materials, the provision of bring sites, the management and operation of waste transfer stations and final deposit sites, the collection and disposal of abandoned vehicles, the arrangements for the removal and disposal of fly-tipped waste and the arrangements for street cleansing, litter bin emptying and keeping other relevant land of the participating Councils clean and clear of litter and refuse .
6. To provide strategic management and direction to staff directly employed in the delivery of municipal waste management functions and services
7. To prudently manage the financial resources made available to it by the participating Councils and to exercise any matters falling within these terms of reference within those resource constraints
8. To exercise any other functions in relation to municipal waste management from time to time delegated to it

## Delegations

Provided the participating Councils unanimously agree to the exercise by the Joint Committee of any function or activity falling within these Terms of Reference such function or activity is fully delegated.

## THE CHILTERNNS CREMATORIUM JOINT COMMITTEE – TERMS OF REFERENCE

### General

A joint committee established by Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council ("the participating Councils") to jointly manage the crematorium situate at and known as the Chilterns Crematorium, Whielden Street, Amersham, Bucks (the Crematorium").

### Membership, Chairmanship and Quorum

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Number of Members	'Six - two from each of the participating Councils
Substitute Members Permitted	Yes - but must be a member of the same Executive / Cabinet as the Substituted Member
Political Balance Rules apply	No
Appointments/Removals from Office	By a resolution of the Executive / Cabinet of the participating Councils
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Executive / Cabinet.

Casual Vacancies	To be filled by the Appointing Council's Executive / Cabinet (or by a member or committee of the Executive / Cabinet as each participating Councils executive arrangements may provide) for the remainder of the term of office of the member replaced.
Restrictions on Membership	Appointees must be a member of the Executive / Cabinet of the participating Councils.
Restrictions on Chairmanship / Vice-Chairmanship	None
Quorum	Three
Number of ordinary meetings per Council Year	Minimum of two
Extraordinary Meetings	The Chairman of the Joint Committee may call an extraordinary meeting at any time

### Terms of Reference

Pursuant to the Crematorium Act 1907 as amended by the Crematorium Act 1952, Section 101(5) and 102(1) of the Local Government Act 1972,

Section 20 of the Local Government Act 2000 and Regulations 4 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (as amended) and all other powers in this behalf, to exercise all the functions duties and powers of the participating Councils in connection with the provision and maintenance of the Crematorium, other than the power to appoint and remunerate staff, levy or issue a precept, borrow money or hold land.

## **Delegations**

The matters referred to in the Terms of Reference are fully delegated subject to the terms, restrictions and reservations set out in the Constitution of the Joint Committee.



## B - CABINET AND PORTFOLIO HOLDERS

### 1. Cabinet Terms Of Reference

It should be noted that authority relating to matters reserved to full Cabinet includes authority to incur expenditure and approve income within the overall budget and policy framework approved by full Council

#### (a) General

Action	Reserved to Council	Reserved to Cabinet	Reserved to Individual Cabinet Member	Delegated to Officers
Statutory Plans including: The Sustainable Community Strategy Crime and Disorder Reduction Strategy The Local Development Framework	1. Approval of plans and strategies 2. Adoption of Development Plan including approval of draft proposals for public consultation purposes associated with preparation of alterations to, or the replacement of the Development Plan.	Leading the process	Input relevant to his or her portfolio	Drafting and preparation for Cabinet or Cabinet Member
Non statutory strategies and plans		Approval of any other non statutory plans or strategies	Input relevant to his or her portfolio	Drafting and preparation for Cabinet or Cabinet Member

<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Individual Cabinet Member</b>	<b>Delegated to Officers</b>
Community Planning process	Approval to the Sustainable Community Strategy and subsequent modifications, following consultation	<ol style="list-style-type: none"> <li>1. Preparation and leadership of the process, including review</li> <li>2. Regular reports to full Council</li> <li>3. Ensuring all Councillors and others are kept informed and have the opportunity to participate in the process</li> <li>4. Leadership of annual Policy planning day</li> <li>5. Approval of work programmes and priority changes above £250,000 within the Council's overall budget</li> <li>6. Determination and review of the Council's arrangements for joint working and consultation, including representation at meetings, events, conferences, etc that have not been approved elsewhere</li> </ol>	<ol style="list-style-type: none"> <li>1. Preparation and co-ordination of strategies within the relevant portfolio areas that support the Sustainable Community Strategy, undertaking internal and external consultation as appropriate</li> <li>2. Input as appropriate to the annual policy planning day</li> <li>3. Formulation of annual work programme / targets and action plans that support the Sustainable Community Strategy</li> <li>4. Priority changes to the annual work programme and implementation arrangements, including new initiatives or expenditure under £250,000 within overall budget</li> <li>5. Joint working in appropriate portfolio areas to implement the Sustainable Community Strategy</li> </ol>	<ol style="list-style-type: none"> <li>1. Implementation of work programmes</li> <li>2. Minor changes to work programmes including new initiatives or expenditure up to the level as set out in the detailed scheme of delegation</li> <li>3. Implementation of joint working arrangements</li> </ol>

<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Individual Cabinet Member</b>	<b>Delegated to Officers</b>
Capital Programme	1. Approval and changes outside agreed programme	1. Preparation and allocation to Cabinet Members 2. Approval of Virement between portfolios 3. Approval of expenditure from Capital Contingency	1. Virement or changes to approved schemes within his or her portfolio areas provided they are within overall capital allocation for that portfolio 2. Authority for funding of feasibility studies	Day to day management of schemes and action authorised by Financial Regulations



<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Individual Cabinet Member</b>	<b>Delegated to Officers</b>
Policies and strategies	<ol style="list-style-type: none"> <li>1. Approval or adoption of policy frameworks, statutory plans and strategies</li> <li>2. Proposals outside Council approved policies, statutory plans and strategies</li> </ol>	<ol style="list-style-type: none"> <li>1. Leadership of Annual Policy Planning Day</li> <li>2. Preparation of proposals and work programmes</li> <li>3. To determine non-statutory plans and strategies</li> </ol>	<ol style="list-style-type: none"> <li>1. Consultation with Improvement and Review Commission Chairman, external partners and Councillors in his or her portfolio areas</li> <li>2. Minor changes within established policies and practices within relevant portfolio areas</li> <li>3. Appointment of a minimum of five cross party Councillors to act as 'informal policy advisers'</li> </ol>	<ol style="list-style-type: none"> <li>1. Day to day management within approved policies and strategies</li> <li>2. Advice to Members</li> <li>3. Implementation and monitoring of the Treasury Management Policies and practices.</li> </ol>



<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Individual Cabinet Member</b>	<b>Delegated to Officers</b>
Appointment of Committees	Appointment of Committees for areas other than those reserved as Executive functions	<ol style="list-style-type: none"> <li>1. Appointment of Committees for areas reserved as Executive functions</li> <li>2. Appointment of Review Boards where allowed by statute</li> </ol>		
External Audit Reports etc  Page 78	Implementation of recommendations in respect of non-executive functions  (Where terms of reference so allow, this function may be carried out by a Council Committee)	<ol style="list-style-type: none"> <li>1. Consideration of Annual Management Letter</li> <li>2. Implementation of recommendations in respect of Executive functions</li> </ol>	Consideration in consultation with the Improvement and Review Commission	
Appointment to outside bodies	Appointments to bodies other than those reserved to the Executive	Appointments to bodies in connection with functions that are the responsibility of the Executive	Casual vacancies during the course of a year for those bodies within relevant portfolio area	Notification of vacancies and appointments





<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Individual Cabinet Member</b>	<b>Delegated to Officers</b>
Standards and ethics	<ol style="list-style-type: none"> <li>1. To have overall responsibility for the standards and ethics of all Councillors and officers</li> <li>2. To adopt Codes of Conduct to ensure compliance with appropriate legislation</li> </ol>		To maintain high standards of conduct and to abide by appropriate legislation, codes of conduct and the Council's own procedures in all matters within the relevant portfolio area	<ol style="list-style-type: none"> <li>1. To act at all times in accordance with current legislation and the appropriate Codes of Conduct</li> <li>2. To assist the Council's Standards Committee in its work</li> <li>3. To maintain appropriate Registers of Interests</li> </ol>
Forward Plan Page 80	Consideration of quarterly report of all urgent action taken	<ol style="list-style-type: none"> <li>1. Preparation of rolling Forward Plan</li> <li>2. Submission of quarterly report to full Council</li> </ol>	<ol style="list-style-type: none"> <li>1. To act in accordance with the requirements of the Local Government Act 2000 and the provisions of Standing Orders in respect of relevant portfolio area</li> <li>2. Provision of details of any such urgent action taken to the Leader of the Council for the purposes of the quarterly report to full Council</li> </ol>	Publication as required by law
Making of legislation or orders	Final approval where statute so provides.	<ol style="list-style-type: none"> <li>1. Proposals to promote or oppose the making of local or personal Bills</li> <li>2. Approval to Compulsory Purchase Orders</li> </ol>	Recommendations to Cabinet in relevant portfolio areas	<ol style="list-style-type: none"> <li>1. Advice to Councillors</li> <li>2. Implementation and management of process as necessary</li> </ol>

Action	Reserved to Council	Reserved to Cabinet	Reserved to Individual Cabinet Member	Delegated to Officers
Complaints, Comments and Compliments		Responsibility for monitoring the operation of the Council's complaints procedure through an informal process, to be undertaken by provision of a quarterly Information Sheet to Cabinet Members and members of the Standards Committee		
Decisions on functions (not delegated to Committees) in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	<ol style="list-style-type: none"> <li>1. Any matter not within approved budgets, Council approved policies, strategies or limits</li> <li>2. Issues called-in to full Council</li> </ol>	Collective key or other Executive decisions within budget or approved policy or strategy (subject to the taking of legal, financial and appropriate professional advice) as are not specifically referred to in this list of powers and do not otherwise fall to be recommended to Council or otherwise as provided for in legislation	Individual decisions in accordance with the agreed scheme of delegation (subject to the taking of legal, financial and appropriate professional advice)	<ol style="list-style-type: none"> <li>1. Advice to individual Cabinet Members and full Cabinet</li> <li>2. Recording and publication of all decisions as required by law</li> </ol>

<b>Action</b>	<b>Reserved to Council</b>	<b>Reserved to Cabinet</b>	<b>Reserved to Individual Cabinet Member</b>	<b>Delegated to Officers</b>
Urgent Action		In accordance with the requirements of the Local Government Act 2000, any Regulations and Directions made thereunder and the provisions of Standing Orders in respect of any matter which is the responsibility of the Cabinet.	In accordance with the requirements of the Local Government Act 2000, any Regulations or Directions made thereunder and the provisions of Standing Orders in respect of any executive function which is the responsibility of the Cabinet Member.	In accordance with the scheme of delegation.

## 2. Specific Decisions reserved to individual Cabinet Members

For general powers see a) above

It should be noted that specific decisions are delegated as shown where decisions are not reserved to full Cabinet or are not reserved to full Council. Authorised action includes authority to approve expenditure and income proposals within the designated action areas provided they are within the budget provision allocated to the relevant Cabinet Member, are within the approved policy framework and consistent with Contract Standing Orders, Financial Regulations and the general delegations in a) above

### Executive Leader (or Deputy executive Leader of the Council if the Executive Leader so decides or in the absence of the Executive Leader)

Subject	Action
Sustainable Community Strategy	<ol style="list-style-type: none"> <li>1. Presentation to full Council as appropriate</li> <li>2. Overview arrangements</li> </ol>
Overall political direction	<ol style="list-style-type: none"> <li>3. Leadership</li> <li>4. Presentation of policy framework proposals to full Council</li> </ol>
Cabinet working	<ol style="list-style-type: none"> <li>5. Direction, management and chairing of meetings</li> <li>6. Appointment and dismissal of Cabinet members (any such changes during the course of a year shall come into effect 2 working days after written notification is received by the proper officer)</li> <li>7. Allocation of Cabinet portfolios</li> <li>8. Determination of disputes between Cabinet Members</li> </ol>
Budgets	<ol style="list-style-type: none"> <li>9. Allocation to individual portfolios</li> <li>10. Determination of budget priorities within Council approved limits</li> <li>11. Income targets for Cabinet Members</li> <li>12. Presentation of budget framework proposals to full Council</li> <li>13. Overview and review of the preparation of estimates and budgets for submission to Cabinet and full Council</li> <li>14. Treasury Management</li> </ol>

<b>Subject</b>	<b>Action</b>
Capital Programme	15. Determination of action on priorities and slippage within overall approved programme
Special Expenses	16. Composition for agreement by full Council 17. Assisting relevant Cabinet Members at meetings with High Wycombe Town Members
Economic, environmental or social well-being	18. Action or delegation as appropriate to individual Cabinet Members within budget and approved policy
Joint working	19. Leadership of local, regional, national, European and international joint working 20. Overall endorsement of the strategy to joint working with other bodies.
Performance monitoring	21. Corporate monitoring and proposals for action
The Corporate Plan	22. Overview and review 23. Presentation of programme to full Council
Community Planning	24. Overview Arrangements
Staffing	25. Membership of appointment panel for Head of Paid Service, Head of Finance and Commercial, Monitoring Officer and first tier officers in accordance with Standing Order 28.12
Outside bodies	26. Appointments to casual vacancies connected with executive functions covering the whole authority or outside the remit of individual portfolios
Standards	27. To ensure that appropriate action is taken on behalf of the Cabinet if required to do so by the Standards Committee
Schemes of delegation	28. Scheme of delegation for executive functions to individual Cabinet Members and officers
Legal proceedings	29. Authority to institute and progress to completion legal proceedings within the Cabinet's terms of reference
External Communications	30. Leadership of the Cabinet's external communications and of Council's when appropriate

<b>Subject</b>	<b>Action</b>
Documentation	31. To ensure compliance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 relating to publicity in connection with the making of key decisions  32. To ensure that an annual Forward Plan is prepared and updated monthly, detailing the key decisions to be made over the following four months
Major Projects	33. Leadership of high profile cross-cutting development initiatives
Local Government Associations	34. To represent the Council on such Associations as are determined by the Council
Democratic, Elections, and Legal Services	35. Leadership, development and review of the Council's work within the relevant aims and objectives
Policy and Research	36. Leadership, development and review of the Council's work within the relevant aims and objectives
Emergency and Continuity Planning	37. Leadership, development and review of the Council's work within the relevant aims and objectives
Wycombe Partnership	38. Leadership, development and review of the Council's work within the relevant aims and objectives
Design and Print	39. Leadership, development and review of the Council's work within the relevant aims and objectives.
Performance Indicators and Monitoring	40. Leadership, development and review of the Council's work within the relevant aims and objectives

### Deputy Leader & Cabinet Member for Strategy

Subject	Action
Acting on Behalf of Leader	1. To deputise for the Executive Leader in his absence
Promotion/Improvement of the Economic/Environmental/Social well-Being of the area Through The Council's Sustainable Community Strategy	2. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in the Leader's responsibilities set out above
Overall Strategy	3. Formulation of Strategy for the Council

### Cabinet Member for Finance

Subject	Action
Promotion/Improvement of the Economic/Environmental/Social well-Being of the area Through The Council's Sustainable Community Strategy	1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above
Audit and Risk Management	2. Leadership, development and review of the Council's work within the relevant aims and objectives including the Annual Audit Management letter in consultation with the Chairmen of the Improvement and Review Commission and Audit Committee.
Financial Resources	3. Leadership, development and review of the Council's work within the relevant aims and objectives, including Audit, Fraud, Procurement, Risk Management & Revenues and Benefits.

## Cabinet Member for Economic Development & Regeneration

Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy	1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above
Economic Development	2. Authorisation of action requiring expenditure provided it is within budget and policy 3. Leadership, development and review of the Council's work within the relevant aims and objectives 4. Preparation of annual work programme 5. Leadership of joint working with other appropriate agencies 6. Enabling and co-ordinating action including land and property acquisitions and disposals not exceeding £1,000,000 in consultation with other appropriate Cabinet Members.
Economic Regeneration	7. Leadership, development and review of the Council's work within the relevant aims and objectives
Strategic Sites (as landowner)	8. Leadership, development and review of the Council's work within the relevant aims and objectives
Wealth creation/employment	9. Leadership, development and review of the Council's work within the relevant aims and objectives
Town Centre Management	10. Leadership, development and review of the Council's work within the relevant aims and objectives 11. Preparation of annual work programme
Asset Management	12. Preparation and review of Asset Management Plan 13. Land and property acquisitions and disposal not exceeding £1,000,000 in value for which there is budget provision, in consultation with other appropriate Cabinet Members 14. Leadership, development and review of the Council's Investment Portfolio, including markets



## Cabinet Member for Community

Subject	Action
Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy	1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above
Arts Development	2. Leadership, development and review of the Council's work within the relevant aims and objectives
Indoor and outdoor recreation, play and sports services	3. Leadership, development and review of the Council's work within the relevant aims and objectives
Community Safety/CCTV/ASB	4. Leadership, development and review of the Council's work within the relevant aims and objectives
Prevent	5. Leadership, development and review of the Council's work within the relevant aims and objectives
Grants and voluntary sector support	6. Leadership, development and review of the Council's work within the relevant aims and objectives
Open spaces, parks and woodlands	7. Leadership, development and review of the Council's work within the relevant aims and objectives.
Tourism and Information Centres	8. Leadership, development and review of the Council's work within the relevant aims and objectives.
Community Facilities	9. Leadership, development and review of the Council's work within the relevant aims and objectives
Burial and Cremation Services	10. Leadership, development and review of the Council's work within the relevant aims and objectives
Health	11. Leadership, development and review of the Council's work within the relevant aims and objectives
Equalities	12. Leadership, development and review of the Council's work within the relevant aims and objectives

<b>Subject</b>	<b>Action</b>
Sports and Leisure Centres and Facilities	13. Leadership, development and review of the Council's work within the relevant aims and objectives
Local Cultural Strategy	14. Leadership, development and review of the Council's work within the relevant aims and objectives
Consultant and Engagement	15. Leadership, development and review of the Council's work within the relevant aims and objectives
Localism (including Big Society)	16. Leadership, development and review of the Council's work within the relevant aims and objectives
Affordable Housing and Private Sector Housing	<p>17. Leadership, development and review of the Council's private sector housing strategy and service delivery within the relevant aims and objectives</p> <p>18. Development of the Council's policies to meet housing need and to address homelessness</p> <p>19. Enabling and co-ordinating action including land and property acquisitions and disposals for housing purposes limited to £1,000,000 per individual project. An annual cumulative value for such actions to be limited to £2,000,000</p> <p>20. Funding Housing Association schemes within budget and capital programme provision</p>
Decent Homes	21. Leadership, development and review of the Council's work within the relevant aims and objectives.
Housing Options	22. Leadership, development and review of the Council's work within the relevant aims and objectives
HMOs & landlords	23. Leadership, development and review of the Council's work within the relevant aims and objectives

## Cabinet Member for Environment

Subject	Action
Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy	1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above
Food Hygiene	2. Leadership, development and review of the Council's work within the relevant aims and objectives
Operational car parking	3. Leadership, development and review of the Council's work within the relevant aims and objectives
Public Health and Safety, Environmental Services, Public Conveniences	4. Leadership, development and review of the Council's work within the relevant aims and objectives 5. Application of Council's policies within the policy framework and appropriate legislation 6. Designation of land under Section 2 – Dogs (Fouling of Land) Act 1996 7. Recommendations to Cabinet as appropriate (e.g. adoption of permissive legislation)
Health promotion	8. Leadership, development and review of the Council's work within the relevant aims and objectives
Control of Pollution	9. Leadership, development and review of the Council's work within the relevant aims and objectives 10. Application of Council's policies within the policy framework and appropriate legislation 11. Recommendations to Cabinet as appropriate (e.g. adoption of permissive legislation)
Waste Management and recycling	12. Leadership, development and review of the Council's work within the relevant aims and objectives
Sewerage Management, Land Drainage and Flood Prevention	13. Leadership, development and review of the Council's work within the relevant aims and objectives
Street Scene	14. Leadership, development and review of the Council's work within the relevant aims and objectives

### Cabinet Member for Human Resources, Information Communications Technology and Shared Support Services

Subject	Action
Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy	1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above
Human Resources	2. Leadership, development and review of the Council's work within the relevant aims and objectives
Facilities Management	3. Leadership, development and review of the Council's work within the relevant aims and objectives
Accountancy	4. Leadership, development and review of the Council's work within the relevant aims and objectives
Payroll	5. Leadership, development and review of the Council's work within the relevant aims and objectives
IT, and Customer Services	6. Leadership, development and review of the Council's work within the relevant aims and objectives
Suppliers and Debtors	7. Leadership, development and review of the Council's work within the relevant aims and objectives
Processing & Admin	8. Leadership, development and review of the Council's work within the relevant aims and objectives

### Cabinet Member for Planning and Sustainability

Subject	Action
Promotion/improvement of the economic/ environmental/social well-being of the area through the Council's Sustainable Community Strategy	1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above
Development Plans	2. Leadership, development and review of the Council's work within the relevant aims and objectives
Planning Policy Advice	3. Leadership, development and review of the Council's work within the relevant aims and objectives

<b>Subject</b>	<b>Action</b>
Infrastructure/Developer Contributions	4. Leadership, development and review of the Council's work within the relevant aims and objectives
Building Regulations	5. Leadership, development and review of the Council's work within the relevant aims and objectives
Conservation/Heritage	6. Leadership, development and review of the Council's work within the relevant aims and objectives
Council Liaison with Bucks County Council Transportation & Public Realm	7. Leadership, development and review of the Council's work within the relevant aims and objectives 8. Leading the Council's liaison with Bucks County Council transportation & Public Realm
Street Naming / Numbering	9. Application of Council's policies within the policy framework and appropriate legislation 10. Recommendations to Cabinet as appropriate (e.g. adoption of permissive legislation)
Climate Change	11. Overall leadership, development and review of the Council's work
Landscape/Tree advice	12. Leadership, development and review of the Council's work.
Neighbourhood Development Order and Neighbourhood Planning	13. To determine whether to revoke by Order a Neighbourhood Development Order with the consent of Secretary of State. 14. To co-ordinate Neighbourhood Planning pursuant to the Localism Act 2011 15. To determine the extent of the area in which the Referendum is to be held.
Community Right To Build Order	16. To determine whether to revoke by Order a Community Right to Build Order with the consent of the Secretary of State. 17. To determine the extent of the area in which the Referendum is to be held.
Urban Design	18. Leadership, development and review of the Council's work
Dangerous Structures, Demolitions and Safety At Sports Grounds	19. Leadership, development and review of the Council's work
Rural Forum	20. Leadership, development and review of the Council's work

## Notes

1. Any action allocated to an individual may be exercised by the Leader of the Council or the Deputy Leader at the Leader's request
2. Any action reserved to the Leader may be exercised by the Deputy Leader at the Leader's request
3. Any decision permitted to be taken by an individual may be exercised by the Cabinet as a whole
4. The Cabinet Member may ask their Policy Advisory Group (if one is established)
5. No decision may be taken unless legal, financial and other appropriate officer advice has been sought
6. Contracts on behalf of the authority may not be entered into by an individual Member
7. No decision will be effective until it has been published (or otherwise authorised in appropriate cases) in accordance with the proper procedures
8. Implementation of any decision and day to day management are not functions to be exercised by the Cabinet or an individual Cabinet Member
9. Any function not specifically allocated to an individual Cabinet Member will be exercised by the Leader of the Council or the Deputy Leader of the Council in his/her absence or at his/her request.

## **C - OFFICER SCHEME OF DELEGATION**

### **ALL HEADS OF SERVICE**

#### **EXECUTIVE FUNCTIONS**

1. To make optimum use of new technology within approved policy and budget.
2. To promote and implement the Council's Communications Strategy.
3. To monitor the use of Council owned / occupied land and buildings in accordance with agreed policy.
4. To maintain a programme of maintenance and improvement for premises within their control within budget and approved policy where appropriate.
5. The management and implementation of the agreed Action Plan under the Council's approved Community Strategy.
6. Within approved policy and budgets in consultation with the relevant Cabinet Member, to determine the appropriate status of any ceremonial event and undertake appropriate arrangements.
7. To undertake the Stage 2 review and validation process for expressions of interest submitted under the Community Right to Challenge (as approved by Cabinet), and in consultation with their Cabinet Member, take the decisions required to accept, amend or reject in accordance with the statutory guidance. (see also point 28 of the Head of Democratic, Legal and Policy Services for stage 1 authority)
8. To submit expressions of interest and bids to other bodies, where they support the delivery of the Council's priorities and in advance of any final funding decisions required by the Council, following consultation with the appropriate Cabinet Member and Head of Finance and Commercial.

#### **NON-EXECUTIVE FUNCTIONS**

1. Within the parameters of the Council's approved policies, the appointment and dismissal of Officers up to and including third tier level.
2. To keep staffing structures and resources under constant review.
3. To take appropriate action under the approved disciplinary procedures.
4. To develop and promote good industrial relations in order to:-
  - a) provide the necessary motivation of all employees so as to optimise an individual's job satisfaction; and

- (b) employee's level of performance; and create a stable working environment.
5. To develop appropriate training programmes for staff within budget.
  6. To appoint temporary staff, subject to the cost being contained within budget.

## **GENERAL**

All relevant Heads of Service acting under delegated powers shall have recorded all material and non routine action taken in a File of Action taken under Delegated Powers maintained by the Head of Democratic, Legal and Policy Services, which shall be reported to the next ordinary meeting of the Cabinet or Committee concerned, and open to inspection by any Member of the Council.

All relevant Heads of Service exercising delegated powers shall act within approved policy and within appropriate approved budgets but shall whenever they or the Chief Executive consider it advisable, submit specific cases for consideration by the Cabinet or relevant Cabinet Member or Committee concerned or submit the matter generally for a review of the underlying policy.

Where an Officer is authorised to deal with a matter this shall be taken to mean that he may approve or disapprove an application for grant, or refrain from granting, a licence, consent or other form of approval, and he shall have power to impose any condition where so authorised by statute or by the Council.

If a Head of Service acting under powers authorising him to deal with applications involving the payment by the Council of money to any person certifies such payment then the Head of Finance and Commercial is authorised to make payment of the amount so certified.

All delegated powers shall include power to authorise the fixing of the Common Seal to documents.

The Chief Executive shall be entitled to be supplied in writing by the appropriate Corporate Director, Head of Service with any information about Council business which he or she considers is required to enable him or her to carry out the duties of Chief Executive.

### **In Addition:**

1. To authorise any person to enter land or premises pursuant to any statutory provision for the purpose set out in that provision, except in the case of Officers of the Council in which case the authority shall be limited to Officers within their own division.
2. Implementation of service development within approved policy and budgets.
3. Control of service budgets within overall agreed limits and policies in accordance with the strategies, policies, objectives and targets set by Members



and Financial Regulations.

4. Powers of virement from budgets within overall financial constraints up to £100,000 in consultation with the Chief Finance Officer.
5. Management of the day to day activities of the Council implementing agreed policies.
6. Refining of existing fees and charges as appropriate in line with policy guidelines set by Members. New fees and charges or substantial increases or decreases to be submitted to Members as appropriate for determination.
7. Authority to incur expenditure towards untoward needs and incidents within approved policy up to a maximum figure of 5% of service budget page or £5,000 whichever is the smaller, and subject to the cost being contained within overall budgets, in consultation with the relevant Chairman or Cabinet Member as appropriate.
8. Any authority delegated to a Head of Service shall be exercisable by any Officer in his or her directorate, as that Head of Service may authorise, in such circumstances as the Head of Service shall determine.
9. Pursuant to any decision of the Council or the Cabinet or Cabinet Member or any Committee or pursuant to any decision taken by a Head of Service or the District Solicitor under delegated authority to take all action as is necessary to facilitate and/or implement that decision including making any applications that may be necessary under legislation, entering any appeal or instituting any review process, amending or reviewing any details, and undertaking consultation with the public or other external bodies.
10. To review periodically, all Council activities to ensure that all possible sources of revenue are identified and utilised within agreed policies and report to Members as appropriate.
11. Within approved policy and budgetary provision to introduce new technology to enhance services, effectiveness and efficiency.
12. To appoint consultants or seek external expertise as required subject to any appointment being within budget provision for the appropriate project.
13. To review systems and procedures within the respective Directorates regularly.
14. To monitor the performance of services in accordance with relevant indicators, including those set by the Audit Commission, with reports to Members on an exception basis.
15. To monitor and take corrective action as necessary to ensure income and expenditure meet approved targets within revenue and capital budgets.
16. To implement completed service improvement plans and submit regular

performance progress reports as required.

17. To serve notices under Section 16, Local Government (Miscellaneous Provisions) Act 1976, to obtain particulars of persons interested in land.

## **CHIEF EXECUTIVE**

### **EXECUTIVE FUNCTIONS**

1. To have overall authority to deal with any war or peacetime emergency which may arise and to call upon such other Corporate Directors and their Departments for assistance as may be necessary in compliance with other approved urgency procedures where appropriate.
2. To have overall responsibility for the effective management and implementation of the Council's approved Community Strategy.
3. To authorise all action in respect of Internal Audit within approved budgets and within the strategy, policy, direction, objectives and targets set by Members.
4. In consultation with the Leader of Council and the Cabinet, to determine and issue each year the timetable for Council, Cabinet, Committee and other meetings, including the on-going timetable for Member Workshop / Training Sessions.
5. In relation to the High Wycombe Town Centre Redevelopment to approve the acquisition by agreement of any interest referred to in the Compulsory Purchase Order (CPO) whether pursuant to the CPO or by way of a private treaty transaction, provided the consideration or compensation in money or money's worth is no greater than the amount shown against the relevant interest concerned in the appendix to the report to the Cabinet dated 8 December 2003.
6. In relation to the High Wycombe Town Centre Redevelopment in consultation with the Leader of the Council and Cabinet Member for Resources to approve any acquisition referred to in 9 above where the consideration or compensation in money or money's worth exceeds the estimate shown in the appendix to the report submitted to the Cabinet dated 8 December 2003 by no more than the margin referred to in the report.
7. In consultation with any two of the Leader, the Cabinet Members for Resources, Planning and Sustainability, Transport and Employment and Environment to approve the acquisition by agreement of interests in land (including one or more options to purchase) by way of private treaty transactions within the area referred to in the report in support of the Parking and Access Strategy, or otherwise for planning purposes, provided the consideration payable has been externally validated and also recommended by the Head of Property Services, and provided the acquisitions do not in the aggregate exceed the approved capital budget or individually £1 million.

## **NON EXECUTIVE FUNCTIONS**

1. To discharge the statutory roles and responsibilities of Head of Paid Service, Returning Officer and Electoral Registration Officer.
2. To agree election fee scales for all Elections, including District Council Elections, and to manage and be accountable for all electoral services including elections.
3. To determine the allowances for representatives serving on outside organisations in accordance with approved Council policy.
4. To approve requests from local councils to vary the number of constituted Councillors, subject to the number not exceeding the ratio of Local Councillors to electors as recommended from time to time by the Association of Local Councils, and to no objection being received following publication of the proposal.
5. To authorise or delegate to a Corporate Director the appointment suspension and dismissal of Chief and Second Tier officers after consultation with those Councillors who shall be so designated from time to time.

## **GENERAL**

1. To provide appropriate support to the Chairman of the Council and other Members to undertake their duties in accordance with approved budgetary provision.
2. To implement the District Council Peacetime Emergency Plan and Emergency Plan (War) including the disposition of Council resources and the discharge of District Council functions, within the guide lines set out by Parliamentary Bills, Statutory Order Rules Regulations and Circulars and Statutory Provisions and in consultation with the County Council.
3. To determine who should respond to consultation papers.

## **HEAD OF PLANNING AND SUSTAINABILITY**

### **EXECUTIVE FUNCTIONS**

1. **Environmental and other Improvements or Repairs**
  - 1.1 Within any approved policy or scheme and within budget provision to authorise the payment of any grant, loan or other award (or to guarantee or otherwise indemnify any person against loss where statutory powers exist).
    - (a) without consultation, up to a maximum of £50,000;
    - (b) after consultation with the relevant Cabinet Member up to a maximum of £100,000

for any one project, and to determine the terms on which any such

payment or guarantee is made or given.

- 1.2 Within approved policy, the approval of expenditure on and the implementation of any scheme of environmental enhancement or transportation project within approved budget provision,
  - (a) without consultation up to a maximum expenditure of £50,000;
  - (b) after consultation with the relevant Cabinet Member, up to a maximum expenditure of £100,000 for any one project or scheme.

## **2. Supplementary Planning Guidance including Development Briefs**

- 2.1 After consultation with the relevant Cabinet Member and appropriate local Members, to formulate supplementary planning guidance including draft development briefs and to carry out public consultation in respect of them.

## **3. Conservation Area Character Surveys**

- 3.1 After consultation with the relevant Cabinet Member and appropriate local Members, to prepare draft Conservation Area Character Surveys and to carry out public consultation in respect of them.

## **4. Building Control**

- 4.1 To deal with applications in respect of building regulations, including the relaxation of building regulations.
- 4.2 To take or authorise all necessary action in respect of dangerous structures, pursuant to Sections 77 and 78 of the Building Act 1984.
- 4.3 To engage consultants in connection with the checking of structural calculations.
- 4.4 To serve the appropriate notices in respect of removal or alteration of offending work, and means of escape from fire under Section 36 and Section 72 of the Building Act 1984.
- 4.5 To control the demolition of buildings pursuant to Sections 80 81 82 83 of the Building Act 1984.
- 4.6 To consult on and to determine the naming and numbering of streets where there is no difference of opinion between consultees.
- 4.7 To serve appropriate notices in respect of the numbering and renumbering of properties, pursuant to Sections 64 and 65 of the Town Improvement Clauses Act 1847; and Sections 17 18 19 of the Public Health Act 1925.
- 4.8 To make an appropriate charge for street naming and numbering in accordance with Section 93 of the Local Government Act 2003 to ensure cost recovery.
- 4.9 In consultation with the Chief Finance Officer and the relevant Cabinet Member to vary the standard fee scales of the Local Government

Association model scheme by + or – 20%.

- 4.9 To approve partnership agreements for undertaking building control work.

## **5. Transportation**

- 5.1 To be responsible for liaising with the Buckinghamshire County Council and other agencies on all transportation matters.
- 5.2 To implement the Council's approved strategies and policies within budgetary provision.

## **6. Tree Planting**

- 6.1 In consultation with the District Solicitor to enter into licences with the Buckinghamshire County Council to enable tree planting to proceed in accordance with the street tree management proposals approved.

## **7. Design and Heritage**

- 7.1 To manage the Council's Design and Heritage Awards.

## **8. Neighbourhood Area and Forum applications**

- 8.1 The validation acceptance and publication of Neighbourhood Area and Neighbourhood Forum applications.
- 8.2 In consultation with Cabinet Member for Planning and Sustainability, the consideration and determination of applications for designation of Neighbourhood Area (including whether to designate as a business area) and Neighbourhood Forum.

## **9. Neighbourhood Development Orders and Neighbourhood Development Plans**

- 9.1 To publicise the details of the proposed Order or Plan.
- 9.2 To determine the validity and acceptance of applications for Plans or Orders.
- 9.3 To determine whether the matters mentioned in paragraph 6(2) and (3) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) have been met and complied with, and to submit the draft Order or Plan and such other documents for independent examination.
- 9.4 To consider whether to appoint a person to carry out the examination subject to the qualifying body consenting to the appointment.
- 9.5 To make the arrangements for holding the examinations.
- 9.6 The making of a Neighbourhood Development Order or Neighbourhood Development Plan if more than half of those voting have voted in favour of the Order or the Plan.
- 9.7 To defend any proceedings in Court brought by a claim for judicial review on

the Order or the Plan on a decision under paragraph 12 of Schedule 4B.

9.8 In consultation with the Cabinet Member for Planning and Sustainability, to determine whether to decline to accept repeat proposals for the Order or a Plan.

9.9 In consultation with the Cabinet Member for Planning and Sustainability, to consider whether the draft Order or Plan:

(a) meets the basic conditions mentioned in Schedule 4B of Town and Country Planning Act 1990 (as amended); or

(b) meets the above-mentioned conditions if the modifications were made to the draft Order or the Plan (whether or not recommended by the examiner).

To hold a referendum if (a) or (b) above are met.

9.10 In consultation with the Cabinet Member for Planning and Sustainability, to refuse the proposal if not satisfied that the above Paragraph 9.9(a) or (b) are not met.

### **Community Right To Build Orders**

10.1 To publicise the details of proposal of the Order.

10.2 To determine the validity and acceptance of applications for the Order.

10.3 To determine whether the matters mentioned in paragraph 6(2) and (3) of Schedule 4B of the Town and Country Planning Act 1990 as amended have been met and complied with, and to submit the draft Order and such other documents for independent examination.

10.4 To determine whether to appoint a person to carry out the examination subject to the qualifying body consenting to the appointment.

10.5 To make arrangements for holding the examinations.

10.6 To refuse the draft Order if the examiners report recommends that the draft Order is refused.

10.7 To hold a referendum, if the examiner's report recommends that the draft order is submitted to a referendum (with or without modifications) on the making of the Community Right To Build Order.

10.8 To make any modifications to the Order prior to the Referendum – note that the only modifications that can be made to the draft Order are those that the authority considers necessary for the following purposes:

(a) To secure that the Order does not breach and is compatible with the EU obligations;

(b) To secure that the Order is compatible with the Human Rights Act

1998; and

- (c) for the purpose of correcting errors.
- 10.9 The making of a Community Right to Build Order if more than half of those voting have voted in favour of the Order.
- 10.10 To defend any proceedings in Court brought by a claim for judicial review on the Order on a decision.
- (a) In consultation with the Cabinet Member for Planning and Sustainability, to determine whether to decline to consider a repeat proposal for the Order if a proposal is outstanding and considered to be the same or substantially the same.
  - (b) In consultation with the Cabinet Member for Planning and Sustainability, to determine whether to decline to consider the proposal for the Order where the development falls within Annex 2 of the EIA directive, is likely to have significant effects on the environment; or likely to have significant effect on the qualifying European Site, taking into account the relevant criteria in Annex 3 to the EIA Directive.

## **NON EXECUTIVE FUNCTIONS**

### **1. Development Control Matters**

- 1.1 Determination of
- (a) applications for planning consent and any other permission approval or request made pursuant to any provision in Part III Town and Country Planning Act 1990 (including any application that falls to the District Council to deal with pursuant to the Town and Country General Regulations 1992 and/or the Town and Country Planning General Permitted Development Order 1995) or made pursuant to any consent granted under those provisions;
  - (b) applications in respect of listed buildings and conservation areas made pursuant to any provisions of Part 1 Chapter II and Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or pursuant to any consent granted under those provisions;
  - (c) applications for certificates of appropriate alternative development;
  - (d) applications for consent in respect of hazardous substances made pursuant to the Planning (Hazardous Substances) Act 1990.
- 1.2 Exercise of all powers of the Council in respect of Trees and Advertisements made pursuant to any provision of Part VIII Town and Country Planning Act 1990 (and any related regulations).

#### **except for:**

- (a) any application for any consent approval or determination made by

the Head of Planning and Sustainability;

- (b) any decision which in the opinion of the Head of Planning and Sustainability would expose the Council to a serious risk of a substantial liability to pay any costs;
- (c) determine developments which represent departures from the Development Plan and falls within Tier 1 of the adopted Statement of Community Involvement , unless the Council has previously approved a departure from such policies in respect of the same or substantially the same subject matter;
- (d) any application for planning permission for “major” development (as classified by the DCLG), where any Member has notified the Head of Planning and Sustainability that the Member objects to their exercising this authority and requests that the matter is taken to Planning Committee (and has not withdrawn that objection) so long as the notification is received before the date for receipt of comments notified to Members;

**and subject to:**

- (e) the Head of Planning and Sustainability being satisfied that the action or decision does not fundamentally conflict with a previous decision of the Council or any predecessor body or have the effect of preventing the proper implementation of any other Council decision;
- (f) prior consultation with the Chairman, or in the Chairman’s absence their Vice-Chairman, of Planning Committee (when such appointments are in post), where the application seeks approval for:
  - (i) any application for planning permission for “minor” or householder development (as classified by the DCLG) , or listed building consent where any Member has notified the Head of Planning and Sustainability that the Member objects to their exercising this authority and requests that the matter is taken to Planning Committee (and has not withdrawn that objection) so long as the notification is received before the date for receipt of comments notified to Members;
  - (ii) the confirmation of Tree Preservation Orders where objections have been received;
  - (iii) determine developments which represent departures from the Development Plan (with the exclusion of tier 1, District-wide developments, as defined in the Statement of Community Involvement), unless the Council has previously approved a departure from such policies in respect of the same or substantially the same subject matter.

**2. Environmental Assessment**

- 2.1 To make all determinations in respect of the need for, scope and adequacy of



any environmental impact assessment.

### **3. Development by Outside Bodies**

- 3.1 Submission of observations on development proposed by outside bodies referred to this Council as consulted authority where these do not raise major policy issues.

### **4. Planning Obligations / Legal Agreements**

- 4.1 To authorise the entering into and the approval of the terms of planning obligations or other legally binding agreements where such obligations or agreements are to be entered into pursuant to or in connection with those powers otherwise delegated to the Head of Planning and Sustainability and to authorise the discharge or modification of any such agreements.

### **5. Enforcement**

- 5.1 To authorise the exercise of the powers of the Council in respect of the enforcement of planning control in accordance with the provisions of Parts VII and VIII of the Town and Country Planning Act 1990 and Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **6. Appeals**

- 6.1 If requested by the Planning Inspectorate to agree the procedure by which appeals to the Secretary of State under the Town and Country Planning legislation will be dealt with, and to take or authorise to be taken all steps or actions necessary in respect of any such appeal.

### **7. Consultations**

- 7.1 To undertake non-statutory neighbour notification and other consultations in respect of applications, entirely at his/her own discretion exercising his/her professional judgement.

### **8. Repeat Applications**

- 8.1 In accordance with powers under Section 70A of the Town and Country Planning Act 1990 to decline to determine certain applications.

### **9. Demolition**

- 9.1 To determine applications for the demolition of buildings. To determine whether prior approval is needed before the demolition may proceed and whether to approve any such details that are so submitted.

### **10. Planning (Hazardous Substances) Act 1990**

- 10.1 To authorise the exercise of the powers of the Council in respect of contraventions of hazardous substances control in accordance with the provisions of the Planning (Hazardous Substances) Act 1990;
- 10.2 To consider and decide upon the validity of claims for deemed consent under the terms of Section 11 of 1990 Act (as amended by Schedules 13 and 16 of the Environmental Protection Act 1990)

### **11. Departure Applications**

- 11.1 Determination of applications which the Council has indicated it is minded to

permit and which have been advertised in accordance with statutory departure procedures, unless objections are received which, in the opinion of the Head of Planning and Sustainability raise substantial new issues not considered by the Council.

## **12. Hedgerows**

- 12.1 To serve all notices and to make all determinations required under the Hedgerow Regulations 1997 and otherwise to enforce the provisions of these regulations.

## **13. High Hedges**

- 13.1 To serve notices and take action under Part 8, Sections 68(1) (2) (3) (4) (5) (8), 69 and 70 of the Anti-Social Behaviour Act 2003.
- 13.2 In consultation with the District Solicitor to serve notices and take action under Part 8, Sections 75 and 77 of the Anti-Social Behaviour Act 2003.

## **14. Article 4 Directions**

- 14.1 To authorise the making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

## **GENERAL**

1. Within areas of responsibility within the remit of the relevant portfolio and in consultation with the District Solicitor, to enforce:-
- (i) the provision of all relevant statutes and statutory instruments; and
  - (ii) the conditions attached to all orders and directions made by the Council and served by the Head of Planning and Sustainability.
2. To make application to the Local Planning Authority for work in respect of trees covered by Tree Preservation Orders on Council owned land and to arrange for the carrying out of work where approved.

## **HEAD OF FINANCE AND COMMERCIAL**

### **EXECUTIVE FUNCTIONS**

1. To manage and be accountable for the following services within the strategy, policy direction, objectives and targets set by Members:-
- (a) Collection of income due from National Non-Domestic Rate, Council Tax and Housing Benefit Overpayment;
  - (b) The Council's insurance and Risk Management;

- (c) Housing Benefit, and Council Tax Reduction administration up to appeal stage;
  - (d) Provision of a financial information system to all the Council's managers.
2. The Head of Finance and Commercial is given delegated authority and responsibility for the implementation of service development and control in the following matters:-
- (a) In consultation where he considers appropriate with the Chief Executive, to implement, National Non-Domestic Rate and Council Tax legislation within approved policy;
  - (b) To issue, National Non-Domestic Rate, and Council Tax recovery proceedings, including dealing with matters relating to appearances at Magistrates Court.
  - (c) To grant mandatory charitable relief.
  - (d) To grant discretionary charitable relief within approved policy guidelines.
  - (e) To grant reduction or remission of National Non-Domestic Rate on the grounds of hardship within approved policy guidelines.
3. To deal with applications for relief under Section 13A of the Local Government Act 1992.
4. To determine appeals against decisions not to give discretionary rate relief.
5. (a) To write off sundry or irrecoverable debts up to £50,000 in value;
- (b) To write off National Non-Domestic Rate Arrears up to £50,000;
- (c) In consultation with the relevant Cabinet Member to write-off National Non-Domestic Rate Arrears of between £50,001 and £100,000 in value in any one case.
- (d) In consultation with the relevant Cabinet Member to write-off sundry or irrecoverable debts of between £50,001 and £100,000 in value in any one case.
- (e) In consultation with the relevant Cabinet Member, to determine applications for the reduction or remission of National Non-Domestic Rate on the grounds of hardship in cases not exceeding £50,000 using the established criteria.
6. To elect to waive exemption on specific properties making them a standard rated supply for Value Added Tax purposes.
7. To exercise the discretion granted by Sections 156(2A) and 156(2B) of the

Housing Act 1985 to serve notice on a building society or other lender agreeing to postpone the discount sharing provisions in favour of the authority, in consultation with the District Solicitor.

8. To authorise all action in respect of the following services within approved budgets and within the strategy, policy, direction, objectives and targets set by Members:-
  - (a) Investment and cash flow management.
  - (b) Preparation and monitoring of estimates for both revenue and capital expenditure.
9. To set and monitor the Council's Treasury Management policies and practices.
10. To implement the Council's Health and Safety Strategy in consultation with the relevant Corporate Director in respect of matters affecting the Council itself.
11. In consultation with relevant Cabinet Member to agree minor technical changes in respect of the Council Tax discounts and officer guidelines for discretionary rate relief.
12. Determinations under the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

### **Interpretation**

In this Scheme of Delegation the words 'Corporate Director' shall be taken to apply equally to a "Head of Service" in respect of relevant Cabinet portfolios.

### **NON EXECUTIVE FUNCTIONS**

1. To take all steps necessary to ensure that no unauthorised or illegal expenditure occurs in accordance with Section 114 of the Local Government Finance Act 1988.

[The Authority shall be exercisable by the Chief Executive or Corporate Director in the absence of the Head of Finance and Commercial]

### **HEAD OF DEMOCRATIC, LEGAL AND POLICY SERVICES**

### **EXECUTIVE FUNCTIONS**

1. In consultation with the relevant Head of Service to institute recovery proceedings including winding up proceedings within agreed policy.
2. In consultation with the relevant Head of Service to settle claims before or after issue of proceedings.

3. To deal with all matters relating to Court appearances by the Council, including authorising application for and consultation on anti-social behaviour orders, but excepting National Non-Domestic Rate Council Tax Rating and Community Charge matters at Magistrates Courts.
4. In consultation with the relevant Head of Service, the relevant Cabinet Member and or the Leader to either institute or defend judicial review proceedings in the High Court, Court of Appeal and the Supreme Court and to deal with all matters relating to the court proceedings.
5. To enter into all agreements, contracts, leases, tenancy agreements, easements, wayleaves or licences where duly authorised by Members, or under the Scheme of Delegation to Officers.
6. In consultation with the relevant Head of Service to issue and serve Notices to Quit.
- 7 To authorise the issue of proceedings for forfeiture for non-payment of rent or breach of covenants (including service of notice under Section 146 Law of Property Act 1925).
8. To deal with assignments of leases and to approve the grant of any consents required under the terms of existing leases as applied for by the Council's tenants.
9. When instructed by the Major Projects and Estates Executive, to serve the appropriate notice under the provisions of the Landlord and Tenant Act 1954 or any statutory replacement or re-enactment of such provisions to terminate a tenancy at the expiry of the leasehold term.
10. To represent Housing Associations in Possession Proceedings under the Housing Acts 1985 and 1988 in the County Court, including proceedings for unauthorised occupation, subject to terms satisfactory to the District Solicitor being agreed with the individual Housing Association for the carrying out of this service.
11. To carry out such legal work for Housing Associations or Parish Councils as may be authorised from time to time.
12. To serve notices as required and to issue and sign agreements in respect of all Council owned allotments.
13. To issue and sign agreements for Circuses and Fun Fairs on Council owned land in accordance with the Council's Pleasure Fair Byelaws.
14. Where they are otherwise authorised, to enter into all agreements, contracts, leases, tenancy agreements, easements, wayleaves, or licences.
15. In consultation with the relevant Head of Service to enforce the provisions of the Byelaws for pleasure fairs on land other than Council owned land.

16. In consultation with the relevant Head of Service to implement the sale of Council Houses in accordance with statutory procedures and approved policy.
17. To authorise recovery proceedings involving repossession in cases of mortgage arrears, in consultation with the relevant Cabinet Member.
18. To deal with applications for the waiver of the pre-emption clause and re-sale price restriction and their replacement by the discount sharing provisions as contained in the Housing Act 1985.
19. To deal with applications by Mortgagors to let their accommodation or to transfer property into joint names.
20. To grant consent for sale of part of a mortgaged property in cases where the security in the property would remain satisfactory, subject to consultation with the relevant Head of Service as to whether repayment of part of the mortgage should be required.
21. To institute court proceedings for possession, as necessary, where instructed by the relevant Head of Service in the cases described in Grounds 1, 2, 3, 4, 5, 6, 8, 9, 10, 10(a), 13, 15 and 16 of Schedule 2 to the Housing Act 1985.
22. To institute court proceedings for possession in cases where the Housing Act 1985 does not apply and where instructed by the relevant Head of Service.
23. The preparation of Deeds of Variation to include the flat in the lease of the shop premises where possible and appropriate.
24. To deal with applications for transfer of tenancies from joint names into sole name.
25. The approval, service and signature of Notices under Sections 140, 141, 152 and 153, Housing Act 1985.
26. To manage and be accountable for the administration of applications for permits in respect of concessionary fares within the strategy, policy direction, objectives and targets set by Members.
27. In consultation with the relevant Cabinet Member and Head of Service as appropriate to comment on proposals by the County Council regarding the removal of Highway Rights under Section 116 of the Highways Act 1980.
28. In consultation with relevant Cabinet Members to make appropriate Road Closure Orders under Section 21 of the Town Police Clauses Act 1847 in connection with special events held on the Highway.
29. To undertake litigation on behalf of other Buckinghamshire authorities in the Magistrates' Court and County Court on the specific instruction of the Head of Legal Services at the originating authority at a charge to be agreed.
30. To approve or reject individual Ward Budget Applications in accordance with the approved Scheme and to make amendments to the administration of the

Scheme.

31. To be the nominated officer to receive 'expressions of interest' (EOI) submitted under the Community Right to Challenge and to conduct and determine the Stage 1 screening process as approved by Cabinet.

### **NON EXECUTIVE FUNCTIONS**

1. In consultation with the Head of Planning and Sustainability to determine applications for Certificates of Lawfulness of existing and proposed use or development submitted pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 as substituted by Section 10(1) of the Planning and Compensation Act 1991.
2. In consultation with the Head of Planning and Sustainability to serve notices and take action under Part 8, Sections 75 and 77 of the Anti-Social Behaviour Act 2003.
3. In consultation with Local Members to comment on proposals under Sections 25, 118 and 119 of the Highways Act 1980 for the creation, extinguishment and diversion of Public Footpaths and Bridleways made by Buckinghamshire County Council.
4. To collect fees and charges for Footpaths and Bridleway Orders.
5. In consultation with the appropriate Head of Service to exercise all powers (including serving all appropriate notices) of the Council relating to the permanent diversion, creation or extinguishment of Public Footpaths and Bridleways except for the confirmation of orders under Sections 118 and 119 Highways Act 1980 and Sections 251, 257 and 258 of the Town and Country Planning Act (as amended) where objections are received.  
  
[Section 251 – relates to an execution function and Sections 257 and 258 relate to non-executive functions]
6. To effect any consequential changes to the Constitution, arising from changes to legislation, mandatory upon the Council.
7. To effect any consequential changes to the Constitution arising from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) regulations 2012.

### **GENERAL**

1. Following consultation with the relevant Cabinet Member or Committee Chairman as appropriate, to authorise urgent or other action involving expenditure of up to £100,000 within existing policy and budgetary provision in cases where expenditure is not already authorised under delegated powers. When a Member is unavailable for any reason then the Leader or Deputy Leader or the Committee Vice-Chairman as appropriate shall be contacted. The relevant Officer shall assume that he/she has the support of the relevant

Member if within 5 days there is either unanimous agreement or no consultee has objected.

2. To make available agenda material and background papers pursuant to the Local Government Act 1972 as amended:
3. (a) To take and defend all legal actions (including Planning Appeals or any other matters dealt with through Public Inquiry or hearing) authorised to be taken or taken against the Council including, within approved budgets, the instruction of Counsel or outside solicitors, Consultants or Agents where he/she considers it appropriate, and the taking of all steps within any such proceedings as the District Solicitor may consider to be necessary or appropriate.  
  
(b) The instruction of Counsel or outside solicitors for advice within budgetary provision.
4. To issue, make and/or serve any notice, order or process authorised to be issued, made and/or served and on receipt of satisfactory evidence, to decide whether or not to take legal proceedings to enforce the requirements of such notices, order or process. To institute proceedings for offences committed for which the Council is the proper authority, if he/she is satisfied as to the adequacy of the evidence, and to defend any proceedings brought against the Council.
5. To sign legal documents and authorise legal action on behalf of the Council.
6. To determine requests for financial assistance with litigation costs referred to the Council by the Local Government Association up to £1,000 per case, within budgetary provision.
7. To sign agreements with sub contractors and suppliers where such are otherwise approved.
8. To serve and/or sign notices (the service / signature of which is not expressly delegated to another Head of Service under legislation affecting any of the Council's powers and duties.
9. To serve as the nominated officer to receive expressions of interest submitted under the Community Right to Challenge and to conduct and determine the stage 1 screening process as agreed at Cabinet on 5 November 2012.
10. In consultation with the Cabinet Member to undertake stage 2 review and validation process for Expression of Interest (EOI), agreed on 5 November 2012, and to take the decision required to accept amend or reject in accordance with statutory guidance.
11. In consultation with the Head of Planning and Sustainability, to make necessary minor amendments to Members' Planning Code for Good Practice.



## HEAD OF COMMUNITY

### EXECUTIVE FUNCTIONS

1. To manage approved Capital Developments on behalf of the Council as supervising officer and to ensure compliance with standing orders and the construction contract management procedures of the Council.
2. In consultation with the relevant Heads of Service to consider and determine, in accordance with Council Policy, applications which are:-
  - (i) One off applications for Grant Aid or Concessionary Lettings which involve financial assistance of not more than £20,000;
  - (ii) Repeat applications from organisations on the approved annual list of bodies assisted which involve grant aid of not more than £2,500; and
  - (iii) To impose appropriate conditions as seen fit, with the exception of unusual applications which shall be the subject of consultation with the relevant Cabinet Member as to the manner in which they shall be processed.
3. To consult with the Major Projects and Property Executive before the completion of any sale, purchase agreement, lease, licence casement or way leave (within the Council's policy).
4. To implement approved policies in respect of the Wycombe District Council Crime and Disorder Strategy, including CCTV and Prevent.
5. To liaise with clubs, community groups, governing bodies, young people, associations and statutory bodies to determine needs and priority areas for assistance.
6. Minor amendments to authorised approvals and conditions of grants which do not fundamentally alter the original approval including any extension of time in which to claim a grant by not more than one year, with the exception of any upward financial variation of the approved sum.
7. In consultation with the relevant Head of Service to consider and determine in accordance with Council policy applications relating to play, arts and sports which are:-
  - (i) one-off applications for grant aid or concessionary lettings which involve financial assistance of not more than £10,000;
  - (ii) repeat applications from organisations on the approved annual list of bodies assisted which involve grant aid of not more than £2,500; and
  - (iii) to impose appropriate conditions as seen fit, with the exception of usual applications which shall be the subject of consultation with the relevant Cabinet Member as to the manner in which they shall be

processed.

8. To deal with bookings of all halls, open spaces and other Council owned recreation and cultural facilities (including those bookings of open spaces which call for formal closure under any Public or Local Act), and to deal with bookings of artistes performing on land or premises not owned by the Council in consultation with the Country Council (or relevant owning authority) and the police services.
9. The closure of facilities when in the relevant Head of Service opinion they are not fit for use.
10. To determine the dates for the commencement and determination of seasonal facilities.
11. To determine applications for use of sports facilities and halls etc at less than the set charge. (Use by, or on behalf of registered charities may receive a reduction of up to 50%, at the discretion of the manager.)
12. In consultation with the relevant Head of Service as appropriate to determine applications for:-
  - (a) River Moorings
  - (b) Refreshment and similar concessions
  - (c) Other concessions of a repeat nature
13. In consultation with relevant Heads of Service to deal with all matters concerned with the letting and management of Council owned allotments, subject to any required notices being issued and served and agreements being issued and signed by the District Solicitor.
14. To determine applications for the use of facilities which may exclude the use by the general public (i.e. major event) and to authorise the closure of such facilities to the general public, where applicable.
15. In consultation with the relevant Head of Service to arrange for the undertaking of all aspects of ground maintenance, play area and landscaping maintenance contract work.
16. To implement approved policies in respect of the following strategies:-
  - (a) Public Art Strategy
  - (b) Woodland Strategy
  - (c) Open Spaces Strategy
  - (d) Play Strategy
  - (e) Sports Facility Strategy
  - (f) Community Facility Strategy

17. In consultation with the relevant Head of Service to:-
  - (a) Consult with English Nature over the founding of Local Nature Reserves;
  - (b) Take such steps as are necessary to declare them as such; and
  - (c) To determine designs for planting the crest bed in the Library Gardens, High Wycombe, in consultation with the relevant Cabinet Member.
18. To determine the adoption of Open Spaces in consultation with the relevant Head of Service as appropriate where the commuted sum is not excess of £20,000.
19. To increase or decrease charges for leisure facilities to market levels in accordance with agreed policy, subject to substantial increases and decreases being submitted to the Cabinet (or relevant Cabinet Member where duly authorised in that behalf) for decision.
20. To authorise Parks Rangers to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act 1990.
21. To manage the cemetery including determining applications for maintenance of graves and erection of monuments.
22. To sign documentation relating to Burial Grants and the transfer of Burial Rights.
23. To keep a register of temporary markets notified to the Council under S37 Local Government (Miscellaneous Provisions) Act
24. In consultation with the District Solicitor to enforce the provisions of the Byelaws for Pleasure Fairs on land other than Council owned land.
25. To implement approved tourism polices.

## **NON EXECUTIVE FUNCTIONS**

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## **GENERAL**

1. In consultation with the District Solicitor to make decisions regarding the enforcement (or otherwise) of:-
  - (i) the provision of all statutes and statutory instruments within the areas of responsibility of the Head of Community.
  - (ii) the conditions attached to all orders and directions made by or on behalf of the Council and served by the Head of Community.

## **MAJOR PROJECTS AND ESTATES EXECUTIVE**

### **EXECUTIVE FUNCTIONS**

1. To implement the Council's approved major projects within budgetary provision making such detailed decisions as are required (within corporate governance arrangements) to progress projects.
2. To promote new regeneration opportunities for approval, in line with corporate governance arrangements, including interface with those leading on highways/public realm and economic development projects across the District.
3. In consultation with the relevant Head of Service where he/she considers it appropriate the agreement and completion of any sale, purchase, agreement, lease, licence, easement or wayleave (within approved policy) up to a maximum capital value of £1,000,000 or £300,000 per annum rental value.
4. In consultation with the relevant Head of Service where he considers it appropriate to deal with assignments of leases and licences and to determine applications for any consents required under the terms of existing leases or licences.
5. To liaise with the relevant Head of Service to ensure that all unsecured land within the Council's ownership is secured against unauthorised encampments, and in consultation with the District Solicitor, to seek possession of such land.
6. To manage the High Wycombe Town Centre Market Contract and to amend the Regulations as appropriate in consultation with the District Solicitor (including alterations to bays and times adjoining public holidays).
7. Within approved policy and budget to ensure that the Council's land and property portfolio is held under constant review to:-
  - (a) ensure as far as is practicable that property acquisitions are examined and achieved in advance of programmed developments where these can be demonstrated to be to the advantage of the Council.
  - (b) develop and maintain optimum use of all property assets held by the Council to meet defined service and financial objectives.
  - (c) identify and dispose of surplus holdings by sale or lease, within the parameters set in 3 above; and
  - (d) identify and provide new accommodation as required to meet service objectives where the provision is deemed beneficial to the Council.
8. To determine the management charge to be levied under the service charge for the Lincoln Park Business Centre, to be not less than 3%.

9. To authorise service of the appropriate notice under the provisions of the Landlord and Tenant Act 1954 or any statutory replacement or re-enactment of such provisions to terminate a tenancy at the expiry of the leasehold term.
10. As the Council's designated Corporate Property Officer to establish and maintain the Council's Asset Management Plan.
11. In consultation with the relevant Head of Service and within approved budgets to deal with the appointment of external valuers to carry out valuations 12. Within areas of responsibility within the remit of the relevant portfolio and in consultation with the District Solicitor, to enforce:
  - (i) the provision of all relevant statutes and statutory instruments.
  - (ii) the conditions attached to all orders and directions made by the Council and served by the Head of Planning and Sustainability.
12. Within capital provision, the Council operates a policy of purchasing land when available to meet future long term operational needs and delegated authority is granted to the relevant Head of Service in consultation with the Chief Executive, relevant Cabinet Member and Improvement and Review Commission Chairman, to implement this policy in situations where urgent action is required to acquire any specific site.

## **NON EXECUTIVE FUNCTIONS**

=

### **GENERAL**

1. In consultation with the District Solicitor to make decisions regarding the enforcement (or otherwise) of:-
  - (i) the provision of all statutes and statutory instruments within the areas of responsibility of the Head of Property Services.
  - (ii) the conditions attached to all orders and directions made by or on behalf of the Council and served by the Head of Property Services.
2. In consultation with the relevant Head of Service where he considers it appropriate the agreement and completion of any sale, purchase, agreement, lease, licence, easement or wayleave (within approved policy) up to a maximum capital value of £1,000,000 or £300,000 per annum rental value.
3. In consultation with the relevant Head of Service where he considers it appropriate to deal with assignments of leases and licences and to determine applications for any consents required under the terms of existing leases or licences.

## **HEAD OF HUMAN RESOURCES, INFORMATION TECHNOLOGY AND SHARED SERVICES**

### **EXECUTIVE FUNCTIONS**

1. To manage and be accountable for the following services within the strategy, policy direction, objectives and targets set by Members:-
  - (a) Sundry debt and income collection;
  - (b) Payments administration;
  - (c) The Council's insurance and Risk Management;
  - (d) Provision of a financial information system to all the Council's managers.
2. To authorise applications under the assisted car purchase or car provisions scheme.
3. To consider and resolve applications for financial assistance to staff within the Councils approved policy including the Equity Sharing Scheme, and to implement and manage the provision or procurement of other approved staff benefits in all cases in accordance with approved policy and budgets.
4. To advise departments on the best methods of achieving the manpower plan, including grading reviews.
5. To coordinate the implementation of the Council's approved IT strategy.
6. In conjunction with the relevant Head of Service to purchase IT hardware and software in accordance with the Council's IT strategy subject to appropriate capital programme provision and any necessary Member approval.
7. To develop and maintain a planned preventive maintenance system for public buildings and services within the Council's ownership within agreed budget parameters.
8. Within approved policy and budgets to introduce and develop a programme of energy conservation measures to reduce revenue expenditure and assist in the Council's environmental improvements programme and provide advice and support on energy matters within the scope of the Home Energy Conservation Act.
9. To negotiate and accept terms within approved budgets for the supply of gas, water, electricity, telephone, commercial television or radio reception installations and supplies to properties within the ownership of the Council.

### **NON EXECUTIVE FUNCTIONS**

1. To review and implement the Council's Safety Policy and Equal Opportunities in Employment Policy.

2. In conjunction with the appropriate Head of Service to agree payments relating to early retirement in the interests of the efficiency of the service, in accordance with relevant legislation and provisions of the Local Government Superannuation Scheme (redundancy cases involving any other recommended payments to be referred to Committee).

## **GENERAL**

1. (a) To co-ordinate management initiatives covering all, or a majority of staff / manual workers.  
  
(b) To ensure all appropriate staff / tradesmen consultative procedures are followed.
2. To co-ordinate departmental policies relating to the training and development programmes.
3. to authorise payment of any awards of the National Negotiating Committees.

## **HEAD OF ENVIRONMENT**

### **EXECUTIVE FUNCTIONS**

1. Having taken into consideration any relevant bye-laws, policies and procedures all functions and powers authorised to be discharged by the District Council within the following Acts and any subsidiary legislation made under these Acts, except those which have been expressly reserved to Council, committee or sub-committee as laid out in Part 2A of the Council's Constitution:
  - Anti-Social Behaviour Act 2003
  - Clean Neighbourhoods and Environment Act 2005
  - Control of Pollution (Amendment) Act 1989
  - Criminal Justice and Public Order Act 1994
  - Dangerous Dogs Act 1991
  - Dogs Act 1871
  - Dogs (Fouling of Land) Act 1996
  - Environment Act 1995
  - Environmental Protection Act 1990
  - European Communities Act 1972
  - Food and Environment Protection Act 1985
  - Food Safety Act 1990
  - Goods Vehicles (Licensing of Operators) Act 1995
  - Homelessness Act 2002
  - Housing Act 1996

- Housing Act 1998
- Housing Act 2004
- Housing Grants, Construction and Regeneration Act 1996
- Land Drainage Act 1991
- Landlord and Tenant Act 1985
- Land Compensation Act 1973
- Local Government Act 1972
- Local Government and Housing Act 1989
- Local Government (Miscellaneous Provisions) Act 1976
- Localism Act 2011
- Mobile Homes Act 2013
- Open Spaces Act 1906
- Pollution Prevention and Control Act 1999
- Protection from Eviction Act 1877
- Protection from Harassment Act 1997
- Public Health Act 1875
- Refuse Disposal (Amenity) Act 1978
- Regulatory Reform Act 2001
- Rent Act 1977
- Road Traffic Act 1956
- Road Traffic Act 1960
- Road Traffic Act 1962
- Road Traffic Regulation Act 1984
- Scrap Metal Dealers Act 2013
- Sunday Trading Act 1994
- Water Industry Act 1991

2. To produce and implement any relevant approved policies, strategies and protocols in respect of the legislation set out at point 1 above.
3. To collect fees and charges in respect of the legislation set out at point 1 above where relevant (including any amendment, regulation or subsidiary legislation), to be set and in some cases in consultation with the relevant Chairman or Portfolio Holder.
4. To seek advice and assistance from the District Solicitor in cases where formal enforcement action may be necessary, including the commencement of legal proceedings
5. To delegate to another body the Environmental Permitting function and powers



under the Regulations made under the Pollution Prevention and Control Act 1999.

6. To liaise with the relevant Head of Service to ensure that all unsecured land within the Council's ownership is secured against unauthorised encampments and in consultation with the District Solicitor, to seek possession of such land.
7. To authorise house renovation grants within approved policy and budgets.
8. To authorise the payment of electricity, gas or water accounts, not exceeding £2,500 per account, pursuant to Section 33 Local Government (Miscellaneous Provisions) Act 1976.
9. To manage any caravan sites for gypsies in accordance with agreed policy.
10. To supervise and monitor performance (including taking corrective action where necessary) under contracts for the following services:-
  - (1) Street cleansing
  - (2) Emptying cesspools / septic tanks
  - (3) Cleaning and emptying of public conveniences
  - (4) Waste collection
11. To execute the function of the Council relating to land drainage arising from statute or agency arrangements in accordance with agreed policy and budgets.
12. To execute the Council's Recycling Strategy to meet the Government's targets and guidelines.
13. To authorise Litter Wardens, Car Park Inspectors and Cleansing Inspectors to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act 1990.
14. In consultation with the Cabinet Member for Community to agree the level of fees in respect of Houses in Multiple Occupation Licensing pursuant to Section 63 of the Housing Act 2004.
15. To deal with the management and maintenance of off-street car parks within approved policies, budgets, constraints and parking structures.
16. To vary off-street car park charges in consultation with the appropriate Cabinet Member.
17. To deal with applications to write off standard charge tickets issued in the Council's off-street car parks.
18. To carry out approved policies associated with the collection, storage and disposal of abandoned vehicles.

19. In consultation with the Cabinet Member for Community to decide on which affordable housing schemes be supported with LASHG or such replacement funding schemes which may be introduced.
20. To deal with applications, exchanges and transfers of tenancies within approved policy.
21. To liaise with Housing Associations and others in order to identify the housing needs of the District.
22. To administer the Council's waiting list and allocate appropriate Housing within approved policies and budgets.
23. In consultation with the District Solicitor to authorise the carrying out of such architectural building surveying, engineering and associated construction advice services for Housing Associations, Parish Councils, Local Authorities and Charitable Organisations as the Council may be empowered to do, subject to terms being agreed (with the individual organisation for the carrying out of these services) which are to the satisfaction of the Head of Planning and Sustainability.
24. To consult with the Head of Planning and Sustainability before the completion of any sale, purchase agreement, lease, licence, easement or wayleave (within the Council's policy).

## **NON EXECUTIVE FUNCTIONS**

1. Having taken into consideration any relevant bye-laws, guidance, policies and procedures, all functions and powers authorised to be discharged by the District Council within the following Acts and any subsidiary legislation made under these Acts, except those which have been expressly reserved to Council, committee or sub- committee as laid out in Part 2A of the Council's Constitution:
  - Animal Boarding Establishments Act 1963
  - Animal Welfare Act 2006
  - Anti-Social Behaviour Act 2003
  - Breeding of Dogs Act 1973
  - Breeding of Dogs Act 1991
  - Building Act 1984
  - Caravan Sites Act 1968
  - Caravan Sites and Control of Development Act 1960
  - Charities Act 1992
  - Clean Air Act 1993
  - Control of Pollution Act 1974
  - Dangerous Wild Animals Act 1976
  - Environment Act 1995

- Environmental Protection Act 1990
- European Communities Act 1972
- Food Safety Act 1990
- Gambling Act 2005
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc. Act 1974
- House to House Collections Act 1939
- Hypnotism Act 1952
- Licensing Act 2003
- Local Government Act 1894
- Local Government Act 2000
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Mobile Homes Acts 1983 and 2013
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Pet Animals Act 1951
- Police Factories & C. (Miscellaneous Provisions) Act 1916
- Police Reform and Social Responsibility Act 2011
- Pollution Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Public Health (Control of Disease) Act 1984
- Public Health Act 1936
- Public Health Act 1961
- Riding Establishments Acts 1964 and 1970
- Town Police Clauses Act 1847
- Zoo Licensing Act 1981

2. To produce and implement any relevant approved policies, strategies and protocols in respect of the legislation set out at point 1 above.
3. To collect fees and charges in respect of the legislation set out at point 1 above where relevant (including any amendment, regulation or subsidiary legislation).
4. In those cases relating to functions exercised under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 which cannot be determined under delegated powers, the determination to be undertaken by the relevant Head of Service in consultation with the Chairman or Vice-Chairman of the Regulatory and Appeals Committee.

5. To make minor amendments to the Council's Hackney Carriage and Private Hire Licensing policy in consultation with the Chairman of the Regulatory and Appeals Committee.
  6. To appoint officers for carrying into effect the relevant statutory provisions under the Food Safety Act 1990 (as amended) and:
    - a) any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972\*; and
    - b) any modification or re-enactment to the foregoing.
- \*Note: Providing an officer is suitably appointed to so act, the fact that the enforcement powers are contained in a Regulation or Order, whether made under the European Communities Act 1972 or any other stated Act, is irrelevant for the purpose of acting lawfully.
7. To appoint as Inspectors such persons having suitable qualifications as the Authority think necessary for bringing Part 1 of the Environmental Protection Act 1990 (as amended) into effect within the Wycombe District Council area in relation to prescribed processes designated for local control.
  8. To appoint Inspectors for carrying into effect the relevant Statutory provisions under the Health and Safety at Work etc Act 1974 and subordinate legislation.
  9. To seek advice and assistance from the District Solicitor in cases where formal enforcement action may be necessary, including the commencement of legal proceedings.

## **GENERAL**

1. In consultation with the District Solicitor to make decisions regarding the enforcement (or otherwise) of:-
  - (i) the provision of all statutes and statutory instruments within the areas of responsibility of the Head of Environment.
  - (ii) the conditions attached to all orders and directions made by or on behalf of the Council and served by the Head of Environment.

## **DISTRICT SOLICITOR**

### **NON EXECUTIVE**

1. To discharge the role of Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. The three Principal Solicitors to undertake this role in the absence of the District Solicitor.
2. Following consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation.
3. To seek resolution of a complaint without formal investigation wherever practicable, to have discretion to refer decisions on investigation to the

Standard Committee where he feels it is inappropriate for him to take the decision and to report annually to the Standards Committee on the discharge of this function.

4. To close the matter where the investigation finds no evidence of failure to comply with the Code of Conduct, providing a copy of the report and findings to the complainant, the Member concerned, and the Independent Person. Findings to be reported to the Standards Committee for information.
5. In the event the investigation finds evidence of a failure to comply with the Code of Conduct, in consultation with the Independent Person, to seek local resolution to the satisfaction of the complainant in appropriate cases. Where this is not appropriate or possible, to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing.
6. To select up to 5 Members from the pool of the Members of the Standards Committee to form a Hearing Panel on an ad hoc basis, on the basis of political proportionality and to include at least two political parties and not more than one member of the executive.

## **GENERAL**

1. Following consultation with the relevant Cabinet Member or Committee Chairman as appropriate to authorise urgent or other action involving expenditure of up to £100,000 within existing policy and budgetary provision in cases where expenditure is not already authorised under delegated powers. When a Member is unavailable for any reason then the Leader or Deputy Leader or the Committee Vice-Chairman as appropriate shall be contacted. The relevant officer shall assume that he/she has the support of the relevant Member if within 5 days there is either unanimous agreement or no consultee has objected.
2. To make available agenda material and background papers pursuant to the Local Government Act 1972 as amended

## D - APPOINTMENT OF PROPER OFFICERS

### (a) Local Government Act 1972

Under the sections of the Local Government Act 1972, specified hereunder, the Council has designated the Proper Officer as listed together with a Deputy to act when the Proper Officer is unavailable.

#### Section or Schedule and Purpose

13(3) - Proper Officer to be appointed as Parish Trustee where there is no Parish Council	<b>Proper Officer:</b> Chief Executive <b>Deputy:</b> Head of Democratic, Legal and Policy Services
14 - and subsequent Local Election Rules together with any subsequent Representation of the People Acts and regulations made thereunder. Returning Officer for District and Parish Elections	<b>Proper Officer:</b> Chief Executive <b>Deputy:</b> Head of Democratic, Legal and Policy Services
83 - Proper Officer to witness and receive declarations of acceptance of office	<b>Proper Officer</b> Chief Executive <b>Deputy:</b> Head of Democratic, Legal and Policy Services
84 - Proper Officer for receipt of resignation of Members of the Council	<b>Proper Officer:</b> Chief Executive <b>Deputy:</b> Head of Democratic, Legal and Policy Services
88 - Proper Officer to convene a meeting of the Council where the office of Chairman is vacant.	<b>Proper Officer:</b> Chief Executive <b>Deputy:</b> Head of Democratic, Legal and Policy Services
89(1)(b) - Proper Officer to receive notice of vacancy in the office of Councillor	<b>Proper Officer:</b> Chief Executive <b>Deputy:</b> Head of Democratic, Legal and Policy Services

96(1) - Proper Officer to receive general notices from Members relating to disclosures of interest in contracts, etc.

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

96(2) - Proper Officer to record and keep in a book particulars of such disclosures

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(A) - Proper Officer for designating Committee Reports "confidential" or "exempt"

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(B)(2) - Proper Officer for circulation of reports and agenda

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(B)(7)(C) - Proper Officer for supply of papers to the Press

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(C)(2) - Proper Officer for summarising minutes

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(D)(1) and (5) - Proper Officer for identifying background papers and preparing lists thereof, for items prepared in that department

**Proper Officer:** Relevant Head of Service whose service is preparing the item / as provided for in Divisional Scheme of Delegation.

100(F)(2) - Proper Officer for identifying papers not open to Members

**Proper Officer:** Head of Democratic, Legal and Policy Services **Deputy:** District Solicitor

115(2) - Proper Officer to receive money due from officers

**Proper Officer:** Head of Finance and Commercial; **Deputy:** Principal Accountant

146 - Proper Officer to certify declarations and certificates in connection with securities standing in the books of a Company

**Proper Officer:** Head of Finance and Commercial; **Deputy:** Principal Accountant

151 - Officer responsible for the proper administration of the Council's financial affairs

**Proper Officer:** Head of Finance and Commercial **Deputy:** Principal Accountant

191 – Proper Officer for the purpose of assisting with the Ordnance Survey of the District

**Proper Officer:** Head of Property Services **Deputy:** As provided for in Divisional Scheme of Delegation

223 - Proper Officer to authorise or defend proceedings in Magistrates Court

**Proper Officer:** District Solicitor; **Deputy:** Corporate Solicitor

225(1) - Proper Officer to receive documents placed on deposit with the Council

**Proper Officer:** Chief Executive; **Deputy:** Head of Democratic, Legal and Policy Services

229 - Proper Officer to certify photographic copies of documents

**Proper Officer:** Head of Democratic, Legal and Policy Services. **Deputy:** District Solicitor



234 - Approval service and signature of the following Notices (Section numbers relate to the relevant Sections of the Housing Act 1985):-

- |  |   |
|--|---|
| (1) Landlord's notice admitting or denying right to buy (Section 124)                      | <b>Proper Officer:</b> Head of Homes and Housing<br><b>Deputy:</b> As provided for in Divisional Scheme of Delegation |
| (2) Landlord's offer notice (Section 125)  | <b>Proper Officer:</b> Head of Homes and Housing; <b>Deputy:</b> As provided for in Divisional Scheme of Delegation   |
| (3) Landlord's offer of amount and terms of mortgage (Section 135)                         | <b>Proper Officer:</b> Head of Homes and Housing; <b>Deputy:</b> As provided for in Divisional Scheme of Delegation   |
| (4) Landlord's notice admitting or denying right to a shared ownership lease (Section 146) | <b>Proper Officer:</b> Head of Homes and Housing; <b>Deputy:</b> As provided for in Divisional Scheme of Delegation   |
| (5) Landlord's notice of initial contribution (Section 147)                                | <b>Proper Officer:</b> Head of Homes and Housing; <b>Deputy:</b> As provided for in Divisional Scheme of Delegation   |
| (6) Landlord's first notice to complete (Sections 140 and 152)                             | <b>Proper Officer:</b> District Solicitor<br><b>Deputy:</b> Corporate Solicitor                                       |
| (7) Landlord's second notice to complete (Sections 141 and 153)                            | <b>Proper Officer:</b> District Solicitor<br><b>Deputy:</b> Corporate Solicitor                                       |

236(9) and (10) - Proper Officer to send copies of Byelaws to County and Parish Councils

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** District Solicitor

238 - Proper Officer to certify byelaws

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** District Solicitor

Schedule 3 Paragraph 6(2)  
Proper Officer to whom declarations of acceptance of office by Councillors shall be retained

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

Schedule 12 Paragraph 4(2)(b)  
Proper Officer to sign and send summons to attend meetings of the Council

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

Schedule 12 Paragraph 4(3) Proper Officer to whom Members of the Council may give notice specifying their desire that summons should be sent to an address other than their place of residence

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic Services Manager

14(25)(7) - Proper Officer to certify resolutions under the Public Health Acts 1875-1925

**Proper Officer:** Head of Democratic, Legal and Policy Services **Deputy:** District Solicitor

(ii) Any reference in any enactment passed before or during the 1970/71 session of Parliament other than the Local Government Act 1972,

or in any instrument made before 26 October 1972, or in any local statutory provision to the officer named in the first column hereunder, which by virtue of any provisions of the Local Government Act 1972, or any order made thereunder is to be construed as a reference to the Proper Officer of the Council named in the second column hereunder; and the officer named in as a deputy shall be appointed to act if the officer named in the second column is unavailable.

Clerk of the Council or Town Clerk

**Proper Officer** Chief Executive;  
**Deputy:** Head of Democratic, Legal  
and Policy Services

Treasurer of the Council/Borough  
Treasurer or Financial Officer

**Proper Officer:** Head of Finance and  
Commercial; **Deputy:** Principal  
Accountant

Engineer or Surveyor of the Council or  
Borough Engineer or Surveyor

**Proper Officer:** Head of Property  
Services; **Deputy:** Technical FM  
Manager

Public Health Inspector

**Proper Officer:** Head of Environment  
**Deputy:** Environmental Health  
Manager

Housing Officer

**Proper Officer:** Head of Homes and  
Housing; **Deputy:** Strategy and Enabling  
Manager

(b) **Representation of the People  
Acts**

**Section or Schedule and  
Purpose**

Representation of the People Act  
1983 onwards and any regulations  
made thereunder.

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal  
and Policy Services

(c) **National Assistance Act 1948**

**Section or Schedule and  
Purpose**

47 - Removal to Suitable Premises of  
Persons in need of Care and Attention

**Proper Officer:** Consultant in  
Communicable Disease Control

<b>(d) Local Government and Housing Act 1989</b>	14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33.	<p><b>Section or Schedule and Purpose</b></p> <p>2 - Listing and publication of politically sensitive posts</p> <p>9 - Arrangements for appointment of political assistants</p> <p>15 – 17 - To receive notification of political groups and to allocate committee seats according to political balance</p>	<p><b>Proper Officer</b> Head of HR, ICT and Shared Support Services'</p> <p><b>Deputy</b> As provided for in Divisional Scheme of Delegation</p> <p><b>Proper Officer</b> Head of Democratic, Legal and Policy Services</p> <p><b>Deputy</b> Head of HR, ICT and Shared Support Services</p> <p><b>Proper Officer</b> Head of Democratic, Legal and Policy Services <b>Deputy</b> Democratic Services Manager</p>
<b>(e) Public Health (Control of Diseases) Act 1984</b>	34. 35.	<p><b>Section or Schedule and Purpose</b></p> <p>11 - Proper Officer to receive certificates for cases of notifiable disease and food poisoning</p> <p>24 29 30 and 43(1) - Proper Officer for determining infected articles not to be taken or sent to be washed or cleaned, letting of house or room after recent case of notifiable disease, duty on ceasing to occupy house after recent case of notifiable disease, removal of person who has died in hospital with notifiable disease</p>	<p>Consultant in Communicable Disease Control</p> <p>Consultant in Communicable Disease Control</p>

48 - Proper Officer for determining removal of body to mortuary for immediate burial

**Proper Officer:** Consultant in Communicable Disease Control

- (a) **Local Government Act 2000 and Regulations made thereunder** - Under the provisions of the Local Government Act 2000 and the following regulations, the Council has designated the Proper Officer as listed together with a deputy to act when the Proper Officer is unavailable.

### **Regulations**

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

**3** - Recording of executive decisions made at a meeting.

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic Services Manager

**4** - Recording of executive decisions made by individuals

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic Services Manager

**5** - Inspection of documents following executive decisions

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic Services Manager

6 - Compilation of list of background papers

**Proper Officer:** Relevant Head of Service whose service provided the item; **Deputy:** As Provided for In Divisional Scheme

9 - Making available for public inspection reports to be taken into consideration when key decisions are made (lists of background papers for the report)

**Proper Officer:** Relevant Head of Service whose service provided the item  
**Deputy:** As provided for in Divisional Scheme of Delegation

11 - Exclusion of the whole or part of report for public meeting which relates to business to be taken in closed session.

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** District Solicitor

Supply to newspaper of copies of certain documents

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic Services Manager

12 - Publicity in connection with key executive decisions

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic Services Manager

15 - Notice to Chairman / members of Improvement and Review Commission of matters to be excluded from Forward Plan and making copy of notice available for public inspection

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** Democratic and Member Services Manager

17 - Exclusion to whole or part of a document from public inspection because it contains certain exempt information or involves disclosure of advice by political adviser or assistant

**Proper Officer:** Head of Democratic, Legal and Policy Services; **Deputy:** District Solicitor

### **The Local Authorities (Referendums) (Petitions and Directorates) (England) Regulations 2000**

**4** - Responsibilities concerning the "Verification Number"

**Proper Officer:** Electoral Registration Officer; **Deputy:** Deputy Electoral Registration Officer

**7** - Responsibilities concerning Post-Announcement and Post-Direction petitions

**Proper Officer:** Electoral Registration Officer; **Deputy:** Deputy Electoral Registration Officer

**8** - Responsibilities concerning amalgamation of Petitions

**Proper Officer:** Electoral Registration Officer; **Deputy:** Deputy Electoral Registration Officer

**11** - Procedure on receipt of petition

**Proper Officer:** Electoral Registration Officer; **Deputy:** Deputy Electoral Registration Officer

**13** - Procedure for valid petitions

**Proper Officer:** Electoral Registration Officer; **Deputy:** Deputy Electoral Registration Officer

14 - Publicity for invalid petitions

**Proper Officer:** Electoral Registration Officer; **Deputy:** Deputy Electoral Registration Officer

**Localism Act 2011 and Regulations made thereunder** To receive complaints of failure to comply with the Code of Conduct.

**Proper Officer:** Monitoring Officer / Deputy Monitoring Officer

**3. Functions referred to in Regulation 3 (l) of and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Regulation”)**

- (1) The following relevant functions specified in Schedule 2 to the Regulations shall be the responsibility of the Council, or where appropriate a Council Committee or officer to which it may delegate in that behalf:
- (a) Any function under a Local Act other than a function specified or referred to in Regulation 2 of or Schedule 1 to the Regulations.
  - (b) The determination of an appeal against any decision made by or on behalf of the Council.
  - (c) The appointment of review boards under regulations under sub-section (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998.
  - (d) The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 of the Local Government Act 1999.
  - (e) The matters referred to in paragraphs 7 and 8 of Schedule 2 regarding questions on policy matters at Council meetings; and appointment of Members under paragraphs 2 to 4 of Schedule 2 to the Police Act 1996.
  - (f) Matters referred to as excluded after paragraph 3(2)(b) below.
- (2) The following relevant functions specified in Schedule 2 to the Regulations shall be the responsibility of the Cabinet, or where appropriate a Committee of, or individual Member of the Cabinet or Officer:
- (a) Any function relating to contaminated land.
  - (b) The discharge of any function relating to the control of pollution or the management of air quality excluding in all cases.
    - determining an application from a person for a licence, approval, consent, permission or registration



- direct regulation of a person (with substantial discretion as to the regulatory action)
  - enforcement of any such licence, approval, consent, permission or direct regulation
  - (c) The making of agreements for the execution of highway works.
  - (d) The making of agreements with other local authorities for the placing of staff at their disposal.
- (3) The following functions specified in Schedule 2 to the Regulations shall be the responsibility of either the Council (or its delegates) or the Cabinet (or its delegates), in either case to the extent that the functions relate most closely to non-executive or executive matters respectively:-
- (a) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to the interests in land.
  - (b) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
  - (c) The appointment of any individual:-
    - to any office other than an office in which he is employed by the Council;
    - to any body other than:-
      - (i) the Council
      - (ii) a joint Committee of two or more Authorities; or
    - to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.

# **E – COUNCILLOR ROLES**

## **INDIVIDUAL COUNCILLOR**

### **Role**

- To participate constructively in the good governance of the District
- To act at all times in accordance with the Council's ethical and other codes of conduct and with high standards of honesty and integrity
- To develop open government by encouraging active community and individual participation in the governance of the area
- To represent effectively Ward interests
- To manage and assist with constituents' enquiries and representations
- To promote the interests and sustainability of the community in order to improve the social, economic and environmental well-being of the District
- To represent Council or the Ward on outside bodies
- To undertake training and development as appropriate in order to enhance corporate and personal effectiveness

### **Key Tasks**

- To fulfil any statutory or locally determined requirements of an elected member of a local authority
- To subscribe to, and uphold effectively, all the relevant codes of conduct and protocols on behaviour whether national or local
- To gain an understanding of internal control and risk management in order to promote sound corporate governance
- To participate fully in those decisions and activities reserved for the full Council e.g. setting budgets
- To participate effectively as a member of any committee or other body to which you may be appointed
- To represent the community to the authority and vice versa

- If appointed to an outside body, to provide two-way communication between the organisation and the Council
- To prepare annually a report on the work of any outside body to which you are appointed, in particular the use of funds contributed by the District and whether continued membership of the organisation is to the benefit of the Council or the District as a whole
- To develop and maintain a working knowledge of the Council's standing orders, terms of reference, policies and procedures
- To participate as appropriate, in consultations with the public, and local organisations
- To play a full role in the work of any inter authority committees or bodies to which you may be appointed
- To develop good working relationships with other Members and relevant officers of the authority
- If a member of a political group to be aware that the party whip is not to be applied at meetings of the Improvement and Review Commission or its Task and Finish Groups.

## **LEADER OF THE COUNCIL**

### **Role**

- To further the social, economic and environmental well-being of the community
- To provide clear political leadership to residents, stakeholders, partners and the postholder's political group in the overall co-ordination of Council policies, strategies and service delivery. The postholder will need to be able to demonstrate sufficient knowledge and experience to fulfil this role
- To lead Cabinet in its work to develop the policy and budget frameworks
- To contribute actively to the formation and scrutiny of the Council's strategies, policies, budgets and service delivery
- To lead the development of local initiatives designed to benefit from regional, national, European and international policies and strategic partnerships for the benefit of the District
- To motivate and develop Cabinet members to deliver the Council's strategies and policies

### **Key Tasks**

- To provide leadership to the Council and its political administration
- To represent the Council in the community and in discussions with regional, national, European and international organisations and others
- To liaise with other Group Leaders
- To allocate Cabinet portfolios
- To direct, manage and chair meetings of the Cabinet
- To take the political lead in proposing new policy, strategy, budget and service standards as appropriate
- To act as political spokesperson for the authority or to appoint another member of the Cabinet to undertake this
- To act as political spokesperson for the Group or to appoint another Member to do so
- As a Cabinet member to share in the executive responsibility for

developing and proposing overall strategy, budget, policy arrangements and service reviews

- To ensure that there is proper opportunity for the scrutiny of Cabinet decisions
- To participate in performance reviews of services if appropriate or to appoint another Member to do so
- To ensure that the Council obtains best value from its services
- To provide political direction for the Chief Executive
- To meet regularly with the Chief Executive, Corporate Directors and Heads of Service and other relevant senior officers to be briefed on key issues and delegated decisions and to enable changes to be proposed to strategies and policies as necessary
- To seek officer advice before taking decisions
- To ensure that decisions are recorded in accordance with agreed procedures
- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To maintain the principles of collective and individual responsibility within the Cabinet
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **DEPUTY LEADER OF THE COUNCIL**

### **Role**

- To assist the Leader of the Council in whatever activities the Leader determines
- To deputise for the Leader in his/her absence. The postholder will need to be able to demonstrate sufficient knowledge and experience to fulfil this role
- To take particular responsibility for the training and development of all Members

### **Key Tasks**

- To assist the Leader in the formal processes and matters of the leadership
- To assist the Leader in management of the Cabinet and to take the chair of Cabinet meetings in the Leader's absence
- To assist the Leader in management of the political group
- To represent the Council or the political administration as required by the Leader
- To assist the Leader and as a Cabinet member to share in the executive responsibility for developing and proposing overall strategy, budget, policy arrangements and service reviews
- To ensure that there is proper opportunity for the scrutiny of Cabinet decisions
- To participate in reviews of services if appropriate
- To ensure that the Council obtains best value from its services
- To meet regularly with the Chief Executive, Corporate Directors and Heads of Service and other relevant senior officers to be briefed on key issues and to enable changes to be proposed to strategies and policies as necessary
- To seek officer advice before taking decisions
- To ensure that decisions are recorded in accordance with agreed procedures
- To maintain regular contact with non executive councillors, community

representatives and other local stakeholders and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted

- To maintain professional working relationships and establish mutual respect with all Members and officers
- To maintain the principles of collective and individual responsibility within the Cabinet
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **CABINET MEMBER WITH PORTFOLIO**

### **Role**

- To act as lead member and spokesperson for the portfolio areas allocated to him/her by the Leader of the Council. The postholder will need to demonstrate sufficient knowledge and experience to fulfil this role
- To provide political direction for the services comprised within the portfolio assigned to him/her
- To take responsibility within the Cabinet on the basis of individual and/or collective responsibility for the portfolio assigned to him/her
- To contribute actively through the portfolio responsibilities specifically, and membership of the Cabinet generally, to the formation and development of the authority's policies, budget, strategies and service delivery
- To contribute to the development of local initiatives designed to benefit from regional, national, European and international policies and strategic partnerships for the benefit of the District
- To deputise for the Leader of the Council or Deputy Leader of the Council as appropriate

### **Key Tasks**

- To participate fully in the work of the Cabinet
- To implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Leader of the Council
- To take the political lead in proposing new policy, strategy, budget and service standards for his/her portfolio as appropriate
- To act as political spokesperson for his/her portfolio
- As a Cabinet member to share in the executive responsibility for developing and proposing overall strategy, budget, policy arrangements and service reviews
- To ensure that there is proper opportunity for the scrutiny of individual and Cabinet decisions relevant to his/her portfolio
- To keep Cabinet colleagues informed of current key issues within his/her portfolio



- To participate in performance reviews of services if appropriate or appoint another Member to do so
- To ensure that the Council obtains best value from its services
- To provide political direction for Corporate Directors or Heads of Service and senior officers
- To meet regularly with appropriate Corporate Directors or Heads of Service and other relevant senior officers to be briefed on key issues and to enable changes to be proposed to strategies and policies as necessary
- To seek officer advice before taking decisions
- To ensure that decisions are recorded in accordance with agreed procedures
- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To maintain the principles of collective and individual responsibility within the Cabinet
- To ensure that his/her political group is briefed at the appropriate time on significant issues within his/her portfolio i.e. those which have significant financial or other major resource implications, will result in a change in established policy, or which are contentious or politically sensitive
- To represent the Council and the political administration in the community and elsewhere as required by the Leader
- To act as an 'early warning' system for all colleagues, passing on information as appropriate
- To develop effective communication with the Improvement and Review Commission Chairman
- At the request of the Improvement and Review Commission Chairman to attend meetings of the Improvement and Review Commission or its Task and Finish Groups to answer questions on specific issues

- To present proposals to the Improvement and Review Commission or its Task and Finish Groups on emerging issues
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **MEMBER OF POLICY ADVISORY GROUP**

### **Role**

- To work informally across party lines
- To act as a member of the cross-party informal advisory group to a specified Cabinet Member
- To assist the Cabinet Member as required at, and in preparation for, the June Annual Policy Planning Day

### **Key Tasks**

- To assist the Cabinet Member with the initial development of policy ideas
- To act as a 'sounding board' for the Cabinet Member in respect of any issue on which advice may be sought
- To carry out research as appropriate in relevant areas at the request of the Cabinet Member
- To meet regularly with appropriate Corporate Directors or Heads of Service and other relevant senior officers to keep up to date on key issues and to enable changes to be proposed to strategies and policies as necessary
- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To act as an 'early warning' system for all colleagues, passing on information as appropriate
- To develop effective communication with the relevant Scrutiny Chairman
- To maintain confidentiality
- To assist in presenting proposals to the Improvement and Review Commission on emerging issues
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **CHAIRMAN OF THE COUNCIL**

### **Role**

- To be the first citizen of the District
- To provide a ceremonial focus for the District
- To lead in major events, eg receiving royalty in the District
- To act as an impartial and politically neutral Chairman for meetings of the full Council or other meetings, as appropriate, particularly consultation meetings

### **Key Tasks**

- To chair all meetings of the full Council
- To chair major consultation meetings organised by the Council
- To set the standard of conduct to be expected from all Councillors
- To help represent the Council in the community and in discussions with regional, national, European and international organisations and others
- To respond to correspondence received on behalf of the Council and to initiate correspondence on behalf of the Council as appropriate
- To attend functions appropriate to the position of Chairman of the Council
- To host an annual reception and other smaller appropriate functions as necessary
- To act as host to visiting royalty, civic dignitaries and other important visitors
- To act as consultee when the Chief Executive is considering appeals from any complaints where a complainant is dissatisfied with the response received from a Directorate
- To be available for approximately 2 hours per week to sign documents that have been sealed on behalf of the Council
- To liaise with the Mayor / Town Clerk to ensure that the diaries of the Chairman and Charter Trustee Mayor are as complementary as possible

- To ensure that if he or she is unable to attend any event, that the Vice Chairman of Council will attend if possible
- Whilst not a member of either, to be authorised to attend meetings of the Cabinet (whether public or private meetings) and meetings of the Improvement and Review Commission with observer status to ensure that he or she is fully aware of current issues
- To seek officer advice before taking decisions on ceremonial or procedural matters
- To maintain regular contact with all councillors, community representatives and other local stakeholders and to take account of their views
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **VICE - CHAIRMAN OF THE COUNCIL**

### **Role**

- To assist the Chairman of the Council in whatever appropriate activities the Chairman requests
- To deputise for the Chairman of the Council in his or her absence
- To be a member of the Improvement and Review Commission if he or she so wishes

### **Key Tasks**

- To assist the Chairman of the Council in the ceremonial business of the Council
- To chair meetings of the full Council or major consultation meetings organised by the Council in the absence of the Chairman
- To assist the Chairman in setting the standard of conduct to be expected from all Councillors
- To help represent the Council in the community and in discussions with regional, national, European and international organisations and others
- To attend functions appropriate to the position of Chairman of the Council if requested to do so by the Chairman
- To assist the Chairman of the Council in hosting an annual reception and other smaller appropriate functions as necessary
- In the absence of the Chairman of the Council, to act as host to visiting royalty, civic dignitaries and other important visitors
- In the absence of the Chairman of the Council to be available for approximately 2 hours per week to sign documents that have been sealed on behalf of the Council
- Wherever possible, to attend any event that the Chairman of Council is unable to attend
- To seek officer advice before taking decisions on ceremonial or procedural matters
- To assist the Chairman of the Council in maintaining regular contact with all councillors, community representatives and other local stakeholders and to take account of their views

- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **CHAIRMAN OF STANDARDS COMMITTEE**

### **Role**

- To lead the work of the Council's Standards Committee
- To promote high standards of conduct throughout the District Council and the Parish Councils within its area
- To lead the development of appropriate training both for the Committee and all District and Parish Members
- To ensure that any matters referred to the Standards Committee are considered properly and in accordance with the Codes of Conduct currently in force and the protocols and standards of conduct as adopted by the Council

### **Key Tasks**

- To chair meetings of the Standards Committee
- To ensure that all matters before the Committee are investigated in accordance with current legislation and the principles and policies of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To ensure that all Members are treated courteously, fairly and impartially
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with all Members to ensure that the Committee is aware of any issues which may be relevant to its work
- To meet regularly with relevant senior officers (and especially the Monitoring Officer) to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference



## **CHAIRMAN OF REGULATORY AND APPEALS COMMITTEE**

### **Role**

- To lead the work of the Council's Regulatory and Appeals Committee
- To lead the development of appropriate training for the Committee
- To ensure that any matters referred to the Regulatory and Appeals Committee are considered properly and in accordance with current legislation and any protocols and procedures adopted by the Council

### **Key Tasks**

- To chair meetings of the Regulatory and Appeals Committee
- To ensure that all matters before the Committee are considered in accordance with current legislation, best practice and the principles, policies and procedures of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To ensure that the principles of natural justice and the provisions of the Human Rights Act are applied in any hearings
- To ensure that all appellants are treated courteously, fairly and impartially
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF PLANNING COMMITTEE**

### **Role**

- To lead the work of the Council's Planning Committee
- To ensure that all matters considered by the Planning Committee are considered properly and in accordance with the Codes of Conduct currently in force and the additional planning guidance as set out in the Members' Handbook
- In accordance with the terms of reference of the Committee, to ensure that any application that may give rise to substantial costs or legal action against the Council, or be substantially inconsistent with policy, or any other matters requiring full Council approval are referred to full Council for determination
- To ensure that all Members of the Committee undertake appropriate training upon initial appointment and on an ongoing basis

### **Key Tasks**

- To chair meetings of the Planning Committee
- To ensure that all matters before the Committee are determined in accordance with current legislation and the principles and policies of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To manage the process of public speaking to ensure that speakers are treated courteously, fairly and impartially
- To ensure that the views of local Members (to the extent that they are material considerations) are taken into account and that local Members have the opportunity to make representations to the Committee on matters affecting their Wards
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To play an active role in any Best Value reviews
- To maintain regular contact with all Members to ensure that the Committee is aware of any issues which may be relevant to its work
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice

- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference
- To act as consultee with Head of Planning and Sustainability in respect of delegated authority given to that officer in respect of:
  - confirming Tree Preservation Orders in the light of any objections received
  - determination of developments which represent departures from the Development Plan (with the exclusion of Tier 1 District-wide developments)
  - determination of Householder, Listed Building Consent, Conservation Area Consent and 'minor' developments.

## **MEMBER OF PLANNING COMMITTEE**

### **Role**

- To participate fully and constructively in the work of the Council's Planning Committee
- To act on behalf of the Council as a whole in the work of the Committee
- To ensure that all matters considered by the Planning Committee are considered properly and in accordance with the Codes of Conduct currently in force and the additional planning guidance as set out in the Members' Handbook
- To undertake appropriate training both on initial appointment and on an ongoing basis

### **Key Tasks**

- To determine all matters before the Committee in accordance with current legislation and within the principles and policies of the Council currently in force
- To accord all members of the public addressing the Committee a fair and impartial hearing
- To take into account the views of local Members on matters affecting their Wards
- To maintain political impartiality in the work of the Committee
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To play an active role in any reviews if requested to do so by the Chairman of the Planning Committee or the Chairman of the Improvement and Review Commission
- At the request of the Chairman of the Planning Committee, to participate in such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF HIGH WYCOMBE TOWN COMMITTEE**

### **Role**

- To be the formal link between the Committee and the appropriate Cabinet Member(s) or Committee Chairman
- To ensure that any issues referred to the Committee by the Council, the Cabinet or a Committee are properly considered
- To advise the Cabinet, the Council or appropriate Committees of issues affecting High Wycombe on which decisions are to be made
- To lead and undertake relevant training and development

### **Key Tasks**

- To chair the High Wycombe Town Committee
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with all Members, officers, community representatives and local stakeholders to inform effective consideration of issues affecting High Wycombe
- To lead the consideration of any draft policy proposals referred to his/her Committee by the Cabinet
- To develop effective communication with the appropriate Cabinet Member(s) or Committee Chairman responsible for the service areas within the Committee's remit
- To ensure that he/she is fully aware of the Cabinet Forward Programme and that his/her Committee is able to consider relevant issues within the time scale set
- To consider and advise the Cabinet or relevant Committee on any issues affecting High Wycombe
- To invite Cabinet Members and officers to attend meetings of the Committee
- In partnership with appropriate senior officers, to contribute to the agenda for formal meetings of the Committee
- To undertake such meetings as are necessary for effective and efficient

functioning of the Committee within its terms of reference

- To make recommendations to the Cabinet in respect of Special Expenses

## **CHAIRMAN OF JOINT STAFF COMMITTEE**

### **Role**

- To lead the work of the Council's Joint Staff Committee
- To lead the development of appropriate training for the Committee
- To ensure that any matters raised by or referred to the Joint Staff Committee are considered properly and in accordance with current legislation and any protocols and procedures adopted by the Council

### **Key Tasks**

- To chair meetings of the Joint Staff Committee
- To ensure that all matters before the Committee are considered in accordance with current legislation, best practice and the principles, policies and procedures of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To discuss issues affecting staff within the Council with appropriate Members and officers, excluding individual disciplinary, promotion or efficiency issues
- To ensure that issues affecting terms and conditions of all or a majority of staff are considered and any matters necessary recommended to the Personnel and Development Committee
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF PERSONNEL AND DEVELOPMENT COMMITTEE**

### **Role**

- To lead the work of the Council's Personnel and Development Committee and Joint Staff Committee
- To lead the development of appropriate training for the Committee and Members generally
- To ensure that any matters referred to the Personnel and Development Committee or the Joint Staff Committee are considered properly

### **Key Tasks**

- To chair meetings of the Personnel and Development Committee in accordance with current legal requirements
- To manage the meetings of the Committee so that all items are considered fairly and in accordance with current legislation, government guidance, best practice and the principles, policies and procedures of the Council currently in force
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with the appropriate Cabinet Member, other Members and Officers as appropriate to ensure that the Committee is aware of any issues which may be relevant to its work
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference



## **CHAIRMAN OF AUDIT COMMITTEE**

### **Role**

- To lead the work of the Council's Audit Committee
- To lead the development of appropriate training for the Committee
- To ensure that any matters referred to or originated by the Committee are considered properly

### **Key Tasks**

- To chair meetings of the Audit Committee in accordance with current legal requirements
- To manage the meetings of the Committee so that all items are considered fairly and in accordance with current legislation, government guidance, best practice and the principles, policies and procedures of the Council currently in force
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with the appropriate Cabinet Member, the Chairman of the Improvement and Review Commission, other Members and Officers as appropriate to ensure that the Committee is aware of any issues which may be relevant to its work
- To ensure that the Committee meets the Council's external auditors annually
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CABINET / COUNCIL SPOKESMAN**

### **Role**

- To present reports to Cabinet in the absence of the relevant Cabinet Member, but not to vote or take part in any decision making
- To respond to questions (public and Member) at Council in the absence of the relevant Cabinet Member
- To actively support the relevant Cabinet Member by keeping abreast of issues in his/her portfolio, internally and externally
- To contribute actively to the formation and development of the authority's policies, budget, strategies and service delivery
- To contribute as appropriate, to the development of local, regional, national, European and international policies and strategic partnerships for the benefit of the District
- To deputise for the relevant Cabinet Member at meetings and events and be empowered to represent the Cabinet Members' views as appropriate.

### **Key Tasks**

- To develop the knowledge and experience of the particular areas on which he/she is acting as spokesman to be able to represent the Council's interests both internally and externally
- To seek officer advice before proposing decisions or actions to Cabinet or individual Cabinet Members
- To maintain regular contact with non executive councillors, community representatives, other local stakeholders and officers, and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with appropriate Members and officers
- To act as a conduit for all colleagues, passing on information as appropriate

### **Note**

- Cabinet Spokesmen have no decision-making powers in relation to executive decision making either by Cabinet as a whole, or by individual Cabinet Members.

## **CHAIRMAN OF LICENSING COMMITTEE**

### **Role**

- To lead the work of the Council's Licensing Committee and its Panels
- To lead the development of appropriate training for the Committee
- To ensure that any matters referred to the Licensing Committee and its Panels are considered properly

### **Key Tasks**

- To chair meetings of the Licensing Committee in accordance with current legal requirements
- To manage meetings so that all matters before the Committee and its Panels are considered in accordance with current legislation, government guidance, best practice and the principles, policies and procedures of the Council currently in force
- To ensure that the work of the Committee and its Panels is politically impartial
- To ensure that the principles of natural justice and the provisions of the Human Rights Act are applied in any hearings
- To ensure that all parties are treated courteously, fairly and impartially
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To liaise with the relevant Cabinet Member as appropriate
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF IMPROVEMENT AND REVIEW COMMISSION**

### **Role**

- To lead the improvement and review process effectively
- To programme and allocate tasks to Task and Finish Groups within an annual Council approved programme
- To ensure that clear terms of reference and timescales are set for each project assigned to a Task and Finish Group
- To chair a Task and Finish Group if appropriate
- To be the formal link between the Commission and the Cabinet Member or Committee Chairman as appropriate
- To ensure that any issues referred to the Commission by the Cabinet, a Cabinet member or a Committee are properly considered
- To assemble and present reports to Council (including minority reports) and Cabinet
- To lead relevant training and development for Members of the Commission and its Task and Finish Groups

### **Key Tasks**

- To chair the Improvement and Scrutiny Commission
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Commission's terms of reference as set out in Article 6 of the Constitution
- To draw up an Annual Programme of improvement work in consultation with the Cabinet, non-executive Members and senior officers, taking into account the views of community representatives and local stakeholders to achieve a balance of service and community concerns
- To maintain regular contact with all Members, officers, community representatives and local stakeholders to inform effective scrutiny of policies, strategies, budgets and performance
- To lead the consideration of draft policy or budget proposals referred to the Commission by the Cabinet in accordance with the Policy and Budget Framework Rules
- To develop effective communication with the Cabinet and Committee Chairmen

- To be fully aware of the Cabinet Forward Programme so that the Commission or a Task and Finish Group is able to consider relevant issues within the timescale set by the Council
- To invite Cabinet Members, Committee Chairmen and officers to attend meetings of the Commission
- When seeking Cabinet Members, officers or other witnesses to appear before the Commission, to co-ordinate the questions to be asked, submitting in advance a list of the issues to be discussed or requests for detailed information, and ensuring that a summary of the discussion and progress made is circulated following the meeting
- In partnership with appropriate senior officers, to contribute to the agenda for formal meetings of the Commission
- To meet regularly with relevant senior officers to ensure the receipt of appropriate "independent" advice to inform effective scrutiny
- To oversee publication of reports, plans and statements to Council and elsewhere from the Commission
- To ensure the Commission is able to give advice to the Cabinet, Council Committees and senior officers within the framework of policies set by the Council
- To undertake such other meetings as are necessary for effective and efficient functioning of the Commission within its terms of reference
- To consult with the Chairman of Personnel and Development Committee and the Deputy Leader of the Council to ensure that the training requirements of members of the Commission and the Task and Finish Groups are identified and that suitable briefings or training sessions are arranged as appropriate
- To liaise with the Chairmen of the Task and Finish Groups in order to ensure effective co-ordination of Improvement and Scrutiny work and avoid a proliferation of meetings

## **VICE-CHAIRMAN OF IMPROVEMENT AND REVIEW COMMISSION**

### **Role**

- To assist the Chairman in leading the improvement and scrutiny process effectively
- To deputise for the Chairman in his/her absence
- To assist the Chairman in programming and allocating tasks to Task and Finish Groups within an annual Council approved programme
- To assist the Chairman in ensuring that clear terms of reference and timescales are set for projects assigned to Task and Finish Groups
- To chair a Task and Finish Group if requested to do so
- To assist the Chairman in linking between the Commission and the Cabinet Members or Committee Chairmen as appropriate
- To assist the Chairman to ensure that any issues referred to the Commission by the Cabinet, a Cabinet member or a Committee are properly considered
- To assemble and present reports to Council (including minority reports) and Cabinet as appropriate or at the request of the Chairman
- To assist in the organisation of relevant training and development for Members of the Commission and its Task and Finish Groups

### **Key Tasks**

- To chair the Improvement and Scrutiny Commission in the Chairman's absence
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Commission's terms of reference as set out in Article 6 of the Constitution
- To assist in drawing up an Annual Programme of improvement work in consultation with the Cabinet, non-executive Members and senior officers, taking into account the views of community representatives and local stakeholders to achieve a balance of service and community concerns
- To maintain regular contact with all Members, officers, community representatives and local stakeholders to inform effective scrutiny of policies, strategies, budgets and performance
- To assist the Chairman by taking a lead role in the consideration of draft policy

or budget proposals referred to the Commission by the Cabinet in accordance with the Policy and Budget Framework Rules

- To develop effective communication with the Cabinet and Committee Chairmen
- To be fully aware of the Cabinet Forward Programme so that the Commission or a Task and Finish Group is able to consider relevant issues within the timescale set by the Council
- At the Chairman's request, when Cabinet Members, officers or other witnesses appear before the Commission, to co-ordinate the questions to be asked, submitting in advance a list of the issues to be discussed or requests for detailed information, and ensuring that a summary of the discussion and progress made is circulated following the meeting
- In partnership with the Chairman and appropriate senior officers, to contribute to the agenda for formal meetings of the Commission
- To meet regularly with relevant senior officers to ensure the receipt of appropriate "independent" advice to inform effective scrutiny
- At the Chairman's request, to oversee publication of reports, plans and statements to Council and elsewhere from the Commission
- To assist the Chairman in ensuring that the Commission is able to give advice to the Cabinet, Council Committees and senior officers within the framework of policies set by the Council
- To undertake such other meetings as are necessary for effective and efficient functioning of the Commission within its terms of reference
- To assist the Chairman, the Chairman of Personnel and Development Committee and the Deputy Leader of the Council to identify the training requirements of members of the Commission and the Task and Finish Groups and arrange for suitable briefings or training sessions as appropriate
- To assist the Chairman in liaising with the Chairmen of the Task and Finish Groups in order to ensure effective co-ordination of Improvement and Scrutiny work and avoid a proliferation of meetings