

## **APPENDIX 4**

### **STANDING ORDERS RELATING TO POWERS AND DUTIES OF EXECUTIVE BOARD, POLICY AND PERFORMANCE BOARDS, COMMITTEES, FORUMS AND PANELS**

1. Council
2. Executive Board and the Health and Wellbeing Board
3. Corporate Services Policy and Performance Board
4. Health Policy and Performance Board
5. Environment and Urban Renewal Policy and Performance Board
6. Employment, Learning and Skills and Community Policy & Performance Board
7. Children, Young People and Families Policy & Performance Board
8. Safer Policy and Performance Board
9. Policy & Performance Boards (Criteria for all Boards)
10. Audit and Governance Board
11. Development Management Committee
12. Appeals Panel
13. Appointments Committee
14. Mayoral Committee
15. Schools Forum
16. Regulatory Committee
17. Independent Persons Panel

## **1. MATTERS RESERVED TO THE COUNCIL**

### **BEST VALUE**

1. To pursue the principles of Best Value at all times.

### **POLICY**

2. Adopt council strategic development plans.
3. To consider and approve the Sustainable Community Strategy and the Council's Corporate Plan.
4. To approve policies and the policy framework, and to make such changes as may be required by new legislation.
5. To make decisions in connection with the Council's functions in relation to Parishes and Parish Councils.
6. To decide to dissolve small Parish Councils.
7. To make orders for grouping parishes, dissolving groups and separating parishes from groups.
8. To appoint a returning officer for local government elections.
9. To divide the constituency into polling districts.
10. To exercise power in respect of holding elections.
11. To declare vacancy in office under the provisions of S86 Local Government Act 1972.
12. To give public notice of a casual vacancy.
13. To make temporary appointments to parish councils.
14. To appoint an electoral registration officer.
15. To make decisions concerning district boundaries, electoral divisions, wards or polling districts.
16. To make decisions on applications to register land as a Village Green under the Commons Act 2006 (and its predecessor the Commons Registration Act 1965).
17. To apply to change the name of the area, or confer the title of Honorary Alderman or Freeman of the Borough.

## SERVICE PROVISION

18. To institute new services and discontinue or alter existing services.
19. To consider and make recommendations to United Utilities and the health authority and any other relevant bodies relating to services provided by those bodies within the district.
20. To exercise the Council's powers and duties in relation to Halton Transport.
21. Determining schemes for local lotteries.
22. To be responsible for admission to maintained schools of which the authority are the admissions authority.

## FINANCIAL

23. The adoption or approval of the budget and any plan or strategy for the control of the local authority's borrowing investments, or capital expenditure (the Capital Plan and Treasury Management Statement).
24. To maximise opportunities for securing external funding.
25. Approve capital programmes and revenue estimates.
26. Setting Council Tax and tax bases.
27. To approve the Authority's Prudential Indicators.

## CONSTITUTIONAL

28. To adopt the Constitution and to make and agree Standing Orders and agree amendments when appropriate.
29. To appoint eligible persons for the position of Mayor/Deputy Mayor [upon recommendation from the Mayoral Committee].
30. Appointing the Leader, Policy and Performance Boards, Quasi-Judicial Committees, Development Control Committee, Regulatory Committee, Business Efficiency Board, Standards Committee and Appointments Committee.
31. Appointing to other bodies where only the Council can make the appointment.
32. To appoint Members to sit on external bodies on recommendation from the Executive Board.
33. To consider any strategic plan or policy referred to full Council by the Executive Board.
34. To approve the principles of agency arrangements.

35. Making and amending bye-laws.
36. Promoting or opposing new legislation.
37. To receive an 'Annual State of the Borough' speech by the Leader of the Council.
38. Determining the scheme and amounts of Members' allowances.

## PLANS

39. To be responsible for the approval of the following plans:
  - (a) Sustainable Community Strategy
  - (b) Corporate Plan
  - (c) Organisational Development Strategy
  - (d) Health and Wellbeing Strategy
  - (e) Children and Young People Plan
  - (f) Documents that comprise the Development Plan (for Town Planning) (subject to paragraph 40 below)
  - (g) Local Transport Plan
  - (h) Directorate Business Plans
  - (i) Housing Strategy
  - (j) Medium Term Financial Strategy
  - (k) Efficiency Programme
  - (l) Single Equality Framework
  - (m) Contaminated Land Strategy
  - (n) Licensing Authority Policy Statement
40. With respect to Development Plan documents, the Executive Board shall exercise all the Functions of the Council other than:-
  - The approval, for the purposes of its submission to the secretary of State for independent examination under Section 20 (independent examination) of the Planning and Compulsory Purchase Act 2004, of a development plan document; and
  - The adoption (with or without modification) of a development plan document.

## REPORTING

41. Considering the Head of Paid Service's report in accordance with Section 4 of the Local Government and Housing Act 1989.
42. Considering the Monitoring Officer's report in accordance with Section 5 of the Local Government and Housing Act 1989.
43. To approve any draft plans and strategies which require ministerial approval.

44. Considering the Financial Officer's report in accordance with Section 115 of the Local Government and Finance Act 1988.
45. Considering External Auditor's Public Interest Report.
46. Considering and if appropriate approving, a code of conduct as recommended by the Standards Committee.
47. Considering Reports on Investigations by the Local Government Ombudsman.

#### STAFFING

48. To appoint the Chief Executive on recommendation from the Appointments Committee
49. To approve the dismissal of the Chief Executive (Head of Paid Service), Chief Finance Officer or Monitoring Officer.

## **2. POWERS AND DUTIES OF THE EXECUTIVE BOARD**

The following matters are reserved to the Executive Board:

#### BEST VALUE

1. To pursue the principles and practice of Best Value at all times.

#### SERVICES

2. To determine and publish the programme of work in accordance with the provisions of the Local Government Act 2000.
3. To undertake all functions in respect of which the terms of reference of the full Council refer to recommendations from the Executive Board.
4. To be responsible for implementing and monitoring the Council's Equal Opportunities Policy with a particular reference to service delivery.

#### FINANCE, RESOURCES AND CENTRAL SUPPORT SERVICES

5. To maximise opportunities for securing external funding.
6. To allocate the financial, manpower and land resources of the Council.
7. To recommend to the Council the amount of Council Tax for the ensuing year.
8. To consider the Council's capital programme and revenue budget and to make recommendations thereon to the Council.
9. To receive and respond to external audit reports.

10. To consider the Council's medium term financial forecasts.
11. To consider requests for supplementary estimates over £250,000 and approve as necessary.

#### STRATEGIC AND POLICY

12. To maintain effective links with the European Union and subsidiary organisations.
13. To approve Directorate's service plans for the forthcoming year.
14. To consider strategies in connection with the powers and duties of the Council and refer these to the Council for approval.
15. To consider and approve Agreements/Undertakings with other authorities, bodies or persons for all areas of the Council activities.
16. To ensure equality of opportunity for all employees and inhabitants of the Borough including equality in the delivery of services by the Council.
17. Except with respect to a development plan document, where a function or action includes preparation of a strategic plan, to draft such a plan for submission to full Council. With respect to development plan documents the Executive Board shall exercise all Functions of the Council which are not reserved to the Council under this Constitution.
18. To amend, modify or vary any plan outlined in paragraph 39 of the matters reserved to Council in these Standing Orders, and any plan or strategy which requires amendment after Ministerial approval has been sought and granted subject to such amendment.

#### CONSTITUTIONAL

19. To recommend to Council appointments to outside bodies.
20. To maintain effective liaison arrangements with all relevant external bodies and be responsible for arrangements relating to the Council's twinning activities.
21. To act as the Council's Selection Committee and to recommend to Council on membership of the Forums and Panels, Boards and Committees and in relation to the Council's constitutional arrangements.
22. To authorise expenditure on civic hospitality.

#### STAFFING

23. To consider and determine policy matters in relation to staffing including the conduct of employees, and the consultation arrangements with the exception of

any appeals lodged by employees under the Council's employment procedures and excluding the determination of terms and conditions of service and procedures for dismissal.

24. To be responsible for implementing and monitoring the Council's Single Equality Framework and compliance with the Equalities Act and Public Sector Equality Duty.

25. To have responsibility for corporate policy in relation to industrial relations within the Council.

26. To consider any matters referred to Executive Board by any Strategic Director.

## **POWERS AND DUTIES OF THE HEALTH AND WELLBEING BOARD**

### **Principle Responsibilities**

1. To be responsible for guiding and overseeing the implementation of the ambitions outlined in the Health White Paper "Equity and Excellence- Liberating the NHS." "And Healthy Lives, Healthy People" the health strategy for England
2. To promote sound joint commissioning arrangements and integrated provision between health, public health and social care.
3. To assess the needs of the local population and lead the Statutory Joint Strategic Needs Assessment.
4. To promote integration and partnership across areas including through promoting joined up commissioning plans across the NHS, Social Care and Public Health.
5. To work with the Children's Trust to ensure that the Children's Services commissioning is embedded into the role of the Health and Wellbeing Board and effective relationships established between the two Boards.
6. To support strategic planning and joint commissioning and publish a Joint Health and Wellbeing Strategy
7. To contribute to the developments of Health and Wellbeing Services in Halton which may arise as a result of changes in Government Policy and relevant legislation.
8. To respond and contribute to developments in wider partnership arrangements in Halton in addition to the Consortias that contribute to health and wellbeing and the wider detriments of health.

## **Other Responsibilities**

1. To give strategic direction to relevant Commissioning Activity.
2. To oversee the work of Joint Commissioning Groups.
3. To liaise, where relevant, with the CCG and wider strategic footprints regarding commissioning direction.
4. To develop and monitor relevant activity and performance.
5. To ensure that Health Inequalities and the priority measures are addressed by the Joint Commissioning Group.
6. To ensure that Halton's health priorities (as defined by the JSNA, SCS and relevant health targets) are addressed by Joint Commissioning Groups.
7. To ensure that Joint Commissioning Groups work effectively with other Strategic Partnerships to address cross-cutting areas of work e.g. alcohol to ensure an holistic approach.
8. To encourage access for service users and patients through closer working arrangements and in particular to address issues in relation to disadvantaged groups.
9. To engage with relevant providers when necessary to gather requirements around need.
10. To effectively monitor and review the progress of programmes designed to impact on key targets.
11. To ensure dissemination of learning as a result of good practice.
12. To disseminate and share strategies and action plans in order to facilitate partnership working
13. To maintain appropriate linkages with other partnership boards including those relating to Adults and Children's Safeguarding.

## **3. POWERS AND DUTIES OF THE CORPORATE SERVICES POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policy and monitor performance in relation to the Council's objective of being a modern, fit for purpose, fully effective local authority.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**



- Corporate Plan
- Sustainable Community Strategy
- Equality and Diversity
- Communication (internal and external) and Marketing
- Policy and Approach to Locality Working
- Community Development and Capacity Building
- Sustainability and Climate Change
- Customer Care/Customer Relations
- Strategic Partnership Overview

## **Functions**

- Policy and Performance
- Financial Services
- Legal and Democratic Services
- Property Services
- HDL
- ICT Services
- Admin Services
- Organisational Development/Personnel
- Halton Stadium
- Civic Catering
- Registrars

The Board will:-

- i. initiate new policy proposals for consideration by the Executive Board/Council;
  - ii. monitor and comment on performance;
  - iii. review and make recommendations on existing policies;
  - iv. promote public confidence in the Council's services;
  - v. hold Executive Board Members and senior officers to account;
  - vi. monitor Executive Board compliance with agreed policies;
  - vii. ensure adherence to the priorities in the Council's Corporate Plan;
  - viii. receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Portfolio Holder, or an officer acting under delegated powers);
  - ix. receive the minutes of the Member Services Development Group.
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
  3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
  4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.

5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens' charter and complaints procedure and make recommendations to the Executive Board.
12. To monitor the Authority's Prudential Indicators.
13. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

#### **4. POWERS AND DUTIES OF THE HEALTH POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policies and monitor performance in relation to the Council's objectives for a healthy Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

##### **Corporate Policies/Responsibilities**

- To oversee the Council's health functions
- To oversee Health aspects of the Sustainable Community Strategy and Corporate Plan
- Housing Operational (including Homelessness, liaison with RSL's, private sector groups, gypsies/travellers)

## Functions

- To examine health promotion activity and effectiveness in the Borough and develop ways to improve provision and healthy outcomes for local people
- To examine healthcare provision within the area in relation to all residents of the Borough and to participate in initiatives for improving it
- To carry out the Council's statutory function in relation to health scrutiny
- To discharge the functions of the Council under section 244 of the National Health Service Act 2006 as amended and any Regulations made thereunder
- To call officers from the Health Authority and Health Trusts to account, and to request them to appear before the PPB when appropriate
- Adult Social Services
- Older People's Services

the Board will:

- i. initiate new policy proposals for consideration by the Executive Board/Council;
  - ii. monitor and comment on performance;
  - iii. review and make recommendations on existing policies;
  - iv. promote public confidence in the Council's services;
  - v. hold Executive Board Members and senior officers to account;
  - vi. monitor Executive Board compliance with agreed policies;
  - vii. ensure adherence to the priorities in the Council's Corporate Plan;
  - viii. receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive or Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.

8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the complaints procedure and make recommendations to the Executive Board.
12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

## **5. POWERS AND DUTIES OF THE ENVIRONMENT AND URBAN RENEWAL POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policies and monitor performance in relation to the Council's objectives for urban renewal in Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**

- Waste Management
- Waste Strategy
- All aspects of the Council's planning policies that comprise the Development Plan
- Economic Regeneration and Tourism Strategies
- Derelict/Contaminated Land Strategy
- Biodiversity Strategy
- Transportation Policies, e.g. Local Transport Plan
- Housing Strategic Policy Area renewal, availability, choice and mix
- Urban renewal aspects of the Sustainable Community Strategy and Corporate Plan
- Physical Environment including the powers and duties of Lead Local Flood Authorities

### **Functions**

- Highways and Transportation
- Logistics and Transport Management
- Landscape Services

- Parks and Countryside
- Environmental and Regulatory Services
- Cemeteries and Crematoria
- Road Safety

the Board will:

- i. initiate new policy proposals for consideration by the Executive Board/Council;
  - ii. monitor and comment on performance;
  - iii. review and make recommendations on existing policies;
  - iv. promote public confidence in the Council's services;
  - v. hold Executive Board Members and senior officers to account;
  - vi. monitor Executive Board compliance with agreed policies;
  - vii. ensure adherence to the priorities in the Council's Corporate Plan.
  - viii. receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
  3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
  4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
  5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
  6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
  7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
  8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
  9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.

10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.
12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

**6. POWERS AND DUTIES OF THE EMPLOYMENT, LEARNING AND SKILLS AND COMMUNITY POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policy and monitor performance in relation to the Council's objectives for employment, learning and skills in Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

**Corporate Policies/Responsibilities**

- Arts and Cultural Policy
- Sports Strategy
- Adult Learning and Skills Enhancement
- Tackling worklessness and improving access to employment, eg skills preparation for work
- Employment, learning and skills aspects of the Sustainable Community Strategy and Corporate Plan
- Voluntary Sector

**Functions**

- Library Services
- Culture and Leisure Services
- Enterprise and Employment
- Adult Learning and Skills
- Business Development and Regional Affairs

the Board will:

- i. initiate new policy proposals for consideration by the Executive Board/Council;
- ii. monitor and comment on performance;
- iii. review and make recommendations on existing policies;
- iv. promote public confidence in the Council's services;
- v. hold Executive Board Members and senior officers to account;
- vi. monitor Executive Board compliance with agreed policies;
- vii. ensure adherence to the priorities in the Council's Corporate Plan;

- viii. receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.
12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

## **7. POWERS AND DUTIES OF THE CHILDREN YOUNG PEOPLE AND FAMILIES POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop policy and monitor the Council's objectives for children and young people in Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**

- Children and Young People's Plan
- Children and Young People's aspects of the Sustainable Community Strategy and Corporate Plan

### **Functions**

- All educational functions
- Schools
- Youth Provision
- Children's Social Care
- 14-19 Years
- Children's Centres and Extended Schools
- Youth Offending Team
- Children's Trusts

the Board will:

- i. initiate new policy proposals for consideration by the Executive Board/Council;
  - ii. monitor and comment on performance;
  - iii. review and make recommendations on existing policies;
  - iv. promote public confidence in the Council's services;
  - v. hold Executive Board Members and senior officers to account;
  - vi. monitor Executive Board compliance with agreed policies;
  - vii. ensure adherence to the priorities in the Council's Corporate Plan;
  - viii. receive a report on any petitions received by the Council relating to the Board's policy area and on any action taken or proposed to be taken by the Executive (or Portfolio Holder, or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.



5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.
7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens charter and complaints procedure and make recommendations to the Executive Board.
12. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

## **8. POWERS AND DUTIES OF THE SAFER POLICY AND PERFORMANCE BOARD**

**Strategic Priority** – To develop and monitor performance in relation to the Council's objectives for a safer Halton.

1. In relation to the following policies, responsibilities and functions of the Council:

### **Corporate Policies/Responsibilities**

- Crime and Disorder reduction
- Community Payback
- Alcohol Reduction Strategy
- ASB Reduction
- Emergency and Contingency Planning
- Domestic Violence Strategy
- Safer and Stronger aspects of the Sustainable Community Strategy and Corporate Plan

## Functions

- To carry out, on behalf of the Council, the scrutiny of the policies and activities of the following services so far as they have an impact on the residents of the area:
  - Police
  - Fire
  - Probation/Community Punishment Service
  - Criminal Justice System
- Community Safety Team
- Drug and Alcohol Action Team
- Consumer Protection (including employees in the workplace) and Trading Standards
- Risk and Emergency Planning
- Environmental Health
- Drugs Strategy

The Board will:

- i. initiate new policy proposals for consideration by the Executive Board/Council;
  - ii. monitor and comment on performance;
  - iii. review and make recommendations on existing policies;
  - iv. promote public confidence in the Council's services;
  - v. hold Executive Board Members and senior officers to account;
  - vi. monitor Executive Board compliance with agreed policies;
  - vii. ensure adherence to the priorities in the Council's Corporate Plan;
  - viii. receive a report on any petitions received by the Council relating to the Board's policy and on any action taken or proposed to be taken by the Executive (or Portfolio Holder or an officer acting under delegated powers).
2. To receive representation, evidence or expert opinion from outside the Council and to draw conclusions from such representations to the attention of the Executive Board/Council as appropriate;
  3. To consult the public where appropriate in relation to Council services which fall within the terms of reference of the Policy and Performance Board.
  4. To review any area of income and expenditure which falls within the remit of the Policy and Performance Board.
  5. To make recommendations to the Executive Board on the financial aspects of the proposals, which fall within the remit of the Policy and Performance Board.
  6. To require the Executive Board where appropriate to make a report to the Council on any decision not included in the Forward Plan which the Policy and Performance Board consider should have been included in the Forward Plan.

7. The Chair of the Policy and Performance Board will receive papers relating to a decision which is on the Forward Plan when this Forward Plan is finalised and published.
8. To examine systematically the services of the Council, within the remit of the Board, in order to assess their efficiency, effectiveness, economy, quality and value for money.
9. To draw up an annual programme of performance review to respond to briefs on performance review of specified activities and to develop programmes and performance monitors to ensure quality in all the Council's dealings with the public and external organisations.
10. To consult with the Executive on any plan or strategy including strategic policy.
11. To monitor the citizens' charter and complaints procedure and make recommendations to the Executive Board.
12. To receive an annual report on CCTV issues.
13. To provide informed input in response to requests from the Executive Board for advice, options and appraisal on matters falling within the remit of the Policy and Performance Board.

**9. CRITERIA FOR ALL POLICY AND PERFORMANCE BOARDS**

In carrying out their functions, policies and responsibilities the Policy and Performance Boards shall have regard to:-

1. The need to maintain effective and beneficial relationships with the European Community and subsidiary organisations.
2. The principles and practice of Best Value, value for money and economy, efficiency and effectiveness at all appropriate times.
3. The need to ensure equality of opportunity in the delivery of services by the Council.
4. The Plans referred to in paragraph 39 of the matters reserved to the Council including the strategic policy framework of the Council.

## **10. POWERS AND DUTIES OF THE AUDIT AND GOVERNANCE BOARD**

### **Efficiency and Improvement**

1. To draw up an Efficiency Programme for the Authority ensuring that it meets its statutory requirements for securing Best Value and complies with the requirements placed upon it in relation to reporting efficiency gains.
2. To draw up and oversee a programme of reviews aimed at securing continuous improvement in the efficiency and effectiveness of Council services.
3. To promote partnership working and collaboration with other public and private bodies where that supports the Council's Efficiency Programme.
4. To monitor the Council's performance against the Efficiency Programme, particularly in relation to the identification and realisation of efficiency gains.
5. To ensure the Council has processes in place to benchmark its activities and to learn from best practice to ensure continuous improvement in its performance.
6. To monitor and review the Council's procurement arrangements.
7. To oversee the Council's preparations for any organisational assessment process.

### **Audit**

8. To approve, but not direct, internal audit's strategy, plan and monitor performance.
9. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
10. To consider the annual report of the Head of Audit, Procurement and Finance.
11. To consider the external auditor's annual letter and relevant reports.
12. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.

### **Accounts**

13. To review and approve the annual statement of accounts.
14. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Governance**

15. To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
16. To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
17. To review and approve the Annual Governance Statement.
18. To ensure that the Council has effective processes in place to obtain value for money from its contractual arrangements with third parties.

### **Risk Management**

19. To review the adequacy of arrangements for identifying and managing the Council's business risks, including the Council's Risk Management Policy and its implementation.
20. To review the robustness of the Corporate Risk Register and the adequacy of the associated risk management arrangements.
21. To receive and consider regular reports on the risk environment and associated management action.

### **Anti-Fraud and Corruption arrangements**

22. To monitor and review the adequacy of the Council's anti-fraud and corruption policies and arrangements.

### **Standards**

- 23 To promote and maintain high standards of conduct by the members and co-opted members of the authority.
- 24 To assist members and co-opted members of the authority to observe the authority's Code of Conduct.
- 25 To advise the authority on the adoption or revision of the Code of Conduct.
- 26 To monitor the operation of the authority's Code of Conduct.
- 27 To advise, train or arrange to train members of the authority on matters relating to the authority's Code of Conduct.
- 28 To maintain a Hearings Panel (comprised of 3 members of the Board drawn from 2 political groups if possible) to hear allegations made against an Elected Member or a Parish Councillor within the Borough Council's area.

- 29 To investigate or arrange investigation of any complaints made by Members, Officers or members of the public in relation to the authority's Code of Conduct.
- 30 To decide disciplinary matters within the competence of the Committee.
- 31 To consider applications from local authority employees for exemption from political restriction in respect of their posts.
- 32 Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.
- 33 To give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.
- 34 To consider applications for dispensations from Members where appropriate.

## **11. POWERS AND DUTIES OF THE DEVELOPMENT MANAGEMENT COMMITTEE**

Except where delegated to Officers in respect of individual applications and particular cases:-

### **Development Control**

1. To exercise the powers and duties of the Council as local planning authority including those set out in (or in Regulations made thereunder) the Town and Country Planning Act 1990, the Planning (Listed Buildings) and Conservation Areas Act 1990, the Planning (Consequential Provisions) Act 1990, the Hazardous Substances Act 1990, the Planning and Compensation Act 1991, the Environment Act 1995, the Town and Country Planning (General permitted Development Order 1995), the Environmental Protection Act 1990, the Planning and Conservation Act 1991 as amended, the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, Local Democracy, Economic Development and Construction Act 2009 and the Localism Act 2011. In addition to exercise the functions of the Council in respect of archaeology and ancient monuments.
2. To exercise the powers and duties of the Council in respect of building control, building safety, demolition, fire precautions and safety of sports grounds under the Building Act 1984, the Building Regulations, and the Cheshire County Council Act 1980.
3. To determine observations on particular applications and other specific matters affecting land within the Borough which are requested by central government, other authorities and statutory undertakers.

### **General**

4. To pursue the principles and practice of Best Value at all times.

5. To consult the public where appropriate in relation to matters which fall within the terms of reference and powers and duties of the Committee.
6. To ensure equality of opportunity in the delivery of services by the Committee.
7. To produce an annual report on matters lying within the Committee's remit.

## **12. TERMS OF REFERENCE FOR THE APPEALS PANEL**

1. To pursue the principles of Best Value at all times.
2. To be responsible for implementing and monitoring the Council's Single Equality Framework and compliance with the Equalities Act and Public Sector Equality Duty.
3. To hear and determine appeals in relation to any disciplinary, grievance, dispute or re-grade processes (including appeals from teachers working in schools with or without a delegated budget) and any other appeals made in connection with employment issues with the exception of appeals relating to the job evaluation process, where this function is not discharged by the full Council.
4. To hear and determine all other appeals and decision review processes including the following appellate and decision review functions:-
  1. Housing Homelessness, Discretionary Housing Payment
  2. Contracts
  3. Assets of Community Value and Community Right to Bid
  4. Section 13A Council Tax Appeals

## **13. TERMS OF REFERENCE FOR THE APPOINTMENTS COMMITTEE**

1. To deal with Appointments, Disciplinary Matters and Dismissals relating to the Head of Paid Service, Strategic Directors, Directors, and the Director (Legal and Democratic Services) as set out in the Officer Employment Procedure Rules and subject to the Standing Orders relating to Staff.
2. To deal with all matters concerning the pay and terms and conditions of staff (including procedures for dismissal), except to the extent that such matters are delegated to others under the Standing Orders relating to Powers of Proper Officers and Delegation to Officers or fall to be dealt with by the Council's Appeals Panel under the Standing Orders relating to Powers and Duties of Executive Boards, Policy and Performance Boards, Committees and Forums and Panels.

3. To consider and deal with requests for ill-health retirement in respect of the Head of Paid Service, Strategic Directors, Directors, and the Director (Legal and Democratic Services) and to approve any redundancy/severance arrangements in accordance with the Council's Policy (subject to the approval of full Council in the case of matters relating to the Chief Executive).

#### **14. POWERS AND DUTIES OF THE MAYORAL COMMITTEE**

1. To recommend to the Council the appointment of eligible persons for the position of Mayor/Deputy Mayor and the level of compensation applicable.
2. To advise the Council on any matters affecting Civic Affairs.
3. To support the Mayor and Deputy Mayor in ensuring the appropriate representation and Civic image of the Borough.
4. To consider any other relevant matters relating to the Mayoralty not delegated elsewhere within this Constitution.

#### **15. TERMS OF REFERENCE FOR THE SCHOOLS FORUM**

1. Consultation on School Funding Formula
  - a) The Council shall consult the Forum on any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with regulations made under section 47 of the School Standards and Framework Act 1998, and the financial effect of any such change.
  - b) Consultation shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the Council's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

#### **2. Consultation on Contracts**

The Council shall consult the Forum on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the Council's schools budget where the estimated value of the proposed contract is not less than the threshold which applies to the authority for that proposed contract pursuant to regulation 8 of the Public Contracts Regulations 2006.

#### **3. Consultation on Financial Issues**

The Council shall consult the Forum annually in respect of its functions relating to the schools budget, in connection with the following:



- a) the arrangements to be made for the education of pupils with special educational needs; 5
- b) arrangements for the use of pupil referral units and the education of children otherwise than at school;
- c) arrangements for early years provision;
- d) prospective revisions to the authority's scheme for the financing of schools; and
- e) administrative arrangements for the allocation of central government grants paid to schools via the authority.

#### 4. Consultation on other matters

The Council may consult the Forum on such other matters concerning the funding of schools as they see fit.

The Forum shall also have the following powers:

- a) to agree to the level of school specific contingency at the beginning of each year;
- b) to agree arrangements for combining elements of the centrally retained Schools Budget with elements of other Council and other agencies' budgets to create a combined children's services budget in circumstances where there is a clear benefit for schools and pupils in doing so;
- c) **in exceptional circumstances only:**  
  
to recommend changes to the Council's funding formula subject to approval by the Education and Skills Funding Agency.

## 16. TERMS OF REFERENCE FOR THE REGULATORY COMMITTEE

### **16A Licensing matters within the scope of the Licensing Act 2003 and Gambling Act 2005 (where the Regulatory Committee acts as statutory Licensing Committee under that legislation)**

- 1. To act as the Council's Licensing Committee for the purposes of Section 6 Licensing Act 2003 (including its application to the Gambling Act 2005) and to discharge all of the licensing functions of the Council which are not reserved by statute for determination only by full Council in accordance with Section 7 Licensing act 2003 and Section 154 Gambling Act 2005.

### **16B Licensing matters not within the scope of the Licensing Act 2003 or the Gambling Act 2005**

The scope of these licensing matters is set out at Regulatory Committee Table 1.

1. To be responsible for implementing the Council's policies in connection with the grant, variation, suspension or revocation of licences, permits or consents, except as reserved by statute or regulations to the Council or Executive Board.
2. To decide upon individual applications relating to the grant, variation suspension or revocation of licences, permits, consents or registrations.
3. To take appropriate action in connection with breaches of conditions attached to licences, permits, consents or registrations.
4. To exercise the regulatory powers and duties of the Council in respect of safety of sports grounds under the Safety of Sports Grounds Act 1975.

### **General**

5. To pursue the principles and practice of Best Value at all times.
6. To consult the public where appropriate in relation to matters which fall within the terms of reference and powers and duties of the Committee.
7. To ensure equality of opportunity in the delivery of services by the Committee.
8. To produce an annual report on matters lying within the Committee's remit.

### **16C Regulatory Sub-Committees – Licensing matters within the Scope of the Licensing Act 2003 but excluding matters within the scope of the Gambling Act 2005**

1. To determine an application for a personal licence if an objection is made.
2. To determine an application for a personal licence with unspent convictions.
3. To determine applications for premises licence/club premises certificate if a representation is made.
4. To determine an application for a provisional statement if a representation is made.
5. To determine an application to vary premises licence/club premises certificate if a representation is made.
6. To determine an application to vary designated premises supervisor if there is a police objection.
7. To determine an application for a transfer of premises licence if there is a police objection.
8. To determine applications for interim authorities if there is a police objection.

9. To determine applications to review premises licences/club premises certificates.
10. To object, if necessary, when the local authority is a consultee and not the relevant authority considering the application.
11. To determine an application for a temporary event notice.
12. To determine applications to vary premises licences at community premises to include alternative licence condition.

**16D Regulatory Committee Sub-Committees – Licensing matters within the scope of the Gambling Act 2005 but excluding matters within the scope of the Licensing Act 2003**

1. To determine an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn).
2. To determine an application for the variation of a premises licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn).
3. To determine an application for transfer following representations by the Gambling Commission, or responsible authority.
4. To determine an application for a provisional statement under section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn).
5. To determine a review of a premises licence under section 101.
6. To cancel club gaming/club machine permits under Schedule 12 paragraph 28.
7. To determine whether to give a counter notice to a temporary use notice under Section 232.

**16E Terms of Reference - Taxi Licensing Sub-Committee**

The following matters are delegated to the Taxi Licensing-Sub Committee (a Sub-Committee of the Regulatory Committee) Sitting as a panel comprising 3 Members (drawn from the full Regulatory Committee).

1. To determine all matters relating to the grant, renewal or review of a Hackney Carriage and / or Private Hire Driver's Licence where the powers of a delegated officer no longer apply.
2. To determine all matters relating to the grant, renewal or transfer of a Hackney Carriage and / or Private Hire Vehicle Licence where the powers of a delegated officer no longer apply.

3. To determine all matters relating to the grant or renewal of a Private Hire Operator Licence where the powers of a delegated officer no longer apply.
4. In circumstances where the Director (Legal and Democratic Services) deems it relevant the determination of an application for the grant or renewal of a Private Hire Operators Licence may be referred directly to the full Regulatory Committee.

#### Other information

The Taxi Licensing Sub-Committee will sit on an ad hoc basis as agreed between the Director (Legal and Democratic Services) and the Council's Committee Services and based on the availability of sufficient Regulatory Committee members and a suitable venue.

Only Committee Members who have undergone the relevant training will be able to sit and make determinations on the Taxi Licensing Sub-Committee.

#### **17. TERMS OF REFERENCE FOR THE INDEPENDENT PERSONS PANEL**

1. To advise the Council on matters relating to the dismissal of officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

Regulatory Committee Table 1  
(Jurisdiction other than within the Licensing Act 2003 and the Gambling Act 2005)

<b>Licence types etc.</b>	<b>What these licences etc. deal with</b>
Animal Boarding Establishments	Boarding establishments for dogs and cats require a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Animal Welfare	Animal Welfare Act 2006 (when regulations are made and brought into force)
Dangerous Wild Animals	The keeping dangerous wild animals requires a licence under the Dangerous wild Animals Act 1976
Dog Breeding	The keeping of breeding establishments for dogs requires a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Hawkers	In designated places a consent is required under section 30 Cheshire County Council Act 1980 for the following activities – touting for hotels and restaurants etc; hawking, selling or offering things for sale; trade photography; hiring vehicles, chairs seats or animal rides.
Hypnotism	Exhibitions of hypnotism require the consent of the Council under the Hypnotism Act 1952
House to House Collections	Permits are required under the House to House Collections Act 1939 for collections house to house for charitable purposes. “Collection” means an appeal to the public whether for consideration or not to give money or other property. “Charitable” includes charitable, benevolent or philanthropic purposes.
Pet Shops	A licence is required for keeping a pet shop under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Performing Animals	Exhibiting or training performing animals requires a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Riding Establishments	A Licence is required under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the keeping horses for being let out on hire for riding or instruction in riding

Scrap Metal Dealers	A person carrying on business of scrap metal dealer is required to be licensed with the Council under the Scrap Metal Dealers Act 2013.
Sex Establishments	These require a licence under the Local Government (Miscellaneous Provisions) Act 1982. The term “sex establishment” includes sex entertainment venues, sex cinemas and sex shops.
Street Collections	Collecting money or selling articles for charitable or other purposes in any street or public place requires a permit under the Police, Factories, etc., (Miscellaneous Provisions) Act 1916
Street Trading	A street trading consent is required under the Local Government (Miscellaneous Provisions) Act 1982 for selling or exposing or offering for sale of any article (including a living thing) in a street. Note that there are nine categories of activity (e.g. news vending) which are excluded from the definition. But also note that some of these exceptions may still be caught by the Hawking category listed above.
Taxi and Private Hire	Licensing hackney carriage (taxis) vehicles and drivers and private hire vehicles, drivers and operators is controlled by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847
Zoos	Licensing of zoos under the Zoo Licensing Act 1981