

---

## Chief Executive's Office

Please ask for: Steve Pearce  
Direct Dial: (01257) 515196  
E-mail address: [steve.pearce@chorley.gov.uk](mailto:steve.pearce@chorley.gov.uk)  
Date: 25 May 2005

---

**Chief Executive:** Donna Hall

**Chorley**  
Borough Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

## **COUNCIL - TUESDAY, 16TH MAY 2006**

I am now able to enclose, for consideration at the above meeting of the Council, the following reports that were unavailable when the agenda was printed.

### **Agenda No    Item**

10.    **Review of Political Composition and Appointment of Executive Cabinet, Committees and Other Bodies (Pages 55 - 88)**

Report of the Chief Executive on the proposed Executive Functions to be discharged by Executive Members (copy enclosed) and details of the proposed membership of the Executive Cabinet, Committees and Other Bodies (copy enclosed).

- (a)    To appoint the Executive Leader, Deputy Leader and other members of the Executive Cabinet for the ensuing Municipal year
- (b)    To appoint the Executive Members who are not Cabinet members for the ensuing Municipal year
- (c)    To approve the amendment to the Council Constitution as set out in the report of the Chief Executive.
- (d)    To determine the composition and revised terms of reference for the Audit Committee and the Overview and Scrutiny Committee/Panels - Joint report of the Director of Finance and Head of Customer, Democratic and Office Support Services (copy enclosed)
- (e)    To appoint the members of the various Committees, Sub-Committees and other Bodies in accordance with the political balance rules and their Chairs and Vice-Chairs for the ensuing Municipal year.
- (f)    To note the Shadow Executive Portfolio Holders (copy enclosed)

11.    **Council Constitution (Pages 89 - 90)**

Report of the Deputy Director of Legal Services (copy enclosed)

The Constitution has been updated to take into account amendments to the document previously approved by the Council during the last twelve months and is attached as a separate document.

12. **Appointment to Outside Bodies** (Pages 91 - 96)

To appoint representatives on outside bodies including the appointment of substitute members where appropriate (Schedule of nominations enclosed)

14. **Member's Allowances Scheme - Annual Inflationary Adjustment** (Pages 97 - 98)

Report of Chief Executive (copy enclosed)

16. **Arrangements for the Gambling Act 2005** (Pages 99 - 102)

Report of Deputy Director of Legal Services (copy enclosed)

Yours sincerely



Chief Executive

Encs

**Distribution**

1. Agenda and reports to all Members of the Council for attendance M Wilson, A Lowe, Baker, K Ball, T Bedford, E Bell, A Birchall, T Brown, A Cain, Mrs P Case, H Caunce, A Cullens, M Cullens, F Culshaw, M Davies, David Dickinson, Doreen Dickinson, D Edgerley, A Gee, D Gee, P Goldsworthy, Mrs M Gray, H Heaton, C Hoyle, K Iddon, Miss M Iddon, Khan, M Lees, R Lees, M Lowe, P Malpas, T McGowan, Miss J Molyneaux, G Morgan, Muncaster, M Perks, G Russell, R Russell, E Smith, Mrs I Smith, S Smith, Mrs J Snape, R Snape, C Snow, J Walker, Mrs S Walsh and J Wilson
2. Agenda and reports to Donna Hall, Colin Campbell, Paul Morris, Gary Hall, Keith Allen, Jamie Carson, Roger Handscombe, John Lechmere, Steve Lomas, Jane Meek, Tim Murphy, Martin O'Loughlin, Gordon Bankes, Tim Rignall and Angela Wolstencroft for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون  
کیجئے: 01257 515823

This page is intentionally left blank

## Part E: Executive Functions which may be discharged by the Executive, individual Executive Members, Committees of the Executive or Officers

The executive arrangements made by the Council also allocate the functions listed above in Part D above to the Executive, in parallel to the officers designated. The purpose of this is to enable the Executive to exercise any of the functions if with regard to any particular matter:

- (a) the officer refers the matter to the Executive for it to discharge the function; or
- (b) the Executive thinks fit and so directs.

Normally, however, the functions allocated to officers in Part D will be discharged by the officers concerned.

The persons or bodies who will discharge the other functions which are the responsibility of the Executive are determined by the Executive Leader and the Executive itself in accordance with their powers under Section 15 of the Local Government Act 2000. The following determinations have been made:

The Executive Leader has allocated to the Executive Cabinet power to make decisions in respect of all executive functions.<sup>1</sup>

The Executive has allocated the power to make decisions in respect of matters falling within their area of responsibility to the portfolio-holding members of the Executive set out below<sup>1</sup>: ( The allocation of areas of responsibility to portfolio holders and the grant of delegated powers are for the avoidance of doubt completely separate matters in this Constitution.)

<b>Executive member</b>	<b>Area of responsibility:</b>
Executive Leader	Regional and sub – regional issues Overall management of the Executive Cabinet
Corporate Policy and Performance	Performance Policy CPA Direction of Travel Partnerships
Customer, Democratic and Legal Services	One Stop Shop/Contact Centre Democratic Services and Legal Services Licensing
Economic Development and Regeneration	Economic Development Planning Building Control Strategic Housing Housing Client
Health, Leisure and Well Being	Cultural Development Leisure Services Astley Hall Community Centres Yarrow Valley Duxbury Children & Young People

Resources	Finance Human Resources ICT Procurement Diversity Property Client
Streetscene, Neighbourhoods and Environment	Integrated Streetscene Highways Service Group Bereavement Services Neighbourhood Co-ordination/Wardens Community Safety

The range of executive functions in respect of which the identified individual Executive Members have been delegated power to make decisions are set out below

**DELEGATIONS TO EXECUTIVE MEMBERS**

<b>POWER</b>	<b>EXECUTIVE MEMBER</b>
<b>General Delegations - all Services</b>	
1. Decision making in relation to detailed operational service materials	The Executive Member for the particular service or activity concerned.
2. Determination or variation of the amounts of fees or charges for particular services or facilities within the responsibility of the Executive (except for housing rents and other housing related charges).	The Executive Member with responsibility for the particular service or facility.
3. Temporary closure of particular facilities within the responsibility of the Executive for the purpose of specific events or special activities.	The Executive Member with responsibility for the service to which the particular facility relates.
4. Authorisation to enter into contracts for the supply of goods or services or the execution of works.	The Executive Member with responsibility for the service to which the contract relates
5. Settle terms of consultation documents, within agreed or established Executive Cabinet plans and policies	The Executive Member for the particular service or activity concerned.
6. To determine responses on behalf of the Council to consultation documents and papers	The Executive Member(s) responsible for the relevant function or service; if more than one, jointly.

<b>POWER</b>	<b>EXECUTIVE MEMBER</b>
<b>Property Matters</b>	
7. Approval of terms of property transactions (e.g purchase and sale prices, rents and terms and conditions of leases and tenancies).	The Executive Member responsible for Resources
8. Determination that particular land or property is no longer required for the particular purpose for which it is held by the Council.	The Executive Member responsible for the service for which the land or property is currently held.
9. Determination that particular land or property which is no longer required for the particular purpose for which it is held may be disposed of or appropriated for some other statutory purpose of the Council.	The Executive Member responsible for Resources
<b>Staffing Matters</b>	
10. Creation, alteration or deletion of staff posts in accordance with budgetary provision.	The Executive Member(s) responsible for Resources(jointly with the relevant Executive Member where posts fall outside the Resources Portfolio)
11. Creation of temporary posts to meet short or medium term needs for additional staffing.	The Executive Member responsible for Resources
<b>Financial Matters</b>	
12. Declaration of interest rates on advances for house purchase and improvement	The Executive Member responsible for Resources.
<b>Housing Matters</b>	
13. Determination of a maximum amount for housing renovation grant and exercise of the Council's discretion to waive the limit in specific cases.	The Executive Member responsible for Economic Development and Regeneration.
<b>Other Matters</b>	
14. Approval of annual core funding grants	The Executive Member responsible for Health, Leisure and Well Being.
15. Appointment of officer representatives on outside bodies.	The Executive Member responsible for the service

<b>POWER</b>	<b>EXECUTIVE MEMBER</b>
16. Traffic regulation, parking and speed limit orders and schemes.	The Executive Member responsible for Streetscene, Neighbourhoods and Environment.



## Part F: Functions of Lead Members

In relation to a Portfolio of functions and/or matters assigned to them by the Executive Leader, Representative Members are assigned special responsibilities to the Council for:

1. maintaining knowledge and awareness of those functions or matters and of current activities and developments in relation to them;
2. liaising with the corresponding Executive Member and the responsible Chief Officer;
3. communicating and representing to the Executive the views of non-Executive Councillors on all matters relating to the Portfolio;
4. assisting the Executive Member in promoting the efficient and effective delivery of the relevant services and the achievement of all relevant Council policy objectives in compliance with the approved budgets and providing all such other assistance, advice and support as the Executive Member may from time to time require;
5. responding to and assisting the Overview and Scrutiny Committee or an overview and scrutiny panel as required;
6. in the absence of the Executive Member, deputising for him or her at meetings of the Council and responding to questions; and
7. in the absence of the Executive Member, or when otherwise requested by the Executive Member, representing the Executive Member and leading for the Council politically and publicly in external dealings and relationships, including with the media.

---

<sup>i</sup> Amended in version 002 of the constitution to reflect allocation of functions made by the Executive Leader in November 2001

<sup>ii</sup> Inserted following a decision by the executive cabinet on May 20 2003 and the executive leader on May 21 2003

This page is intentionally left blank

**PROPOSED MEMBERSHIP OF EXECUTIVE CABINET, MAIN COMMITTEES, SUB-COMMITTEES AND STANDING AND SPECIAL COMMITTEES**  
**MAIN COMMITTEES MEETING AD HOC 2006/07**

<b><u>Executive Cabinet</u></b>	<b><u>Lead Member</u></b>	<b><u>Accounts Committee</u></b> 6 (C3 /L2 /LD0 /IND1 )	<b><u>Audit Committee</u></b> 8 (C4 /L3 /LD0 /IND1 )	<b><u>Overview and Scrutiny Committee</u></b> 12 (C7 /L4 /LD1 /IND0 )	<b><u>Corporate and Customer Overview and Scrutiny Panel</u></b> 17 (C9 /L6 /LD1 /IND1 )
<b><u>Councillors</u></b>	<b><u>Councillors</u></b>	<b><u>Councillors</u></b>	<b><u>Councillors</u></b>	<b><u>Councillors</u></b>	<b><u>Councillors</u></b>
P Goldsworthy (Executive Leader)	P Baker (ICT)	(Chairman) P Goldsworthy	M Cullens	T Bedford	G Russell (Chair)
E Bell	A Cain (HR)	(Vice-Chair) Mrs P Case	K Iddon	A Cullens	P Baker
Mrs P Case	A Cullens (Wardens)	G Morgan	G Russell	F Culshaw	A Cain
P Malpas	F Culshaw (Housing)		S Smith	Mrs Gray	H Caunce
G Morgan	Mrs Gray (Town Centre)			H Heaton	M Cullens
M Perks	H Heaton (Dev Control)			G Russell	David Dickinson
J Walker	G Russell (Finance)			Mrs Smith	Doreen Dickinson
	R Russell (Health & Older People)				K Iddon
	Mrs I Smith (Licensing)				E Smith
	S Smith (Waste)				
	David Dickinson (Parish Councils)				
	Membership restricted to Executive Leader and Executive Member for Resources; Customer, Democratic & Legal Services; Health, Leisure & Wellbeing; Streetscene, Neighbourhoods & Environment; Economic Development & Regeneration; Corporate Policy & Performance.				
		<b><u>Labour</u></b>	<b><u>Labour</u></b>	<b><u>Labour</u></b>	<b><u>Labour</u></b>
		J Wilson	J Wilson (Chair)	D Egerley (Chair)	A Birchall
		C Hoyle	A Gee (Vice-Chair)	T Brown	C Hoyle
			M Wilson	T McGowan (Vice-Chair)	H Khan
				C Snow	M Lees
					J Molyneux
					T McGowan
		<b><u>Liberal Democrat</u></b>	<b><u>Liberal Democrat</u></b>	<b><u>Liberal Democrat</u></b>	<b><u>Liberal Democrat</u></b>
				K Ball	Mrs S Walsh
		<b><u>Independent</u></b>	<b><u>Independent</u></b>	<b><u>Independent</u></b>	<b><u>Independent</u></b>
		R Snape	J Snape		J Snape

PROPOSED MEMBERSHIP OF EXECUTIVE CABINET, MAIN COMMITTEES, SUB-COMMITTEES AND STANDING AND SPECIAL COMMITTEES  
MAIN COMMITTEES MEETING AD HOC 2006/07

Environment and Community Overview and Scrutiny Panel  
17 (C9 /L6 /LD1 /IND1 )

**Councillors**  
**Conservative**  
 (Chair) A Cullens  
 P Baker  
 A Cain  
 Doreen Dickinson  
 K Iddon  
 M Muncaster  
 R Russell  
 E Smith  
 S Smith

**Labour**  
 M Davies  
 R Lees  
 A Gee  
 D Gee  
 M Lowe  
 A Lowe

**Liberal Democrat**  
 K Ball

**Independent**  
 M Iddon

Development Control Committee  
17 (C9 /L6 /LD1 /IND1 )

**Councillors**  
**Conservative**  
 (Chair) H Heaton  
 (Vice-Chair) David Dickinson  
 T Bedford  
 E Bell  
 A Cain  
 H Gaunce  
 F Culshaw  
 G Russell  
 S Smith

**Labour**  
 D Edgerley  
 D Gee  
 R Lees  
 A Lowe  
 J Molyneaux  
 C Snow

**Liberal Democrat**  
 K Ball

**Independent**  
 R Snape

Site Inspection Sub-Committee  
6 (C3 /L2 /LD0 /IND1 )

**Councillors**  
**Conservative**  
 (Chair)  
 (Vice-Chairman)  
 T Bedford  
 H Heaton  
 David Dickinson

**Labour**  
 D Gee  
 J Molyneaux

**Liberal Democrat**

**Independent**  
 R Snape

General Purposes Committee  
17 (C9 /L6 /LD1 /IND1 )

**Councillors**  
**Conservative**  
 (Chair)  
 (Vice-Chair)  
 P Baker  
 T Bedford  
 M Cullens  
 P Malpas  
 M Muncaster  
 Goldsworthy  
 Mrs P Case  
 M Perks  
 E Smith

**Labour**  
 D Edgerley  
 C Hoyle  
 M Lees  
 M Lowe  
 H Khan  
 J Wilson

**Liberal Democrat**  
 K Ball

**Independent**  
 R Snape

PROPOSED MEMBERSHIP OF EXECUTIVE CABINET, MAIN COMMITTEES, SUB-COMMITTEES AND STANDING AND SPECIAL COMMITTEES  
MAIN COMMITTEES MEETING AD HOC 2006/07

Licensing and Safety Committee

17 (C9 /L6 /LD1 /IND1 )

**Councillors**

**Conservative**

Chair	Mrs I Smith
(Vice-Chair)	E Smith
T Bedford	David Dickinson
M Cullens	Doreen Dickinson
	K Iddon
	J Walker
	S Smith

**Labour**

A Gee  
 D Gee  
 H Khan  
 M Lees  
 M Lowe  
 T McGowan

**Liberal Democrat**

Mrs S Walsh

**Independent**

R Snape

**COMMITTEES AND SUB-COMMITTEES MEETING AD HOC**

**Housing Appeals Committee**  
**6 (C3 /L2 /LD0 /IND1 )**

**Councillors**

**Conservative**

(Chair) F Culshaw  
(Vice-Chair) Mrs Gray  
T Bedford

**Labour**  
A Gee  
M Lees

**Liberal Democrat**

**Independent**  
J Snape

**JNC (Appeals) Committee**  
**5 (C3 /L2 /LD0 /IND0 )**

**Councillors**

**Conservative**

(Chair) P Malpas  
(Vice-Chair) G Russell  
P Baker

**Labour**  
D Gee  
T McGowan

**Liberal Democrat**

**Independent**

**JNC Investigatory Committee**  
**6 (C3 /L3 /LD0 /IND0 )**

**Councillors**

**Conservative**

(Chair) Mrs P Case  
(Vice-Chair) Mrs Gray  
K Iddon

**Labour**  
D Edgerley  
A Gee  
M Lees

**Liberal Democrat**

**Independent**

**COMMITTEES AND SUB-COMMITTEES MEETING AD HOC**

**Standards Committee**  
**4 (C3 /L1 /LD0 /IND0 )**  
**(plus two non-Councillors and**  
**one Parish Councillor)**

**Councillors**

**Conservative**

T Bedford (Vice-Chair)  
 A Cain  
 K Iddon

**Statutory Licensing Committee**  
**17 (C9 /L6 /LD1 /IND1 )**

**Councillors**

**Conservative**

(Chair) Mrs I Smith  
 (Vice-Chair) E Smith  
 T Bedford David Dickinson  
 M Cullens Doreen Dickinson  
 K Iddon  
 S Smith  
 J Walker

**Statutory Licensing Sub-Committee A**  
**3 (C3 /L0 /LD0 /IND0 )**

**Councillors**

**Conservative**

(Chair) Mrs I Smith  
 plus 2 other Members to be  
 nominated plus reserves

**Statutory Licensing Sub-Committee B**  
**3 (C3 /L0 /LD0 /IND0 )**

**Councillors**

**Conservative**

Chair Mrs E Smith  
 plus 2 other Members to be  
 nominated plus reserves

**Labour**  
 T McGowan

**Labour**  
 A Gee  
 D Gee  
 H Khan  
 M Lees  
 M Lowe  
 T McGowan

**Labour**

**Labour**

**Liberal Democrat**

**Liberal Democrat**  
 Mrs S Walsh

**Liberal Democrat**

**Liberal Democrat**

**Independent**

**Independent**  
 R Snape

**Independent**

**Independent**

**Parish Council Member**  
 Mrs Joan Geddes

**Non-Council Members**  
 Mr R A Ellwood (Chair)  
 Dr J Cree

**(Not subject to the Political Balance Rules)**

**(Not subject to the Political Balance Rules)**

**(Not subject to the Political Balance Rules)**

**OTHER BODIES**

**Local Development Framework and Community Strategy Working Group**  
**16 (C9 /L6 /LD0 /IND1 )**

**Chief Executives Performance Review Panel**  
**5 (C3 /L2 /LD0 /IND0 )**

**Appointments Panel**  
**5 (C3 /L2 /LD0 IND0 )**

**Area Forum Working Group**  
**6 (C3 /L2 /LD1 /IND1 )**

<b>Councillor</b>	<b>Councillors</b>	<b>Councillors</b>	<b>Councillors</b>
<b>Conservative</b> (Chair) A Cullens Doreen Dickinson H Heaton	<b>Conservative</b> (Chair) P Goldsworthy Mrs Case J Walker	<b>Conservative</b> (Chair) P Goldsworthy Mrs Case J Walker	<b>Conservative</b> (Chair) H Heaton (Vice-Chair) David Dickinson T Bedford E Bell A Cain H Caunce
<b>Labour</b> A Birchall M Davies	<b>Labour</b> D Edgerley J Wilson	<b>Labour</b> C Hoyle J Wilson	<b>Labour</b> T Brown D Edgerley D Gee A Lowe R Lees J Molyneaux F Culshaw G Russell S Smith
<b>Liberal Democrat</b> Mrs S Walsh	<b>Liberal Democrat</b>	<b>Liberal Democrat</b>	<b>Liberal Democrat</b>
<b>Independent</b>	<b>Independent</b>	<b>Independent</b>	<b>Independent</b> M Iddon



**OTHER BODIES**

**Licensing Liaison Panel**  
**2 (C2 /L0 /LD /IND0 )**

**Councillors**  
**Conservative**  
 (Chair) Mrs I Smith  
 E Smith

**Member Development**  
**Steering Group**  
**6 (C2 /L2 /LD1 /IND1 )**

**Councillor**  
**Conservative**  
 A Cain  
 (Vice-Chair) J Walker

**Markets Liaison Group**  
**2 (C2 /L0 /LD0 /IND0 )**

**Councillor**  
**Conservative**  
 (Chair) Mrs Gray  
 P Malpas

**Labour**

**Labour**  
 A Gee  
 M Lees (Chair)

**Labour**

**Liberal Democrat**

**Liberal Democrat**

**Liberal Democrat**

**Independent**

**Independent**  
 M Iddon

**Independent**

**OTHER BODIES**

**Town Centre Forum**  
**6 (C3 /L2 /LD0 /IND1 )**

Councillors

**Conservative**

(Chair) Mrs Gray  
 P Malpas  
 M Perks

**Labour**  
 A Gee  
 M Lowe

**Liberal Democrat**

**Independent**  
 R Snape

**Clayton-le-Woods North Area Forum Pilot**  
**3 (C3 /L0 /LD0 /IND0 )**

**Councillors**

**Conservative**

P Baker  
 (Chair) A Cullens  
 M Cullens

**Labour**

**Liberal Democrat**

**Independent**

**Coppull Parish Area Forum Pilot**  
**5 (C2 /L1 /LD2 /IND0 )**

**Councillors**

**Conservative**

Heaton  
 E Smith

**Labour**  
 Birchall

**Liberal Democrat**  
 Mrs S Walsh (Chair)  
 K Ball

**Independent**

**Lostock Ward Area Forum Pilot**  
**2 (C1 /L0 /LD0 /IND1 )**

**Councillors**

**Conservative**

(Chair) Doreen Dickinson

**Labour**

**Liberal Democrat**

**Independent**  
 M Iddon

**Ethnic Minorities Consultative Committee**  
**5 (C2 /L2 /LD0 /IND1 )**

**Councillors**

**Conservative**  
 (Chair) P Malpas  
 Mrs Gray

**Labour**  
 H Khan  
 C Snow

**Liberal Democrat**

**Independent**  
 M Iddon

**Economic Development Liaison Group**  
**4 (C4 /L0 /LD0 /IND0 )**

**Councillors**

**Conservative**  
 (Chair) P Goldsworthy  
 (Vice-Chair) Mrs Case  
 E Bell  
 H Heaton

**Labour**

**Liberal Democrat**

**Independent**

**Disability Liaison Group**  
**9 (C4 /L3 /LD1 /IND1 )**

**Councillor**

**Conservative**  
 (Chair) David Dickinson  
 Mrs Gray  
 R Russell  
 Mrs Smith

**Labour**  
 D Gee  
 C Hoyle  
 J Molyneux

**Liberal Democrat**  
 Mrs S Walsh

**Independent**  
 R Snape

**Chorley Community Shadow Housing Board**  
**4 (C2 /L2 /LD0 /IND0 )**

**Councillors**

**Conservative**  
 F Culshaw  
 P Malpas  
 (Chair to be an outside body)

**Labour**  
 C Snow  
 D Edgerley

**Liberal Democrat**

**Independent**

This page is intentionally left blank

Report of	Meeting	Date
Director of Finance Head of Customer, Democratic and Office Support Services	Annual Council	16/05/06

## MEMBER AND OFFICER RESPONSIBILITIES FOR CORPORATE GOVERNANCE AND ASSURANCE

### PURPOSES OF REPORT

- To evaluate the effectiveness of the Council's existing member and officer structures and reporting arrangements on corporate governance and assurance matters and to seek formal adoption of several recommendations to address key weaknesses in the current arrangements.
- These proposals include revising the terms of reference for the Audit Committee and Overview & Scrutiny Committee / Panels and aligning them to eliminate a degree of confusion and overlap of purpose which currently exists.
- The proposals also include the establishment of two new Overview & Scrutiny Panels based on the service area responsibilities of the two new Executive Directors, namely "Corporate & Customer" and "Environment & Community".

### CORPORATE PRIORITIES

- This report does not relate to any specific corporate priorities.

### RISK ISSUES

- The issues raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	3	Information	3
Reputation	3	Regulatory/Legal	3
Financial	3	Operational	
People		Other	

- Effective management and monitoring arrangements for governance is key to the effective management of the Council as a whole and is now of central importance in CPA terms. **New CIPFA Guidance states that the Audit Committee has a key role to play by independently evaluating the Council's corporate governance, performance and risk management arrangements.**

## BACKGROUND

7. Corporate governance is the product of the interlocking systems and processes through which an organisation manages and directs itself to determine and deliver its objectives. Although as the phrase implies this includes issues of probity and ethics the impact is much wider and CIPFA and SOLACE in their joint publication "Corporate Governance in Local Government – A Framework for Community Governance" point to five dimensions:

- Community Focus
- Service Delivery Arrangements
- Structures and Processes
- Risk Management and Internal Control
- Standards of Conduct

8. **The above contain concepts similar to the CPA process and as such corporate governance is essentially about managing and monitoring the Council's overall performance.**

9. A vital element of the Council's governance framework is the external and internal evaluation / assurance mechanism that is in place to support the Council's ongoing management and monitoring of its governance arrangements: This includes:

### External

- CPA / Direction of Travel inspection
- Use of Resources / VFM assessment
- Other key Audit Commission reports
- Other Inspectorates (eg HSE)

### Internal

- Statement on Internal Control (SIC)
- Strategic Risk Register
- Internal Audit reports

10. **It is essential that all the governance and performance issues raised through these assurance vehicles are centrally captured, sorted, rationalised and prioritised for action, supported by systematic tracking, reporting and monitoring at officer and member levels. However, no clear framework currently exists to enable this to happen. There are a number of structural / responsibility issues in situ which need to be addressed in order for the Council to effectively manage the governance and assurance process.**

## CURRENT OFFICER RESPONSIBILITIES

11. There is no co-ordinated officer level oversight of compliance with best governance practice. The Risk Management Board was established in 2001 under the chairmanship of the Group Director but it has, by definition had a restricted role in overall governance terms. (No further meetings of the Risk Management Board have been scheduled on the basis that risk management issues should in future be considered in the context of the wider governance agenda).

12. A Corporate Governance Group was established under the chairmanship of the Director of Legal Services to oversee the production of the 2005 SIC, however this Group has no formal ongoing terms of reference or regular meetings. There has been no monitoring of action to address the control issues raised in the 2005/6 SIC and the Group has had no input to the recent Use of Resources & VFM assessments. Indeed many of the control issues identified in the 2005/6 SIC process were subsequently raised as control weaknesses by the Audit Commission in their Use of Resources assessment.

#### **CURRENT MEMBER RESPONSIBILITIES**

13. **Although the Council does have a member champion for risk management, no committee of the Council is currently responsible for governance, risk management and assurance. Under new CIPFA Guidance, the Audit Committee should assume this responsibility and be constituted independently of the Executive and Overview and Scrutiny functions.**
14. A separate report and action plan to comply with the new CIPFA Guidance, incorporating a revised composition and terms of reference for the Audit Committee has already been considered by the Audit Committee itself (Appendix 1). Discussions are ongoing with the Audit Commission to deal with the practical difficulties of establishing an Audit Committee that is entirely independent of the Overview & Scrutiny function.
15. **A key provision of the new CIPFA Guidance is that the respective roles and responsibilities of the Audit and O&S Committees should be made clear. The terms of reference and work programmes of the Council's Audit and O&S Committees have not been properly aligned, thereby creating a degree of ambiguity and confusion.** For example some review topics appeared on both the Internal Audit and Overview & Scrutiny review / work programmes during 2005 (Refuse Collection / Recycling and Parkwise).

#### **PROPOSED FRAMEWORK**

16. **An officer level monitoring and tracking mechanism for governance and assurance matters needs to be established. Strategy Group have agreed that the Corporate Governance Group should fulfil this role** and be established on a more formal footing with a formally approved terms of reference (still to be drafted).
17. **The Strategy Group should in turn report to the Audit Committee on matters of governance and assurance, which should in turn be re-constituted to comply fully with the new CIPFA Guidance on best practice.** This includes the adoption of the new model terms of reference for Audit Committees (Appendix 1) to incorporate strategic performance, governance, risk management and controls assurance responsibilities, which include the following key roles:
  - Tracking actions to address all external audit and key internal audit recommendations including those made in CPA, Direction of Travel & Use of Resources;
  - Receiving reports on best governance practice and developments;
  - Reviewing the adequacy of the system of internal control and approving the annual Statement on Internal Control (SIC);
  - Monitoring action to address key strategic risks in the Strategic Risk Register;
18. The Audit Committee and Executive Cabinet have already approved the re-constitution of the Audit Committee in accordance with the above guidance.

19. A key element of the approach would be to load all agreed external audit recommendations and key internal audit recommendations into Performance Plus with designated responsibilities and implementation dates. Tracking reports would be produced for Strategy Group and Audit Committee on a quarterly basis to coincide with the new Audit Committee meetings cycle.
20. A workable solution needs to be agreed with the Audit Commission to deal with the practical difficulties of establishing an Audit Committee which is entirely independent. The suggestion is that no members of the Executive Cabinet or Chairs of the Overview & Scrutiny Committee / Panels should be members of the Audit Committee.
21. It is also proposed that the existing member lead on risk management be replaced by a member champion for governance.
22. **The Audit and Overview & Scrutiny Committees' terms of reference need to be properly aligned to avoid overlap of purpose. In essence, the Audit Committee should have oversight of governance and performance at the strategic / corporate level whilst the O&S function should have oversight of performance at the operational / service level.**
23. **The Overview & Scrutiny Framework & terms of reference at Article 6 of the Council Constitution (Appendix 4) have been revised to remove responsibility for corporate governance.**
24. The O&S function's key role will continue to focus on driving performance improvement at service level, by:
  - Reviewing service based performance data, including BVPI's on a quarterly basis;
  - Overseeing the annual programme of service based reviews;
  - Holding the Executive to account by receiving all Executive Cabinet papers.
25. The Chief Executive has also indicated that following the recent management restructure, it is important to re-align the responsibilities of the O&S Panels with the service area responsibilities of the two new Executive Directors. **Therefore Article 6 of the Council Constitution (Appendix 4) has also been revised to replace the existing three O&S Panels with two new Panels for "Corporate & Customer" and "Environment & Community".**
26. **The role of the two new Panels will be to hold the Executive to account through the relevant Portfolio holders rather than through Executive Directors' and/or Directorates.**
27. However, given that the new Director of Policy & Performance will report directly to the Chief Executive, the revised Article 6 (Appendix 4) includes a proposal that **the Policy and Performance Directorate should be accountable through the relevant Portfolio holders directly to the Overview & Scrutiny Committee itself rather than an individual Panel.**
28. The opportunity has also been taken to review the membership of the O&S Panels to address issues of attendance and participation which were experienced during 2005/6.
29. One of the key measures in the O&S Improvement Plan is the production of an annual O&S work programme. The Executive Cabinet and O&S Committee have previously agreed that future O&S work programmes should be directly linked to the new Corporate Strategy. A meeting of the Chair and Associate Chairs of the Overview & Scrutiny Committee, Executive Leader and Chief Executive will be held following the Annual Council meeting to draft the 2006/7 Overview & Scrutiny work programme. The draft



programme will be submitted to the Overview & Scrutiny Committee for approval on 27<sup>th</sup> June 2006 and Executive Cabinet on 29<sup>th</sup> June 2006 for information.

- 30. In order to avoid any confusion over accountability and avoid duplication of workload between the O&S and Audit Committee work programmes for 2006/7, the approved Audit Committee Work Plan and Internal Audit review programme for 2006/7 are included for information at Appendices 2 and 3 respectively.
- 31. Once the O&S work programme has been finalised it should be linked to the issues to be submitted to the Citizen's Panel and any topics which require public consultation should be referred to the Area Forum pilot meetings wherever possible.

**RECOMMENDATIONS**

- 32. That the new Audit Committee terms of reference (Appendix 1) be formally adopted.
- 33. That the Audit Committee's membership be constituted independently of the Executive Cabinet and Chairs of the Overview & Scrutiny Committee / Panels.
- 34. That the revised Overview & Scrutiny Framework & terms of reference at Article 6 of the Council Constitution be approved (Appendix 4).
- 35. That the three existing Overview & Scrutiny Panels be replaced by two new Panels, based on the service responsibilities of the two new Executive Directors, namely "Corporate & Customer" and "Environment & Community".
- 36. That the membership of the two new Panels comprise of seventeen members each in accordance with political balance rules.
- 37. That the membership of the Overview & Scrutiny Committee itself comprise of twelve members, including the Chairs of the two new Panels.

GARY HALL  
DIRECTOR OF FINANCE`

MARTIN O'LOUGHLIN  
HEAD OF CUSTOMER, DEMOCRATIC AND OFFICE  
SUPPORT SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
"Audit Committees – Practical Guidance for Local Authorities".	2005	Finance Unit	Gillibrand St.Offices

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Garry Barclay Steve Pearce	5468 5196	03/05/06	ADMINREP/92525LM

**APPENDIX 1****NEW MODEL TERMS OF REFERENCE FOR AUDIT COMMITTEES****AUDIT ACTIVITY**

- To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's corporate governance arrangements.
- To consider summaries of specific internal audit reports as requested.
- To consider reports dealing with the management and performance of the providers of internal audit services.
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable time scale
- To consider the external auditor's annual audit letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money
- To liaise with the Audit Commission over the appointment of the council's external auditor.
- To commission work from internal and external audit.

**REGULATORY FRAMEWORK**

- To maintain an overview of the council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- To review any issue referred to it by the chief executive or a director, or any council body.
- To monitor the effective development and operation of risk management and corporate governance in the council.
- To monitor council policies on "raising concerns at work" and the anti-fraud and corruption strategy and the council's complaints process.
- To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
- To consider the council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- To consider the council's compliance with its own and other published standards and controls.

**ACCOUNTS**

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

## APPENDIX 2

## DRAFT AUDIT COMMITTEE WORK PLAN 2006/7

22 JUNE 2006

**INTERNAL AUDIT**

Internal Audit Annual Report 2005/6  
Best Value Performance Indicators

**OTHER ITEMS**

Use of Resources Action Plan  
Statement On Internal Control  
Performance Agreement 2006/7

4 OCTOBER 2006

**EXTERNAL AUDIT**

Best Value Performance Plan / Best Value Performance Indicators

**INTERNAL AUDIT**

Interim Report on Internal Audit Activities (April-August)  
Management of Partnerships & Partnering Contracts  
Corporate Anti-Fraud & Corruption Arrangements

**OTHER ITEMS**

Monitoring Report on the Implementation of Audit Recommendations

18 JANUARY 2007

**EXTERNAL AUDIT**

Audit Opinion Memorandum  
Value For Money Conclusion  
Financial Management  
Ethical Governance

**INTERNAL AUDIT**

Interim Report on Internal Audit Activities (September-December)  
Corporate Strategies & Policies  
Compliance with Standing Orders, Financial Procedure Rules and Scheme of Delegation

**OTHER ITEMS**

Monitoring Report on the Implementation of Audit Recommendations

21 MARCH 2007

**EXTERNAL AUDIT ITEMS**

Use of Resources

**INTERNAL AUDIT ITEMS**

Annual Internal Audit Plan 2007/8

\* All External Audit items are subject to prompt responses to finalise the respective reports

## APPENDIX 3

<b>KEY INTERNAL AUDIT REVIEWS 2006/7</b>
<b>CORPORATE GOVERNANCE</b>
<b>Corporate Strategies &amp; Policies</b>
<i>The purpose of the audit is to evaluate the processes in place to produce, promote and monitor the effectiveness of and compliance with key corporate strategies and policies.</i>
<b>Management of Partnerships &amp; Partnering Contracts</b>
<i>The purpose of the audit is identify the Council's key partnership agreements and partnering contracts and to evaluate the mechanisms for their ongoing performance management and monitoring. This includes an evaluation of the management of partnership risks.</i>
<b>Anti-Fraud &amp; Corruption Arrangements</b>
<i>The purpose of the audit is to work in tandem with the Audit Commission to test the adequacy and effectiveness of the Council's core governance policies and procedures, including those to prevent and deter fraud and corruption.</i>
<b>Standing Orders, Financial Procedure Rules &amp; Scheme of Delegation</b>
<i>The purpose of the audit is to ascertain levels of awareness of and compliance with the key provisions laid down in the Council's contact and financial procedure rules and the scheme of delegation.</i>
<b>BUSINESS CRITICAL SYSTEMS</b>
<b>ICT Security</b>
<i>The purpose of the audit is to ascertain whether there are adequate safeguards in place to protect the Council's ICT resources, including computer hardware, software data and communications.</i>
<b>Data Protection</b>
<i>The purpose of the audit is to ascertain whether the Council has procedures in place to ensure full compliance with the Data Protection Act.</i>
<b>Freedom of Information</b>
<i>The purpose of the audit is to ascertain whether the Council has procedures in place to ensure full compliance with the Data Protection Act.</i>
<b>Business Continuity Planning</b>
<i>The purpose of the audit is to ensure that the Council has a clear, up to date BCP which is regularly tested and fully understood by those responsible for invoking it in the event of an emergency.</i>
<b>Project Management</b>
<i>The purpose of the audit is to ensure that there are corporate standards in place for project management which conform with best practice and are consistently applied.</i>

**KEY INTERNAL AUDIT REVIEWS 2006/7****FINANCIAL MANAGEMENT****Key Systems / Interrogations**

*The purpose of the audit is to continuously test and interrogate all the Council's main financial systems to ensure that they remain effective and secure.*

**Debt Management**

*The purpose of the audit is to ensure that debt is minimised through the adoption of alternative income collection methods and efficient and effective debt collection.*

**Benefits System (Security)**

*The purpose of the audit is to ascertain whether the Benefits Section is complying with the Security element of the DWP Standards for benefits administration.*

**Cash Collection & Banking**

*The purpose of the audit is to ensure that there is effective control of the receipt, banking and reconciliation of cash income.*

**Charging Policies**

*The purpose of the audit is to ascertain whether the Council has identified and evaluated all its income generating powers and opportunities and has corresponding, formally approved charging policies in place.*

## COUNCIL CONSTITUTION

### Article 6 – Overview and Scrutiny<sup>i</sup>

#### 6.01 The Overview and Scrutiny Framework

The Council has established and appointed an Overview and Scrutiny Committee and two standing Overview and Scrutiny Panels. The two standing panels are the **Corporate and Customer** Overview and Scrutiny Panel and the **Environment and Community** Overview and Scrutiny Panel. The purpose of the Committee is to discharge the functions conferred by Section 21 of the Local Government Act 2000 and any Regulations made by the Secretary of State under Section 32 of the Local Government Act 2000. The Committee and the Panels are intended to play an important role in ensuring that all the services of the Council are efficient and effective and meet the needs of the local community.

The Overview and Scrutiny Committee will normally refer a matter which falls within the cross-cutting theme of any of the Panels to the appropriate Panel for investigation and reference back to the Committee with recommendations. As well as the Standing Panels, the Overview and Scrutiny Committee may appoint additional ad hoc Overview and Scrutiny Panels to assist it in carrying out its functions should the need arise.

#### 6.02 Overview and Scrutiny Committee

The Committee has an overall responsibility for all scrutiny work, including that undertaken by the three standing Overview and Scrutiny Panels.

The Committee may exercise the full range of overview and scrutiny powers and functions including the [“call-in” of executive decisions](#). It may consider any topic appropriate for scrutiny but will normally focus on:

*Holding the Executive to account*

*Performance, resources and capacity ~~and corporate governance matters~~*

*Consideration of recommendations from the standing Overview and Scrutiny Panels*

*Making recommendations to the executive and/or the Council flowing from its own work and that of the Overview and Scrutiny Panels*

*Setting and monitoring the annual scrutiny work programmes*

*Selection of inquiry topics and approval of project outlines and plans*

### 6.03 Overview and Scrutiny Panels

Each Panel is tasked with carrying out scrutiny inquiries and tasks and making recommendations to the Overview and Scrutiny Committee in relation to the cross-cutting themes within its terms of reference. These are the cross-cutting themes of the three standing Overview and Scrutiny Panels:

#### **Corporate and Customer Scrutiny Panel:**

Issues relating to the services provided by the following Council Directorates/Units:

Customer Democratic & Legal Services

Finance

Human Resources

ICT Services

Property Services Unit

#### **Environment and Community Overview and Scrutiny Panel:**

Issues relating to the services provided by the following Council Directorates/Units:

Development and Regeneration

- Planning
- Development Control
- Economic Development
- Strategic Housing

Leisure and Cultural Services

- Astley Hall
- Community Centres
- Yarrow Valley
- Duxbury

Health Matters

Housing Services Unit

Streetscene, Neighbourhoods and Environment

- Highways
- Environmental Protection
- Neighbourhood Wardens
- Community Safety

#### 6.04 General Role

Within its terms of reference, the Overview and Scrutiny Committee may:

- i) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and recommendations with regard to the discharge of any of those functions, to the full Council, its Committees or Sub-committees, the Executive or any Council Officers, as considered appropriate;
- iii) consider any matter affecting the Borough or its residents; and
- iv) recommend that any decision in connection with the discharge of any functions which are the responsibility of the Executive that has been made but not implemented be reconsidered by the person or body who made it.

#### 6.05 Specific Functions

##### (a) Policy Development and Review.

The Overview and Scrutiny Committee may:

- i) assist the Council and the Executive in the development of budgets and policy frameworks by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation for the purpose of analysing policy issues and possible options;
- iii) assist the Executive and the Officers with the Best Value reviews of services and programme areas by expressing views or comments and making suggestions and recommendations at all appropriate stages of the process;
- iv) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- v) question members of the Executive, members of Committees or Sub-committees and Officers about their views on issues and proposals affecting the Borough; and liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

##### (b) Scrutiny.

The Overview and Scrutiny Committee may:

- i) review and scrutinise decisions made by and performance of the Executive, Committees, Sub-committees and Officers, both in relation to particular decisions and over time;
- ii) review and scrutinise the performance of the Policy and Performance Directorate.
- iii) question members of the Executive, members of Committees or Sub-committees and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;



- iv) make recommendations to the Executive, any Committee or Sub-Committee, the Council or any Officer arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other persons or bodies providing services to residents of the Borough or undertaking activities in the Borough which affect the economic, social or environmental well-being of the Borough or its residents;
- vi) for that purpose, request reports from such persons or bodies them about their activities and performance and invite them to address the Overview and Scrutiny Committee or an Overview and Scrutiny Panel; and question and gather evidence from any person (in the case of a person other than a member of the Council or a Council Officer, with their consent).

(c) **Finance.**

The Overview and Scrutiny Committee shall exercise overall responsibility for any finances made available to it or to an Overview and Scrutiny Panel.

(d) **Periodic Reports.**

The Overview and Scrutiny Committee shall report periodically to the full Council on its workings and its future and ongoing work programmes and working methods and those of standing Overview and Scrutiny Panels.

## 6.06 **Proceedings of Overview and Scrutiny Committee and Panels**

The Overview and Scrutiny Committee and the Overview and Scrutiny Panels shall conduct their proceedings in accordance with the [Overview and Scrutiny Procedure Rules](#) set out in Appendix 5 to this Constitution.

---

<sup>i</sup> Amended in version 005 of the constitution to reflect changes made to overview and scrutiny arrangements by the council meeting of 13 May 2003

This page is intentionally left blank

**SHADOW PORTFOLIO**

**Shadow  
Executive Leader  
(Cllr J G Wilson)**

<p><b>Resources (Cllr R Lees)</b></p> <ul style="list-style-type: none"> <li>- Human Resources</li> <li>- Procurement*</li> <li>- Diversity</li> <li>- Property Client</li> </ul>	<p><b>Customer, Democratic &amp; Legal Services (Cllr D Gee)</b></p> <ul style="list-style-type: none"> <li>- One Stop Shop/Contact Centre</li> <li>- Democratic Services</li> <li>- Licensing*</li> </ul>	<p><b>Health, Leisure &amp; Well-Being (Cllr A Gee)</b></p> <ul style="list-style-type: none"> <li>- Cultural Development</li> <li>- Leisure Services</li> <li>- Astley Hall</li> <li>- Community Centres</li> <li>- Yarrow Valley</li> <li>- Duxbury</li> </ul>	<p><b>Streetscene, Neighbourhoods &amp; Environment (Cllr T Brown)</b></p> <ul style="list-style-type: none"> <li>- Integrated Streetscene</li> <li>- Highways</li> <li>- Servicegroup*</li> <li>- Bereavement</li> <li>- Neighbourhood</li> <li>- Co-ordination /Wardens</li> <li>- Community Safety</li> </ul>	<p><b>Economic Development &amp; Regeneration (Cllr A Lowe)</b></p> <ul style="list-style-type: none"> <li>- Economic Development</li> <li>- Planning</li> <li>- Building Control</li> <li>- Strategic Housing*</li> <li>- Housing Client</li> </ul>	<p><b>Corporate Policy &amp; Performance (Cllr D Ederley)</b></p> <ul style="list-style-type: none"> <li>- Performance</li> <li>- Policy</li> <li>- CPA</li> <li>- Direction of Travel</li> <li>- Partnerships</li> <li>- Finance</li> <li>- ICT</li> </ul>
---	--	--	--	--	---

\* Shadow Spokesperson for Housing (Cllr C Snow)

\* Shadow Spokesperson for Servicegroup in liaison with Labour Group Spokesperson (Cllr K Ball)

\* Shadow Spokesperson for Licensing in liaison with Labour Group Spokesperson (Cllr R Snape)

\* Shadow Spokesperson for Procurement in liaison with Labour Group Spokesperson (Cllr K Ball)

This page is intentionally left blank

**ANNUAL COUNCIL – 16 MAY 2006****REPORT OF CHIEF EXECUTIVE****EXECUTIVE FUNCTIONS WHICH MAY BE DISCHARGED BY THE EXECUTIVE AND INDIVIDUAL EXECUTIVE MEMBERS****Purpose of Report**

1. To inform the Council of the proposed revisions to the composition of the Executive Cabinet and the areas of responsibility for the Executive Members and Lead Members and, seek approval to the appropriate amendments to the Council's Constitution.

**Background**

2. Following the changes made to the Council's senior management structure, it is now proposed that the areas of responsibility for the Executive Members be re-aligned to the services under each Directorate and that the composition of the Executive Cabinet should comprise of the Executive Leader and six other Executive Members, who would be responsible for the following portfolios:

- Corporate Policy and Performance
- Customer, Democratic and Legal Services
- Economic Development and Regeneration
- Health, Leisure and Well Being
- Resources
- Streetscene, Neighbourhoods and Environment

3. It is also proposed that the Representative Members who provide support and assistance to the Executive Members be redesignated as "Lead Members" and that the areas of responsibility for the Lead Members be as follows:

- ICT
- Finance
- Human Resources
- Licensing
- Health and Older People
- Wardens
- Waste
- Parish Councils
- Town Centre
- Development Control
- Housing

4. The impact of the proposed changes would be a reduction in the membership of the Executive Cabinet by three from ten to seven members and an increase in the number of Lead Members by one from ten to eleven members.

5. In view of the proposed changes referred to above, it will be necessary to amend Part E and Part F of Appendix 2 to the Council Constitution as set out in the appendix to this report.

**Recommendation to the Council**

6. The Council is recommended to note the changes to the composition of the Executive Cabinet and the areas of responsibility for the Executive Members and Lead Members and, give approval to the amendment of Part E and Part F of Appendix 2 to the Council Constitution as set out in the appendix to this report .

DONNA HALL  
CHIEF EXECUTIVE

SLP

There are no background papers to this report.

**ANNUAL COUNCIL – 16 MAY 2006****REPORT OF DEPUTY DIRECTOR OF LEGAL SERVICES****AMENDMENTS TO THE CONSTITUTION - BRIEFING NOTE**

1. This Briefing Note highlights the main amendments to the Constitution, which is due to be re-adopted at the Annual Council meeting on 16 May 2006. The Constitution is attached as a separate document to this note.
2. Development and Regeneration  
Under Part 8 of the Anti-Social Behaviour Act 2003 powers to deal with complaints concerning high hedges is a Council function. Delegated powers given to Development Control and also Director of Development and Regeneration (except setting fee levels) to deal with complaints  
  
Delegated Authority given to Head of Development and Regeneration to make minor amendments to Section 106 agreements in consultation with the Chair and Vice- Chair and to refuse planning permission in relation to major applications in specified circumstances after consultation with the Chair and Vice- Chair.  
  
New power to issue a temporary stop notice under section 171E of the Town and Country Planning Act 1990 is a Council function. Amendments made to give delegated power to Development Control Committee to authorise issue.
3. Planning and Compulsory Purchase Act 2004.  
Amendments have been made to Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions relating to development plan documents and joint committees established under the 2004 Act is the shared responsibility of the Authority and the Executive. However, functions relating to local development plan documents other than development plan documents are an executive function.
4. Streetscene, Neighbourhoods and Environment  
Amendments to scheme of delegation to allow the Director of Streetscene, Neighbourhoods and Environment to discharge functions under sections 3 & 4 of the Clean Neighbourhoods Act 2005.  
  
Amendments to the scheme of delegation to allow authorisations and delegations to the Director of Streetscene, Neighbourhoods and Environment to enforce new food hygiene legislation made under Food Safety Act 1990 and any orders/regulations made under the European Communities Act 1972.
5. Statutory Licensing Committee-Gaming machines on Alcohol Licensed Premises  
Amendments to Scheme of Delegation to allow the Statutory Licensing Committee and Director of Customer, Democratic and Legal Services to determine applications relating to gaming and gaming machines in alcohol licensed following the transfer of those responsibilities from the Licensing Justices.
6. Licensing and Safety Committee  
Amendment to the scheme of delegation to allow the Director of Customer, Democratic and Customer Services to grant or renew applications for private hire and hackney carriage licences where convictions would ordinarily be “ spent” under the Rehabilitation of Offenders Act 1974 unless offences are of a serious nature or where series of offences over a period of time.
7. Contract Procedure Rules  
New Contract Procedure Rules have been approved,

8. Area Forum Pilot Scheme Procedure Rules

Procedure Rules for Area Forum pilots have been approved.

9. Portfolios

The Consitution will be amended to reflect any changes to Portfolios and to reflect the new management structure and will be referred to Council for approval.

10. Irrecoverable Debts

The Delegation Scheme has been amended to give Director of Finance power to write off irrecoverable debts.

**Recommendation to the Council**

11. The Council is recommended to re-adopt the Council Constitution.

Claire Hallwood  
Deputy Director of Legal Services  
11 May 2006



**PROPOSED APPOINTMENTS TO OUTSIDE BODIES**  
**MAY 2006 to MAY 2007**

NAME OF BODY	PROPOSED REPRESENTATIVES	EXPIRY DATE
Adlington Community Association	Mr Paul Barron, 1 Anglezarke Road, Adlington, Chorley, PR6 9PZ Councillor Miss J Molyneux, 36 Westhoughton Road, Adlington, Chorley. PR7 4ET (Labour nominee)	15 May 2007
Age Concern, Chorley	Councillors Mrs S Walsh and Mrs M Gray	15 May 2007
Brindle Village Hall Management Committee	Councillor David Dickinson	15 May 2007
Chorley Consolidated Charity and Chorley Relief Fund	Councillor A Gee (Appointed May 2005) Councillor M Cullens (Appointed May 2006) Councillor Mrs M Gray (Appointed May 2005) (NB Appointments are for a 5 year period and cannot be changed mid-period)	May 2010 15 May 2011 May 2010
Chorley Community Centre Committee	Councillor M Lees	October 2006
Chorley Community Safety Partnership	Councillors A Cullens, M Perks and T Brown	15 May 2007
Chorley and South Ribble Districts CAB Management Committee	Mrs P Houghton, 57 Melrose Way, Chorley, PR7 3HA (Conservative nominee)	15 May 2007
Chorley and District Sports Council Executive Committee	Executive Member for Health, Leisure and Well-Being Councillor M Perks and Councillor J Walker	15 May 2007
Chorley and District Victim Support Scheme	Councillors Mrs R Russell and Mrs M Gray	15 May 2007
Chorley Domestic Violence Forum	Councillors Mrs M Cullens and Mrs J Snape	15 May 2007
Chorley Lancashire Local Committee	To nominate seven members - to include at least one Executive Member and exclude any Councillors who are also County Councillors. (It is currently anticipated that the Chair of the Committee will be a County Councillor and the Vice-Chair will be a Borough Councillor from a different political group). Councillors P Goldsworthy, E Bell, J Walker, T Bedford, G Morgan J Wilson and D Edgerley	New Body
Chorley and South Ribble (MIND)	Councillor Mrs D Dickinson	15 May 2007
Chorley and South Ribble Council for Voluntary Service	Councillor M Perks (named substitute Councillor Mrs D Dickinson)	15 May 2007
Chorley and South Ribble Crossroads Care Scheme (Trustees)	Councillor Mrs M Lees	15 May 2007
Chorley and South Ribble Disability Forum	Councillor D Gee	15 May 2007

NAME OF BODY	PROPOSED REPRESENTATIVES	EXPIRY DATE
Chorley and South Ribble Shopmobility	Councillor Mrs M Gray	15 May 2007
Chorley Women's Centre	Councillors Mrs D Dickinson	15 May 2007
Chorley Environmental Action Group	Executive Cabinet Member Streetscene, Neighbourhood and Environment Councillors E Bell and S Smith, Lead Member for Waste & Recycling	15 May 2007
Chorley Partnership (LSP)	Board – Executive Leader, Councillors Mrs P Case, E Bell, D Edgerley and A Lowe, Chief Executive Executive – Councillors J Walker, G Morgan & 1 Labour	15 May 2007
Clayton-le-Woods Community Centre Management Committee	Councillor Mrs M Cullens	15 May 2007
Confederation of Burial Authorities	Councillor M Perks	15 May 2007
Court of Lancaster University	Councillor G Morgan	1 August 2006 to 31 July 2010
Cuerden Valley Trust	Councillor T Bedford	15 May 2007
Day Centre Committee for the Bankside Day Centre, Weldbank Lane, Chorley	Councillor A Gee	15 May 2007
Eccleston Maintained Youth Centre Management Committee	Jillian Hatch, 180a The Green, Eccleston, PR7 5SU (Labour Nominee) and Councillor H Caunce	May 2004-May 2007 May 2006-May 2008
Educational Water Sports Committee	Councillor M Perks	15 May 2007
Groundwork Wigan and Chorley	Councillor E Bell	15 May 2007
Heapey and Wheelton Village Hall Committee	Councillors S Smith and Mrs I Smith	15 May 2007
Heskin Village Hall Management Committee	Councillor T Smith	15 May 2007
Hoghton Village Hall Management Committee	Councillor David Dickinson	15 May 2007
Home-Start Chorley and South Ribble	Councillor Mrs R Russell	15 May 2007
Lancashire College, Chorley	Councillor Mrs P Case	1 October 2006 30 September 2009
Lancashire County Council's Adult Social Care and Health Overview and Scrutiny Committee	Councillor Mrs R Russell (Substitute Members Councillors G Russell and A Gee)	15 May 2007
Lancashire Neighbourhood Watch Association	Councillor E Bell	15 May 2007
Lancashire Police Authority Partnerships Forum	Councillor David Dickinson	15 May 2007
Lancashire Teaching Hospitals NHS Trust - Governing Council: Partner Organisation	Councillor Mrs I Smith	15 May 2007

NAME OF BODY	PROPOSED REPRESENTATIVES	EXPIRY DATE
Lancashire Tourism Partnership	Councillor S Smith	15 May 2007
Lancashire Valuation and Community Charge Tribunal* See attached appendix for membership qualification.	Mr Jon Davies, 3 Gillcroft, Eccleston, Chorley (Labour nominee) Mrs F Edgerley, 11 Shaftesbury Place, Chorley, PR7 1LS (Labour nominee) Councillor E Bell Dr A Miller 95 Heapey Road, Chorley (Labour nominee)	March 2009 March 2009 March 2009 March 2009 (Representatives to hold office until end of period)
Lever Park Joint Working Group	Councillors Mrs P Case and M Davies	15 May 2007
Local Fair Trade Steering Group	Councillors D Gee, S Smith	15 May 2007
Local Government Association General Assembly	Executive Leader and Deputy Leader of Council	15 May 2007
Local Government Association Rural Commission	Executive Leader and Deputy Leader of Council	15 May 2007
Local Government Association Urban Commission	Executive Leader and Deputy Leader of Council	15 May 2007
Local Government Association New Towns Special Interest Group	Executive Leader and Deputy Leader of Council	15 May 2007
Local Government Association Lancashire Branch	Executive Leader, Deputy Leader of Council and Leader of the Opposition	15 May 2007
Local Government Information Unit Management Committee	Executive Leader and Deputy Leader of Council	15 May 2007
Markets Appeals Panel	Chair and Vice Chair of Markets Liaison Panel and Councillor P Malpas plus 2 Market Traders	15 May 2007
Mawdesley Millennium Trust	Councillor K Iddon	15 May 2007
Mawdesley Village Hall Management Committee	Councillor F Culshaw	15 May 2007
National Society for Clean Air	Executive Member for Streetscene, Neighbourhoods and Environment Councillor E Bell and Director of Streetscene, Neighbourhoods and Environment (Substitute Representative Member, Conservative Nominee)	15 May 2007
NHS Modernisation Board for Central Lancashire Health Community	Executive Member for Health, Leisure and Well-Being Councillor M Perks and Director of Leisure and Cultural Services	15 May 2007
North West Sports Board	Councillor J Walker	15 May 2007

NAME OF BODY	PROPOSED REPRESENTATIVES	EXPIRY DATE
	(Substitute Representative) Roger Livesey	
North Western Local Authorities' Employers Organisation	Councillor G Morgan	15 May 2007
* NOTE An employee of: (i) an organisation represented on the Trade Union Side of the Joint Council; or (ii) a local or Joint Authority and whose conditions of employment are within the scope of the Joint Council shall not be appointed as an Employers' representative (or substitute representative) on the Employers' Organisation. (Rule 5(d)).		
North West Regional Assembly	Executive Leader	15 May 2007
North West Tourist Board	Councillor S Smith	15 May 2007
Preston and Western Lancashire Racial Equality Council	Councillor P Malpas	15 May 2007
Police Authority Community Meeting	Councillors David Dickinson, E Bell, A Cullens and T Brown, (Conservative Nominee)	15 May 2007
Rivington Heritage Trust	Councillor Mrs P Case	15 May 2007
Rivington Recreational Management Zone Advisory Committee	Councillor Mrs M Gray Plus the Council's Representatives on West Pennine Moors Area Management Committee (Councillors Mrs P Case & M Davies)	15 May 2007
Runshaw College Community Liaison Group	Councillors G Russell, (Chair), A Cain (Vice Chair) & D Gee. Mr Kevin Hodges, 103 Princess Way, Euxton, PR6 7PX (Conservative Nominee)	15 May 2007
St John Ambulance Association	Her Worship the Mayor	15 May 2007
The North West of England and the Isle of Man Reserved Forces and Cadets Association	Councillor J Walker	15 March 2007
Waste Management Strategy Group	Executive Member for Streetscene, Neighbourhoods and Environment, Councillor E Bell	15 May 2007
West Pennine Moors Area Management Committee	Councillors Mrs P Case & M Davies (Named substitute Councillors Mrs M Gray & A Birchall)	15 May 2007
All Saints CE Primary School*	Councillor R Lees	14 May 2001 - 31 August 2006
Chorley Gillibrand Primary School*	Councillor R Snape	14 May 2002 - 31 August 2006
Sacred Heart RC Primary School*	Councillor T Brown	1 September 2001 - 31 August 2006
St Georges CE Primary School*	Mr Robert Collinson, 3 Belvedere Road, Chorley, PR7 1LY	14 December 1999 –

NAME OF BODY	PROPOSED REPRESENTATIVES	EXPIRY DATE
	(Conservative nominee)	31 August 2006
St Gregory's RC Primary School*	Mr P Lowe, 19a Jackson Street, Chorley PR7 3DZ (Labour nominee)	14 May 2001 – 31 August 2006
St Mary's RC Primary School*	Mrs V Bradley, 84 Hamilton Road, Chorley, PR7 2TJ (Labour Nominee)	14 May 2001 – 31 August 2006
St James' CE Primary School*	Councillor Mrs M Wilson	1 September 2001 – 31 August 2006
St Joseph's RC School*	Mr Kevin Scallon, 40 Park Road, Chorley, PR7 1QU (Labour nominee)	14 May 2001 – 31 August 2006
St Peters CE School, Chorley*	Mr Ray Parr, 50 Montcliffie Road, Chorley, PR6 0EW	March 2001 - 31 August 2006

\* The Education Act 2002 and the subsequent School Governance (Constitution)(England) Regulations 2003 provide for a new stakeholder model of school governance. This stakeholder model of school governance, no longer provides a specific place for a minor authority nominee on the governing bodies of primary and nursery schools. There has been no minor authority governor nominee on secondary or special school for a number of years.

Existing minor authority nominees may serve out their term of office up until 31 August 2006, even though a governing body is reconstituted before that time.

Please note that the following bodies will be disbanded following the establishment of the Chorley Lancashire Local Committees.

- District Liaison Committee for Education
- District Liaison Committee for Social Services
- District Liaison Committee for Youth and Community Services and Connexions Advisory.

**LANCASHIRE VALUATION AND COMMUNITY CHARGE TRIBUNAL****Membership**

Each appointment of a member shall have effect for such a period not exceeding 6 years.

Each member shall hold office until whichever of the following first occurs:

- (a) the period specified expires
- (b) notice of his removal takes effect
- (c) he/she becomes disqualified from membership
- (d) he/she attains the age of 72 years
- (e) he/she resigns the office by notice in writing
- (f) he/she retires in accordance with a determination.

The County Council will invalid any appointment which brings the aggregate number of Councillors of the tribunal to more than one third of the total membership. Regulations state that only one third of tribunal members for Lancashire as a whole may be Councillors.

**Disqualification from Membership**

1. A person shall be disqualified from being appointed or continuing to be a member of a tribunal if he/she:
  - (a) has been adjudged bankrupt; or
  - (b) has made an arrangement with his creditors; or
  - (c) has, within the five years immediately preceding his appointment, or since his appointment, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of three months or more without the option of a fine, whether or not that sentence has been suspended; or
  - (d) is for the time being disqualified for being a member of a local authority in pursuance of Section 19 or 20 of the Local Government Finance Act 1982; or
  - (e) is aged 72 years or more.
2. A disqualification attaching to a person by reason of paragraph (1) (a) shall cease -
  - (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy and
  - (b) if the bankruptcy is so annulled, on the date of the annulment.
3. A disqualification attaching to a person by reason of paragraph (1) (b) shall cease -
  - (a) if he pays his debts in full, on the date on which the payment is completed; or
  - (b) in any other case, on the expiry of five years from the date on which the terms of the deed of composition or arrangements are fulfilled.

## **REPORT OF CHIEF EXECUTIVE**

### **MEMBERS' ALLOWANCES - ANNUAL INFLATION ADJUSTMENT**

#### **Purpose of Report**

1. To obtain approval for an amendment to the existing Members' Allowance Scheme so as to increase the existing amounts of the allowances by a suitable inflationary percentage.

#### **Background**

2. Historically, the annual inflationary increase to Members' Allowances has been linked to statistics supplied by the Office for National Statistics (ONS) in line with the 'New Earnings Survey' for male white collar workers. The Council has not been able to use the previously used comparator in previous year because of the changes being made by the ONS in its collection and reporting of data, the Council agreed in the last couple of years to increase the Members' Allowances in accordance with last year's pay award to local government staff (ie 2.95%).

#### **Proposed Increase for 2006/07**

3. While statistical data is now available from the ONS in a new format, as the previously used measure is now no longer available as a comparator, it will be necessary to determine a new measure that is relevant to the work that Members undertake.
4. Members of the Independent Remuneration Panel have recommended the Council to continue its adoption of the percentage pay increase awarded to local government staff in 2006/07 as the basis for the percentage increase of Members' allowances, pending a review of the most appropriate indices. The pay award for 2006/07 granted a 2.95% increase.
5. The proposed composition of the Executive Cabinet will be reduced from ten to seven members, the number of Associate Chairs of the Overview and Scrutiny Committee will be reduced by three to two members and the number of Lead Members will be increased by one to eleven members subject to confirmation at the Annual Council meeting.
6. The current cost of the Members Allowances Scheme is £281,080.14. After taking into account the 2.95% uplift and the changes in composition to the bodies referred to in paragraph 5, the total cost of the Members Allowances Scheme for 2006/07 will be £275,009. The reduction in the number of Executive Cabinet Members and Scrutiny Chairs will result in an overall saving of approximately £15,000 pa.

#### **Recommendation to the Council**

6. The Council is recommended to endorse the recommendation of the Independent Remuneration Panel and to authorise the amendment of the Members' Allowances Scheme by effecting an overall 2.95% increase in the allowances with effect from 16 May 2006.

DONNA HALL  
CHIEF EXECUTIVE

SLP

There are no background papers to this report.



Report of	Meeting	Date
Chief Executive	Annual Council	16 May 2006

## ARRANGEMENTS FOR THE GAMBLING ACT 2005

### PURPOSE OF REPORT

- To inform Council of the implications of the Gambling Act 2005.  
Seek Council approval for the implementation strategy proposed.  
Recommend that Council take preparatory measures by delegation of powers to officers.

### CORPORATE PRIORITIES

- There are no corporate priorities directly affected by this report

### RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	✓	Information	
Reputation	✓	Regulatory/Legal	✓
Financial	✓	Operational	✓
People	✓	Other	

- As with any policy there is a risk that the policy may be subject to a challenge by way of Judicial Review. If any such challenge were made then this could delay the processing of applications and would have cost implications if a challenge were successful.

### BACKGROUND

- The Gambling Act 2005 received royal assent on 7 April 2005. Various sections of the act and subordinate regulations will be implemented by a series of commencement orders between now and 2007. The act is a complex statute and the following paragraphs provide a simplistic overview of the implications.
- The Act introduces 3 Gambling Licensing Objectives, which are:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. The Gambling Act 2005 provides for three categories of licence:

- Operating Licence

Individuals and companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general these licenses cover the principal commercial forms of gambling for example a casino operating licence, a bingo operating licence or a gaming machine operating licence.

- Personal Licences

One of the mandatory conditions that the Commission must place on operating Licences, except in the case of a small scale operator, is to ensure that for each operating licence at least one person holds a specified management office and that person must hold a personal licence from the Commission.

- Premises Licences

Will be issued by local authorities and may authorise the provision of facilities on casino premises, bingo premises, betting premises, adult gaming centres and family entertainment centres. Premises Licences may only be issued to people with a relevant gambling operating licence as detailed above. Premises licences are transferable to someone else holding a valid operating licence.

## **GAMBLING COMMISSION**

8. The act establishes the Gambling Commission who will:

- Issue operating licenses to authorise the licensee to provide facilities for gambling.
- Issue personal licences to certain individuals involved in gambling.
- Specify general licence conditions.
- Issue industry Codes of Practice.
- Investigate illegal gambling and offences under the act.
- Issue guidance to Local Authorities.

9. Chorley Borough Council becomes a Licensing Authority and an applicant who has obtained an 'operating licence' from the Gambling Commission may then apply to the local Licensing Authority for a 'Premises Licence' to provide gambling facilities within that Council's area. Chorley Borough Council will become responsible for licensing:

- Casino Premises
- Commercial Bingo Premises
- Adult Gaming Centre Premises
- Family Entertainment Centre Premises
- Betting Premises
- Betting Track Premises
- Temporary Use Notices
- Gaming machines in all the above types of premises
- Gaming machines in Members Clubs
- Lotteries other than the national lottery and lotteries registered with the Gambling Commission
- Prize Gaming Permits

**TIMETABLE FOR IMPLEMENTATION**

10. The implementation timetable is subject to change, but currently is;
  - May 2006 Gambling Commission to publish guidance for licensing authorities.
  - June 2006 Gambling Commission to publish licence conditions and codes of practice.
  - Late 2006 Gambling Commission will start to invite applications for operating and personal licenses.
  - January 2007 Licensing authorities will accept applications for all licenses and permits.
  - September 2007 new licenses take effect.
11. Under the Act the full council becomes the 'Licensing Authority' but is obliged to delegate all 'operational' functions to the Licensing Statutory Committee, that Committee having been established under the Licensing Act 2003. The legal requirement for this is Section 154 of the Act.

**MANDATORY CONSIDERATION REGARDING CASINOS**

12. Prior to the Licensing Authority being in a position to accept applications, full Council has to make certain strategic steps, which cannot be delegated.
13. Council will have to whether or not it will allow any casino licences in Chorley under section 166 of the Act. This resolution needs to be made every 3 years, whether or not government restricts the number of casino licences that can be issued throughout the country.

**STATEMENT OF LICENSING POLICY**

14. The Council will also be required to publish a Statement of Licensing Policy under the act, which is a statement of principles that the Licensing Committee must consider when determining a Premises Licence application.
15. The Statement of Licensing Policy will be a comprehensive document which will define the principles in exercising its new functions.
16. In order that members are able to approve a comprehensive statement of licensing policy, approval is sought to delegate to the Director of Customer, Democratic and Legal Services power, to carry out all necessary steps to consult and prepare a draft Statement of Licensing Policy for approval.
17. The target for licensing authorities to receive premises licensing applications is January 2007. Statements of policy must be available one month before this. The Gambling Commission advice to Local Authorities is scheduled to be delivered by May 2006.
18. Consultation will take place between June and September 2006, the final draft prepared and approved by Council October 2006. The Statement of Licensing Policy will then be available for at least month prior to applications being accepted.
19. A fee will be payable on application for the licence and there will also be an annual fee due. Fee levels in England and Wales will be set by the Secretary of State via a series of bands with a prescribed maximum.
20. Under future regulations if Chorley Borough Council acquires the power to set fees this will be a matter for full Council.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

21. There are no apparent human resources implications contained in this report.

**COMMENTS OF THE DIRECTOR OF FINANCE**

22. The financial impact at this stage of proceedings is unclear. Whilst the number of premises to be licensed for wholesale gambling is limited, their requirement to licence in particular gaming machinery will influence the level of resources required. In addition there will be some costs associated with providing the relevant training for officers and members. At this stage the assumption is that the effect will be cost neutral and any costs will be contained within current budgets. However only when we have some experience of the scales of the task will this assumption be tested. If the assumption is proven incorrect then a further report will be presented to member of the cost implications.

**RECOMMENDATION (S)**

23. That Council approves:

- 1) The amendment of the Constitution to delegate all the Council's functions under the Gambling Act 2005 to the Statutory Licensing Committee in accordance with section 154 Gambling Act 2005 except:
  - i) The approval of a Statement of Licensing Policy under Section 349 of the act.
  - ii) Resolving whether to issue any Casino Licences in the Borough of Chorley under section 166 of the act.
  - iii) The setting of fees for licences.
- 2) Council authorises the Director of Customer, Democratic and Legal Services to carry out all necessary consultations and other statutory requirements to prepare a future report to Council in order for a resolution to be made regarding casinos in the Borough.
- 3) Council authorises the Director of Customer, Democratic and Legal Services to carry out consultations and other statutory requirements under the act and produce a draft Statement of Licensing Policy in favour of approval by Council.

DONNA HALL  
CHIEF EXECUTIVE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Howard Bee	5665	11 May 2006	LEGREP/92530LM