



CONSTITUTION OF THE COUNCIL

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PART 1

SUMMARY AND EXPLANATION

The Council's Constitution

This constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 13 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to providing clear leadership, to involving people in decision making and to ensuring that decisions are effective and transparent. Articles 2 to 13 explain the rights of citizens and how the key parts of the Council operate.

How the Council operates

The Council is composed of 49 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints a Leader and Deputy Leader.

Once appointed, the Leader remains in office until the next Annual Meeting of the Council. The Leader only ceases to be Leader before that time because of death or disqualification or following a vote to remove the Leader in accordance with this Constitution.

How decisions are made

The Council operates a committee system.

Committees are appointed by the Council and take decisions in accordance with their terms of reference. In addition senior officers of the Council are authorised to act by delegation of powers from the Council.

The Council's Staff

The Council has people working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between employees and members of the council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and other advice agencies can advise on individuals' legal rights.

The Council welcomes participation by its citizens in its work. For further information on the rights as a citizen, please contact Democratic Services on telephone 01282 661648.

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 – THE CONSTITUTION

1.01 The Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

The Constitution, and all its appendices, is known as the Pendle Borough Council Constitution.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

- Enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- Support the active involvement of citizens in the process of the Council's decision making;
- Help Councillors represent their constituents more effectively;
- Create a powerful and effective means of holding decision makers to public account;
- Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and
- Provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.01 Composition and Eligibility

(a) Composition

The Council will comprise 49 Councillors, elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State.

(b) Eligibility

Only registered voters of the Pendle district or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

The ordinary election of a third (or as near as may be) of all Councillors is held on the first Thursday in May in each year, except that (as from 2021 and every fourth year after) there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and Functions of all Councillors

(a) Key Roles

All Councillors will:

- Represent their communities and bring their views into the Council's decision making process, i.e., become the advocate of and for their communities;
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- Balance different interests identified within their ward and represent the ward as a whole;
- Participate in the governance and management of the Council;
- Be available to represent the Council on other bodies; and
- Maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it;
- For these purposes "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

(a) Voting and Petitions

Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of governance. Citizens may submit a petition on any matter affecting the Borough or its inhabitants.

(b) Information

Citizens have the right to:

- Attend meetings of the Council, and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- See reports and background papers, and any records of decisions made by the Council and its committees; and
- Inspect the Council's accounts and make their views known to and question the external auditor.

(c) Participation

Citizens have the right to participate in question time at committees and address Councillors at most meetings.

(d) Complaints

Citizens have the right to complain to:

- The Council itself under its Complaints Scheme;
- The Ombudsman after using the Council's own Complaints Scheme;
- The Monitoring Officer of the Council about a breach of the Councillor's Code of Conduct.

3.02 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees.

ARTICLE 4 – THE COUNCIL

4.01 Meanings

(a) Policy Framework

The policy framework means the strategic plan and other plans and strategies as determined by the Council from time to time.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax

and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 Functions of the Council

Only the Council will exercise functions described in Part 3 of this Constitution.

ARTICLE 5 – CHAIRING THE COUNCIL

Role and Function of the Mayor

The Mayor will be elected by the Council annually and will have the following responsibilities, roles and functions (which in his/her absence will be carried out by the Deputy Mayor):

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.
2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
3. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

ARTICLE 6 – LEADER OF THE COUNCIL

Leader

The Leader may be removed from office by a vote of the Council at any time. If the Council passes a resolution to remove the Leader, then the Council must elect a new Leader –

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

The Leader remains in office until the date of the next Annual Meeting.

The Leader may not be removed from office except in accordance with the provisions of this Constitution or in accordance with Regulations made by the Secretary of State under Section 91D of the Local Government Act 2000.

Deputy Leader

The Council will elect a Deputy Leader. Once appointed the Deputy Leader remains in office until the date of the next Annual Meeting.

ARTICLE 7 – COMMITTEES

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions described in relation to each of those committees.

ARTICLE 8 – STANDARDS

8.01 Duty to Promote and Maintain High Standards of Conduct

The Council will promote and maintain high standards of conduct by members and co-opted members of the Council, as required under the provisions of the Localism Act 2011.

8.02 Code of Conduct

The Council has adopted a Code of Conduct for members and co-opted members of the Council, a copy of which is included in this Constitution.

8.03 Independent Person

- The Council has appointed an Independent Person under the provisions of the Localism Act 2011.
- The Independent Person must be consulted by the Council before it makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Councillor.
- The Independent Person may be consulted by the Council in respect of a complaint of a breach of the Code at any stage and they may be consulted by a Councillor or co-opted member of this Council or of a Parish or Town Council within the Borough against whom a complaint has been made.

8.04 Standards Hearings Committee

- The Council will establish a Standards Hearings Committee to hear any cases of alleged breaches of the Code of Conduct referred to it by the Monitoring Officer.
- It is a politically balanced Committee of the Council. The Independent Person is invited to attend all meetings of the Committee.
- The views of the Independent Person must be sought and taken into consideration before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
- Where the Committee finds that a Councillor has failed to comply with the Code of Conduct, it will publish its findings and may make recommendations to the Full Council, the Councillor's Group Leader or the Monitoring Officer (as appropriate) regarding the action it considers is necessary to be taken in respect of the Councillor to promote and maintain high standards of conduct.

8.05 Functions Delegated to the Monitoring Officer

The Council has delegated the following functions to the Monitoring Officer:

- To receive written complaints of alleged breaches of the Code of Conduct and to decide whether to investigate, reject or informally resolve any such complaints.
- To carry out, or arrange for the carrying out, of investigations of alleged breaches of the Code of Conduct in appropriate cases. (When an investigation is in respect of an alleged breach of the Code of Conduct by a Town or Parish Councillor, the investigation report will be referred back to the Town or Parish

Council concerned at the conclusion of the investigation, so that the Council concerned can decide what action to take (if any)).

- To convene meetings of the Hearings Panel in appropriate cases.
- To consider applications for and if appropriate grant dispensations to members of this Council and members of Parish or Town Councils within the Borough.

ARTICLE 9 - JOINT ARRANGEMENTS

9.01 Arrangements to promote well being

The Council, in order to promote the economic, social or environmental well-being of the area, may:

- Enter into arrangements or agreements with any person or body.
- Co-operate with, or facilitate or co-ordinate the activities of, any person or body.
- Exercise on behalf of that person or body any functions of that person or body.

9.02 Joint arrangements

- The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

9.03 Access to information

- The Access to Information Rules in Part 4 of this Constitution apply.
- If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 apply.

9.04 Delegation to and from other local authorities

- The Council may delegate functions to another local authority or, in certain circumstances, the Executive of another local authority and may accept delegation from another local authority.
- The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

9.05 Contracting out

The Council, may contract out to another body or organisation functions which may be exercised by an employee and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 10 – OFFICERS

10.01 Management Structure

- **General** The Council may engage such employees as it considers necessary to carry out its functions.
- **Chief Executive and Corporate Director** The Council will appoint a Chief Executive to be responsible for the strategic and corporate leadership of the Council and to ensure that resources are used effectively that deliver good value services to the residents of the Borough and that the Council's Strategic Plan is delivered. The Council will also appoint a Corporate Director. He/she will support the Council, the Chief Executive and the Management Team in delivering the Council's strategic agenda, and take responsibility for the overall management of the Council.
- **Head of Paid Service, Monitoring Officer and Chief Finance Officer** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Corporate Director	Monitoring Officer
Chief Finance Officer	Chief Finance Officer

Such posts will have the functions described in Article 10.02-10.04 below.

- **Structure** The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

10.02 Functions of the Head of Paid Service

- **Discharge of functions by the Council.** The Head of Paid Service will report to the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- **Restrictions** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

10.03 Functions of the Monitoring Officer

- **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- **Ensuring lawfulness and fairness of decision.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or the Policy and Resources Committee if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- **Conducting investigations.** The Monitoring Officer may conduct investigations into matters which are alleged to be in breach of the Council's Code of Conduct

for Members and which have been the subject of written complaints. He/she may then make reports or recommendations in respect of those matters to the Full Council.

- **Proper Officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- **Advising whether Policy and Resources Committee decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and corporate management and policy framework issues to all councillors.
- **Corporate complaints procedure.** The Monitoring Officer will act as the corporate complaints officer and will monitor the operation of the Council's complaints procedures and produce an Annual Report.
- **Restrictions.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

10.04 **Functions of the Chief Finance Officer**

- **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions of a financial nature, financial impropriety, and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- **Corporate Property Officer.** The Chief Finance Officer will be the Council's Corporate Property Officer.

10.05 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

10.06 **Conduct**

Employees will comply with the Employee Code of Conduct and the Protocol on

Employee/Member Relationships set out in Part 5 of this Constitution.

10.07 Employment

The recruitment, selection and dismissal of employees will comply with the Staff Employment Procedure Rules set out in Part 5 of this Constitution.

ARTICLE 11 – DECISION MAKING

11.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

11.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) having regard to all relevant considerations and ignoring all irrelevant considerations;
- (b) proportionality (i.e. the action must be proportionate to the desired outcome);
- (c) due consultation and following the taking of professional advice from officers;
- (d) respect for human rights;
- (e) a presumption in favour of openness;
- (f) clarity of aims and desired outcomes;
- (g) with due explanation as to what options were considered and giving clear reasons for the decision.

11.03 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.04 Decision making by other committees established by the Council

The Council's committees will follow the Procedure Rules set out in Part 4 of this Constitution.

11.05 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

11.06 Decision making by officers

The Council will publicise delegated decisions taken by officers. However, this will not apply to decisions which are already recorded in another manner or where those

decisions are administrative or operational decisions about how officers go about their day to day work.

It will also not apply to spending, contracting or purchasing decisions below the materiality threshold of £10,000.

ARTICLE 12 – FINANCE, CONTRACTS AND LEGAL MATTERS

12.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

12.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

12.03 Legal proceedings

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

12.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires.

Any contract with a value exceeding £50,000 entered into on behalf of the Council shall be made in writing. Such contracts must either be signed by either the Chief Executive, the Corporate Director or the Head of Legal Services or made under the Common Seal of the Council.

12.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services and, in the case of a document of a civic or ceremonial nature, by the Mayor and other appropriate persons. In the absence of the Head of Legal Services, the affixing of the Common Seal may also be attested by the Chief Executive or the Corporate Director.

ARTICLE 13 – REVIEW, REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

13.01 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

13.02 Changes to the Constitution

(a) **Approval** Changes to the Constitution will only be approved by the full Council after consideration of a report on the proposal from the Monitoring Officer.

(b) **Change from present arrangements to another form of Governance.** Before drawing any proposals in this regard the Council must take reasonable steps to consult with local electors and other interested persons in the area and consider all relevant Government advice and directions.

13.03 Suspension of the Constitution

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The permissibility of suspending any of the Rules in Part 4 of this Constitution is set out in those Rules.

(b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

13.04 **Interpretation** The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

13.05 Publication

(a) The Monitoring Officer will ensure that a copy of this Constitution is published on the Council's website and available for inspection at Nelson Town Hall.

(b) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority, if required, upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.

PART 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR FUNCTIONS

The distribution of responsibility for various functions of the Council are summarised below:

The detailed terms of reference of the Policy and Resources Committee, Area Committees, the Accounts and Audit Committee, the Licensing Committee, the Taxi and Other Licensing Committee, the Officer Scheme of Delegation and Appointments of Proper and Statutory Officers are also set out in this Part of the Constitution.

COUNCIL FUNCTIONS

Only the Council can exercise the following functions:

- To adopt and change the Constitution.
- To approve and amend the policy framework including the Strategic Plan.
- To set the council tax to be levied and determine the general fund revenue requirement and the capital programme.
- To appoint and remove the Leader and Deputy Leader.
- To establish Committees and agree their terms of reference and decide on their composition.
- To appoint the Chairmen of Committees, except in the case of Area Committees.
- To appoint representatives to outside bodies unless the appointment has been delegated by the Council.
- To adopt or amend the Members' Allowances Scheme.
- To change the name of the Borough and confer the title of honorary alderman or freedom of the Borough.
- To confirm the appointment of the Head of Paid Service.
- To deal with matters to do with elections and community governance.
- To approve the annual Pay Policy.
- To make, amend, revoke, re-enact or adopt bylaws and promote or oppose the making of local legislation or personal Bills.
- To deal with any other matters which, by law must be reserved to Council.

TERMS OF REFERENCE OF COMMITTEES

POLICY AND RESOURCES COMMITTEE

- To develop and make recommendations to the Council on matters of strategic policy.
- To oversee the Medium Term Financial Strategy.
- To make recommendations to the Council on the council tax to be levied, the general fund revenue budget requirement and the capital programme.
- To oversee Treasury management, local taxation, council tax and housing benefits, insurance provision, procurement, grants, writing off debts, virements and effective use of resources.
- To drive the economic development of the Borough and its Jobs and Growth Strategy.
- To promote the Borough and its towns and villages as a great place to live, learn, work, play and visit.
- To formulate the Local Plan and make recommendations to the Council accordingly.
- To determine planning matters which stand referred from area committees.
- To determine planning applications for 60 or more housing units.
- To oversee the development, operation and effectiveness of the Council's strategic partnerships.
- To oversee the management of the Council's land and property holdings including the approval of disposals and acquisitions.
- To oversee the transfer of services and facilities to town and parish councils programme.
- To consider and respond to Government and other relevant consultations and proposals affecting the Borough.
- To monitor the performance of services.
- To authorise the making of legal orders e.g. compulsory purchase orders, public space protection orders.
- To oversee the operation of the standing Health and Social Care Panel including its interaction with the Pendle Health and Wellbeing Board
- To consider from time to time the need for in depth scrutiny of any issue relating to the Council's functions and to establish the arrangements for this to be undertaken.
- To be the statutory crime and disorder scrutiny committee.
- To oversee the Council's arrangements for health and safety and emergency planning.
- To oversee the Council's work on equalities and community cohesion.
- To deal with matters referred by Area Committees.
- To deal with any other matters referred to it by the Council.

CALL IN PROCEDURE

To ensure that the business of the Council is carried out expeditiously, no decision of the Policy and Resources Committee will be reconsidered by the Full Council unless it is called in under this procedure.

When a decision is made by the Policy and Resources Committee, the decision shall be published by electronic means normally within 1 day of being made. All members of the Council will be notified of all decisions within the same timescale by the Corporate Director.

That notification will specify that the decision will come into force and may then be implemented on the expiry of 5 working days after the publication of the decision, unless it is called in.

Within 3 days of notification any three members of the Council (representing at least two of the political groups) may sign and deliver to the Corporate Director a call-in notice stating why they feel that the decisions should be considered further.

The Corporate Director will then consult with the Group Leaders and will obtain each of their views as to whether it is appropriate for the decision to be referred back to the Policy and Resources Committee for re-consideration; or to the Full Council for consideration; or that no further action be taken on it. If necessary a meeting would be convened with the callers in to explore the merits of the issue.

If the majority view of the Group Leaders is that it be referred back to the Policy and Resources Committee for re-consideration or to the Full Council for consideration, the Corporate Director will arrange for this to be done to the next meeting. All action on the matter will be suspended until the decision has been confirmed or otherwise by either the Policy and Resources Committee or the Full Council.

This procedure shall not apply where the decision is urgent. A decision will be urgent if any delay likely to be caused by the call-in procedure would seriously prejudice the Council's or the public interest.

The record of the decision shall state that in the opinion of the Policy and Resources Committee it is an urgent one and therefore not subject to call-in. The Corporate Director must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

ACCOUNTS AND AUDIT COMMITTEE

Accounts

- To review and approve the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Audit Activity

- To approve the Strategic Internal Audit Plan (and Annual Internal Audit Plan).
- To consider the Annual Audit 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 and all Limited Assurance Audits.
- To consider a report from Internal Audit on the implementation of recommendations and to act as a forum to ensure the rapid delivery and implementation of audit recommendations once agreed, ensuring that auditors and officers collaborate effectively.
- To consider the External Auditor's Annual 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 that 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 Contract Procedure Rules, Financial Procedure Rules and make recommendations in this respect to the Executive and/or Council.
- To monitor the procedures for the development and operation of risk management and corporate governance and make recommendations to the Council and the Executive.
- To monitor the implementation of the Council's Anti-Fraud, Theft and Corruption Strategy.
- To comment on the Council's Annual Governance Statement and agree the necessary actions to ensure compliance with best practice.
- To scrutinise the Council's Treasury Management Strategy and treasury performance and make recommendation to the Council as appropriate.

Performance

- To maintain an overview of the Council's Performance Management Framework and make recommendations in this respect to the Council.
- To consider and approve the annual performance indicator targets as recommended by Management Team.
- To consider regular performance indicator monitoring reports from Management Team.

AREA COMMITTEES

The Council will appoint the following area committees being satisfied that to do so will lead to improved service delivery in the context of best value and more efficient, transparent and accountable decision making. The committees will comprise the councillors representing the wards in the area and such non-voting co-optees as the committee will appoint:-

Barrowford and Western Parishes
Brierfield and Reedley
Colne and District
Nelson
West Craven

Delegations. Details of the functions delegated to area committees are set out in the terms of reference below, together with any limitations on delegation.

Access to information. Area committees will comply with the Access to Information Rules in Part 4 of this Constitution.

Planning

1. To deal with applications for planning permission, advertisement consent, listed building consent etc., under the Town and Country Planning Acts and to approve Section 106 Agreements.
2. To consider enforcement and other action, including legal proceedings, under the Town and Country Planning Acts.

3. To take action, including the institution of legal proceedings, for non-compliance with the Building Regulations.
4. To take action, including the institution of legal proceedings, to secure compliance with notices served in respect of dangerous buildings under the Building Act 1989.
5. To deal with all matters relating to tree preservation and protection of hedgerows, including the making of orders and the institution of legal proceedings.
6. To make revocation, modification, completion and discontinuance orders in cases where no compensation is payable.
7. To deal with all matters relating to designated conservation areas.

N.B.

On a planning matter where the Planning, Building Control and Licensing Services Manager has advised before the vote is taken that the decision that the area committee is minded to take would represent:

- (a) a significant departure from policy;
- (b) a significant risk of costs; or
- (c) straddles Area Committee boundaries

and the Head of Legal Services (having also contacted the Chairman (or in his or her absence the Vice Chairman) of the relevant Committee) has confirmed in writing that he agrees with that view no later than 2 working days after the day of the relevant Committee, whether it is a decision relating to enforcement action or the determination of a planning application.

Public Rights of Way

1. To approve the making of orders for the creation, diversion and extinguishment of footpaths and bridleways.
2. To take action to protect public footpaths including the removal and licensing of obstructions and the institution of legal proceedings.

General

1. To advise the Policy and Resources Committee in strategic issues relating to area committee services.
2. To monitor the management by the Leisure Trust of its facilities in the area.
3. To liaise and co-operate with local voluntary and other organisations.
4. To make appointments to local outside bodies.
5. To liaise with town and parish councils in the area.
6. To allocate and oversee the management of the area committee's capital budget.

Car Parking and Highways

1. To oversee the management of public car parks.
2. To appoint hackney carriage stands.
3. To consider the making up and adoption of private street works.
4. To oversee street naming and numbering.
5. To consider local traffic and highway issues and to make recommendations on them to Lancashire County Council.

Parks, Cemeteries and Outdoor Recreation

1. To monitor the management of parks and open spaces, including playing fields, pitches, bowling greens, tennis courts etc.

N.B.

Victoria Park is the responsibility of the Nelson Committee but the Barrowford and Western Parishes Committee is to be consulted on issues of significance and, in the event of any conflict between the area committees the matter in dispute will be referred to the Policy and Resources Committee for resolution.

2. To oversee the management of children's playgrounds.
3. To oversee the management of playing fields and pitches.
4. To oversee the operation of cemeteries.

Miscellaneous

1. To identify problems associated with litter and take appropriate action.
2. To consider matters relating to town centres, including town centre development and grants.
3. To monitor grot spots and problem sites and take appropriate action.
4. To oversee the management of markets, including consultation with representatives of stallholders.
5. To take action in relation to drains and private sewers.
6. To oversee the handling of noise and other nuisance complaints of a local nature.
7. To oversee the operation of the dog warden and pest control services.
8. To oversee the enforcement of refuse collection and recycling matters.
9. To liaise within the Community Safety Partnership and its working groups.

Land

1. To oversee the management of permanent and temporary garage sites and caravan storage sites.
2. To oversee the maintenance of cenotaphs and war memorials.
3. To make recommendations to the Policy and Resources Committee as to the future use of any land within the area which has become surplus to operational requirements (where, in the opinion of Liberata Property Services, the value of the land is less than £5,000 the area committee shall have power to determine the matter).
4. To make recommendations to the Policy and Resources Committee as to the appropriate user or change of user clauses in leases of commercial and miscellaneous properties.

Housing

1. To deal with unfit and vacant private sector houses, including making recommendations for compulsory purchase orders and other statutory action.
2. To deal with matter arising from the carrying out of renovation grant work.

N.B.1 Area Committees shall be consulted on their budgets and other matters which relate specifically to their areas.

N.B.2 Area Committees may initiate recommendations to the Policy and Resources Committee on any matters within, or affecting, their areas.

LICENSING COMMITTEE

The Council will appoint a Licensing Committee to discharge the following functions, within the resources allocated by the Council:-

Licensing Act 2003 and Gambling Act 2005

- To determine all applications under the Licensing Act 2003, other than those delegated to the Planning, Building Control and Licensing Services Manager.
- To oversee all functions under the Licensing Act 2003.
- To oversee all functions under the Gambling Act 2005.
- To promote the licensing objectives which are:
 - The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.
- To keep the Council's Statement of Policy under review.
- To recommend to the Council any changes considered necessary to the Statement of Policy either during the currency of the policy or at the expiry of any five-year-period of the policy.
- To provide a forum for discussion and consultation with the licensed trade and the owners of late night refreshment premises, the police, the fire authority and other statutory bodies.
- To take all necessary enforcement action, including taking legal proceedings.

- To defend appeals against its decisions.
- To keep the registers required by the Licensing Act 2003.

TAXI AND OTHER LICENSING COMMITTEE

The Council will appoint a Taxi and Other Licensing Committee to discharge the regulatory functions relating to taxi and other licensing. In particular, the Taxi and Other Licensing Committee will:

- Interview applicants and determine applications for hackney carriage drivers and private hire drivers and operators' licences which the Planning, Building Control and Licensing Services Manager considers might be refused.
- Make recommendations on licence conditions and requirements.
- Meet with representatives of the licensed taxi trades to discuss matters of concern.
- Under the Local Government (Miscellaneous Provisions) Act 1982:
 - oversee all functions regarding street trading and in particular determine applications for street trading consents;
 - oversee all functions regarding sex establishment licences and in particular determine all applications for such licences.

EMPLOYMENT APPEALS PANEL

To hear and determine appeals against dismissal arising out of the Council's employment procedures.

RESTRUCTURING COMMITTEE

To review and revise the Council's officer structure.

STANDARDS HEARING COMMITTEE

To hear any cases of alleged breaches of the Member Code of Conduct referred to it by the Monitoring Officer; and to make recommendations to Council in respect of a finding of a breach.

SENIOR MANAGEMENT APPOINTMENTS COMMITTEE

- To make recommendations to the Council on the appointment of the officer designated as the Head of Paid Service.
- To make appointments to the posts designated as Monitoring Officer and Chief Finance Officer.
- To make appointments to the posts of Service Managers.