

Amended version

PART 3

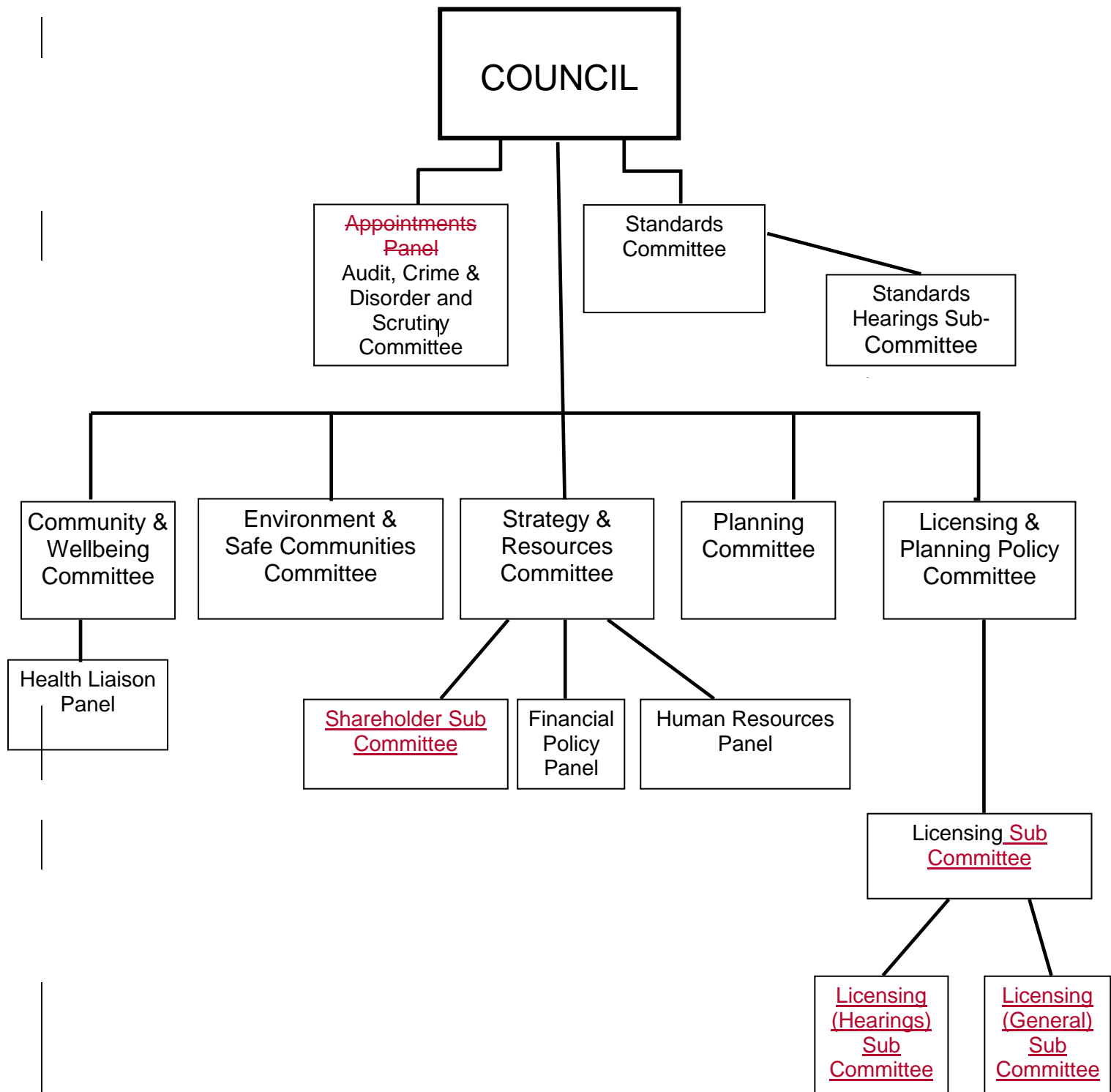
Responsibility for Functions

V 29.06.2018

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1 Diagram of Committee Structure



1. Committee Responsibilities

- 1.1 For the avoidance of doubt, if a particular matter or project falls under the Terms of Reference of more than one Committee, the Council may designate one Committee as the lead committee for a matter. The lead committee will have all the powers and functions as it needs to make decisions on that matter, even if some fall within the remit of another committee. A lead committee has the power to refer: the matter to another committee for decision; for comment or recommendation to Council.
- 1.2 No Committee, sub committee, panel, working group or Officer shall take action requiring expenditure unless suitable budgetary provision has been approved.
- 1.3 Decisions of Committees and sub committees taken in exercise of any delegations functions are the decisions of the Council for all purposes unless rescinded. Most decisions cannot be implemented until five working days after publication of the Decision Notice to allow for a Scrutiny call in.
- 1.4 Each Committee can determine the content of any representations to be made to central government, local authority associations, members of parliament, any national organisation concerning any matter within that Committee's remit

2. Committees, Advisory Panels and PartnershipsMembership and Meetings of Committees

Ordinary Committees

- 1.5 The Council has the following Committees to discharge the functions described in Schedule 1 to this Part:

Audit, Crime & Disorder and Scrutiny Committee

Community & Wellbeing Committee

Environment & Safe Communities Committee

Licensing & Planning Policy Committee

Planning Committee

Strategy & Resources Committee

Standards Committee

1.6 Committees will normally make the final decision on any matter before it, if they have delegated authority to do so, or will make a report and recommendation to Council if it they do not have such authority. It is also open to a majority of members present and able to vote at a meeting to agree to refer a matter to Council.

1.7 The Committees, their terms of reference and number of members on each committee, is set out at Schedule 1 to this Part.

Sub-Committees & Working Groups

1.8 In addition to the main committees and sub committees, the Council may set up time-limited sub-committees for specific purposes.

1.9 Committees may also appoint sub committees and working groups, and if appropriate agree their terms of reference, a chairman and, if considered necessary, a vice chairman and substitute members of the sub-committee or working group.

Advisory Panels and Joint Arrangements

1.10 The Council currently has three standing advisory panels which will report as required to the appropriate committee or Council as set out in their Terms of Reference.

1.11 The terms of reference and membership of the Advisory Panels and Joint arrangements are set out in Schedule 2 to this Part.

1.12 ~~Two of the panels have specific partnership roles and will include those partners in their regular meetings. The third is to provide advice on the corporate financial framework and policy-making and will include in its membership the Chairmen of the Environment, Leisure, Social and Strategy & Resources committees, with appropriate political balance. The fourth has been set up to advise the Council on nominations/appointments to external bodies.~~ Recommendations may be made by the advisory panelspanels to committees or directly to the Council if agreed.

1.13 The Council has also entered into a number of joint arrangements. Further details on these arrangements are set out in Schedule 4 of this Part of the Constitution.~~The advisory panels and numbers of members on them are as follows:~~

Appointments Panel	8
Financial Policy Panel	8
Health Liaison Panel	7
Human Resources Panel (NOTE: meeting with staff representatives will still be designated as Joint Staff Committee)	6
Nonsuch Park Joint Management Committee	3
Total	32

~~1.1 In addition to the main committees, the Council may set up time-limited sub-committees for specific purposes.~~

Appointment of Members to Committees

1.14 The Council will appoint the Members, Chairman and Vice Chairman to serve on the Committees subject to the right of any the political group within the meaning of the Local Government & Housing Act 1989 and any regulations thereto, to make nominations to for those appointments.

~~1.2 ConflictsBecause of the nature of the business, the Planning Committee has thirteen members. Other committees have fewer members to facilitate the transaction of business. Committees will normally make the final decision on any matter before it, if they have delegated authority to do so, or will make a report and recommendation to Council if it they do not have such authority. It is also open to a majority of members present and able to vote at a meeting to agree to refer a matter to Council.~~

~~The Committees and number of members on each committee is as follows:~~

Community and Wellbeing	10
Environment	10
Licensing and Planning Policy	10
Strategy and Resources	10
Audit, Crime & Disorder and Scrutiny	10
Planning	13
Standards	9
Total	72

~~1.28 Members of the Audit, Crime & Disorder and Scrutiny Committee may not scrutinise any decision in which they were involved as a member of a policy Committee.~~

~~In addition to the main committees, the Council may set up time-limited sub-committees for specific purposes.~~

Advisory Bodies and Joint Arrangements

~~1.311.15 The Council currently has four standing advisory panels which will report as required to the appropriate committee or Council as set out in their Terms of Reference. Two of the panels have specific partnership roles and will include those partners in their regular meetings. The third is to provide advice on the corporate financial framework and policy making and will include in its membership the Chairmen of the Environment, Leisure, Social and Strategy & Resources committees, with appropriate political balance. The fourth has been set up to advise the Council on nominations/appointments to external bodies. Recommendations may be made by the panels to committees or directly to the Council. The advisory panels and numbers of members on them are as follows:~~

~~The Council has also entered into a number of joint arrangements. Further details on these arrangements are set out in Section 9 of this Part of the Constitution.~~

Arrangements for Meetings

~~1.331.16~~ There are currently four cycles of meetings in each municipal year – June/July; September - December; January/February; March/April. Each committee and advisory panel will normally meet at least once in each cycle of meetings and may arrange such special meetings as are necessary. The Planning Committee will meet at least eleven times per year.

2 Terms of Reference of Policy Committees

2.1 There are four policy making committees:

2.1.1 Community & Wellbeing;

2.1.2 Environment & Safe Communities;

2.1.3 Licensing & Planning Policy;

2.1.4 Strategy & Resources

2.12.2 In accordance with the aims and objectives set by the Council in its Corporate Plan ~~and the targets set out in the Community Strategy (produced by the Council and its partners)~~, the principles of Best Value, and within the approved Budget and Policy Framework, Policy Committees will: ~~to:~~

- (a) Deal with all policy and operational matters, including statutory responsibilities;
- (b) Develop ~~its~~ strategies and policies and put them to the Council for approval;
- (c) Draw up revenue budgets and develop proposals for capital projects, and submit these to the Strategy and Resources Committee for recommendation to Council where these form part of the corporate

~~policy framework~~ Draw up Service Delivery Plans and revenue budgets, and develop proposals for capital projects, and submit these to the Strategy and Resources Committee for recommendation to Council where these form part of the corporate policy framework;

- (d) Implement approved capital projects;
- (e) Develop and maintain communication and consultation with the public, local businesses, voluntary and other relevant organisations, and form partnerships and influence partners;
- (f) Distribute grant aid or award rate relief in accordance with conditions laid down by Council;
and
- (g) Determine the level of delegation to officers.

2.3 The terms of references for the Committees are set out in Schedule 1 to this Part.

3 Sub Committees

Planning & Licensing and Planning Policy Committee ~~In respect of the following subject areas:-~~

Environment

- ~~(a) — Transportation policy~~
- ~~(b) — Waste management refuse collection and recycling~~
- ~~(c) — Environmental improvement schemes~~
- ~~(d) — The quality of the public realm, including cleansing~~
- ~~(e) — Highway matters that are the responsibility of the Borough Council and drainage~~
- ~~(f) — Public conveniences~~
- ~~(g) — Community safety, including anti-social behaviour~~
- ~~(h) — Parking~~
- ~~(i) — Contaminated land~~
- ~~(k) — Environmental health~~
- ~~(l) — Food safety and health and safety~~
- ~~(m) — Cemeteries and closed churchyards~~

Terms of Reference of the Licensing Hearings Panel

3.1 The Council is responsible for determining a number of different types of licencing applications and other related functions. Two separate sub committees have been established under the Licensing and Planning Policy Committee: here are two different Licensing Sub Committees: issuing premises and personal licences.

3.1.1 The Licensing (Hearings) Sub-Committee will determine matters specific to the Licensing Act 2003;

2.1.43.1.2 The Licensing (General) Sub Committee will determine all other licensing matters.

Licensing Hearings Sub-Committee

(Note: Political balance requirements do not apply)

3.2 Licensing Sub Committees Hearings Panels will be formed of any three members from a pool of members appointed by Council, the Licensing and Planning Policy Committee, one of whom shall be the Chairman. Those members appointed to the Licensing (Hearings) Sub Committee must be drawn from those who also sit on Licensing & Planning Policy Committee. The three members appointed for any hearing shall be selected by Democratic Services officers in consultation with the Chairman of the Licensing and Planning Policy Committee and the sub committee will appoint a Chairman for that Sub Committee meeting. A Chair of any Licensing Sub Committee must be trained in licensing matters to be chair any such meeting.

Strategy & Resources Committee

3.3 The Shareholder Sub-Committee to act in accordance with the terms of reference so far as they relate to any company established as a wholly owned company of the Council

-The Strategy & Resources Committee shall appoint the Chairman of the

3.4 Shareholder Sub-Committee at its first meeting in the municipal year, who shall hold office until the next such meeting. If the Chairman resigns by giving written notice of resignation to the Chief Executive, the sub-committee shall, as the first item of business at its next meeting, elect a successor, to hold office until a replacement can be appointed by the Strategy & Resources Committee. The Chairman, if present, shall preside. If the Chairman is absent Sub-Committee shall elect one of the members present as Chairman of the meeting.

3.5 -The Sub-Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

3.6 The terms of references for the Sub Committees are set out in Schedule 2 to this Part.

~~Panels will be required to determine applications:-~~

- ~~(a) For a personal licence where an objection has been made;~~
- ~~(b) For a personal licence with unspent convictions;~~
- ~~(c) For premises licence where a representation has been made;~~
- ~~(d) For a club premises certificate where a representation has been made;~~
- ~~(e) For a provisional statement where a representation has been made;~~
- ~~(f) To vary a premises licence/club premises certificate where a representation has been made;~~
- ~~(g) To vary designated premises supervisor if there is a police objection;~~
- ~~(h) For transfer of premises licence if there is a police objection;~~
- ~~(i) For interim authorities if there is a police objection;~~
- ~~(j) To review a premises licence/club premises certificate~~
~~and to determine;~~
- ~~(k) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of gaming permits;~~
- ~~(l) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences;~~
- ~~(m) Contentious applications for the grant or renewal of Private Hire and Hackney Carriage Driver, Vehicle and Operator Licences and the refusal, suspension or revocation of these licences where serious offences or breaches of licence conditions have been committed.~~

~~Terms of Reference of the Planning Committee~~

~~In accordance with the aims and objectives set by Council and the Corporate Plan and the targets set out in the Community Strategy (produced by the Council and its partners), the principles of Best Value, and within the approved Budget and Policy Framework, to:-~~

- ~~(a) deal with regulatory matters required by, and flowing from, Town and Country Planning legislation;~~
- ~~(b) develop and maintain communication and consultation with the public, local businesses and relevant organisations;~~

~~(c) — determine the level of delegation to officers.~~

~~Terms of Reference of the Audit, Crime & Disorder and Scrutiny Committee~~

~~**Audit, Crime & Disorder and Scrutiny Committee**~~

~~(a) — Terms of Reference of the Standards Committee~~

26.4 Terms of Reference of Advisory Panels

4.1 In accordance with the aims and objectives set by the Council in its Corporate Plan ~~and the targets set out in the Community Strategy (produced by the Council and its partners)~~, the principles of Best Value, and within the approved Budget and Policy Framework, the following Panels have been established to advise the Council or its Committees or Sub-Committees on any matter relating to the following subject area: -

Strategy & Resources Committee:

4.1.1 Financial Policy

4.1.2 Human Resources

Community & Wellbeing Committee:

4.1.3 Health Liaison

26.14.2 The terms of references for the Advisory Panels are set out in Schedule 3 to this Part.

5. Joint Arrangements

Nonsuch Park Joint Management Committee

26.24.3 Nonsuch Park is managed and maintained by a Joint Management Committee, comprising an equal number of councillors from Epsom and Ewell and Sutton Borough Councils. Chairmanship rotates between the two councils annually. The two councils fund, on an equal basis, the running of the Park, after taking income into account.

Coast to Capital Joint Committee

26.34.4 The purpose of the Joint Committee is to approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area.

26.44.5 The Coast to Capital area encompasses all of the County of West Sussex, Brighton & Hove, Lewes, Croydon and the four eastern Surrey districts (being this Council, Mole Valley, Reigate and Banstead and Tandridge). There are two county councils, two unitary authorities, 12 district and borough councils and the South Downs National Park Authority within the area and partnership. It is one of the larger LEPs outside London, with just under 2 million residents and over 150,000 businesses and organisations.

4.6 The Joint Committee includes representatives from all 16 authorities and the South Downs National Park Authority and Epsom and Ewell Borough Council has one member seat on the Committee. The LEP and other business interests and organisations are not eligible to serve on this Joint Committee, which has been established under the Local Government Act 1972.

East Surrey Community Safety Partnership

26.54.7 The Council is required under the Crime & Disorder Act 1998 to have a community safety partnership and ~~it was agreed. The Council has agreed to discharged its duty by joining the East Surrey Community Safety Partnership made up of Mole Valley, Reigate & Banstead, and Tandridge Councils. The strategic vision of the Partnership is "Working together to keep East Surrey safe".~~

Surrey First

~~A joint committee established for the oversight of delivery of Surrey Public Authority Services comprising the 12 local authorities in Surrey and Surrey Police.~~

Surrey Police and Crime Panel

4.8 A joint committee comprising the 12 local authorities in Surrey and two independent members to carry out the functions set out in the Police Reform and Social Responsibility Act 2011.

26.74.9 The terms of references for the Joint Arrangements are set out in Schedule 4 to this Part.

~~27 Core Job Description: The Role of the Borough Councillor in Epsom and Ewell~~

~~28.0 Councillors are volunteers and bring a wide variety of skills and experience to the job of being a councillor. The multi-member ward structure of the Council provides the opportunity for individual councillors to specialise and use their particular skills and experience, working as part of a team for the benefit of the local community they represent, as well as the wider interest of the Borough as a whole.~~

~~29.0 However, there is a core role which the community and the Council as a whole expect of all Councillors. This job description sets out that role under the six headings below.~~

~~Representing the local Ward Community~~

- ~~(a) Seeking, and listening to, the views of individuals, voluntary groups and businesses within the ward and representing local ward community views.~~
- ~~(b) Balancing conflicting views and expectations to present a considered view to the Council or other agencies which have an impact on that community.~~
- ~~(c) Informing the local community about the work of the Council and helping it to take an informed view of the options that may be before the Council.~~

~~Representing Individuals and Groups~~

~~Whenever appropriate:-~~

- ~~(a) Helping individuals, groups and businesses, to secure the appropriate services of the Council.~~
- ~~(b) Helping individuals and groups to articulate their needs and have their case or their complaint heard, and when appropriate, presenting their case for them.~~

~~Representing the Whole Community~~

- ~~(a) To take an overview of the needs and views of the whole community—residents, voluntary groups and businesses together.~~
- ~~(b) To balance long and short term needs and to promote the long term economic, social and environmental well being of the Epsom and Ewell community as a whole.~~

Representing the Council

- (a) — ~~Acting as an ambassador of the Council in the wider community to present its ambition, its policies and its views.~~
- (b) — ~~Where appointed to a particular position as the Council's representative on other public or voluntary bodies, to represent and secure the Council's policies through influence and formal partnership working in those bodies.~~
- (c) — ~~Building and maintaining relationships with the Council's partners.~~

A Local Politician

- (a) — ~~To promote and represent the values and manifesto on the basis of which he/she has been elected in the decision making arrangements of the Council.~~
- (b) — ~~To support any political group or party to which he/she may belong in order to secure and maximise its support in local and other appropriate democratic elections.~~

Managing the Council and its Services (The Committee Role)

- (a) — ~~As a member of the full Council, to set the Corporate Plan and to monitor the performance of its Committees.~~
- (b) — ~~As a member of a Council committee, sub-committee or panel, to manage the provision of the Council's services to the Community, in accordance with the Council's aims and objectives set out in its Corporate Plan.~~
- (c) — ~~To review the Council's performance in the provision of its policies and services and identify opportunities to provide better value to the community.~~

52-5 Scheme of Delegation to Officers

Introduction

52.15.1 This scheme of delegation authorises the Chief Executive and the Chief Operating Officer~~Director of Finance and Resources~~ to exercise the functions of the Council as set out in this document. It repeals and replaces all previous schemes of delegation.

52.25.2 This scheme is without prejudice to the exercise of the Council's functions by the Council and the Council's committees, sub-committees and panels.

52.35.3 The statutory officers' responsibilities ~~For the purposes of this scheme the areas of responsibility of the Chief Executive and Director of Finance and Resources~~ are set out in Schedule 54 below, ~~and~~ "Head of Service" means the Heads of Service reporting either to the Chief Executive or Chief Operating Officer. All powers with the scheme of delegation are exercised within approved budgets. ~~Director of Finance and Resources.~~

General Delegation to Officers

52.45.4 The Chief Executive and the Chief Operating Officer~~Director of Finance and Resources (the Director)~~ are empowered to make decisions on behalf of the Council in accordance with the following general principles:-

- (a) if a function, power or responsibility has not been specifically reserved to the Council or a committee ~~or the Council acquires a new function where a decision is required before delegations have been agreed,~~ the Chief Executive or the Chief Operating Officer ~~Director~~ within whose remit the matter falls is authorised to act;
- (b) the Council and its Committees will make decisions on matters of significant policy. The Chief Executive, and the Chief Operating Officer ~~Director~~ have express authority to take all necessary actions to implement Council and committee decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
- (c) the Chief Executive and the Chief Operating Officer~~Director~~ are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
- (d) the Chief Executive and the Chief Operating Officer~~Director~~ are empowered to take all necessary decisions in cases of emergency or urgency;
- (e) in relation to all delegated authority conferred on the Chief Executive and Chief Operating Officer ~~Director~~ by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising

particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit;

- (f) where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, or their nominee, is authorised to act;
- (g) anything delegated to the ~~Chief Legal Officer~~ ~~Director or the Head of Legal and Democratic Services~~ is also delegated to the Chief Executive;
- (h) these delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.

~~52.55.5~~ For the purposes of this scheme, emergency and urgency have the ordinary dictionary meaning of the words and may imply considerations of health and safety, legal and financial risk shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well-being of an individual or that the interests of the Council may be compromised. In the absence of the Chief Executive, the Chief Operating officer will exercise emergency or urgency powers in the same way.

~~52.65.6~~ In deciding whether or not to exercise ~~such~~ delegated powers, the Chief Executive and the ~~Chief Operating Officer~~ ~~Director~~ should consider whether to consult the appropriate Group Leader, Group Chairman or Committee Chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.

~~52.75.7~~ The Chief Executive and the ~~Chief Operating Officer~~ ~~Director~~ may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme, and there will be a presumption that all operational and budgetary responsibility for services shall be exercised by the Head of Service for the appropriate services, unless the Chief Executive directs otherwise.

~~52.85.8~~ All delegations conferred under this scheme must be formally recorded in writing by the Chief Executive, and the ~~Chief Operating Officer~~ ~~Director~~ as the case may be (including for the avoidance of doubt any delegation under paragraph 10.4 (e) and 10.7 above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name. The Head of Place Development and the Planning Development Manager shall exercise in their own names any powers delegated to them in connection with the determination of planning applications or any other planning function and such decisions shall remain their responsibility.

5.9 The Chief Executive will make such arrangements as she considers appropriate to maintain a central record of all delegations under this scheme. The record will be available for public inspection. Subject to any specific restriction in writing:

5.9.1 a reference to any other officer will include a person who is deputing (whether in full or part time or on an absence basis) for that post. Such deputising arrangements should be made in accordance with any scheme of delegation and should be authorised in writing;

52.8.15.9.2 a function or power which may be discharged to any officer under a scheme of delegation may also be discharged by a person holding a post which is a successor post to that of the original post following any reorganisation, restructure, or similar process.

52.95.10 In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution, including its Contract and Financial Procedures and Regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.

52.105.11 Officers shall act so as to achieve for their service the policies and objectives including the requirements of any service delivery plans for ~~of~~ their service area always having regard to the overall corporate interests of the Council.

52.115.12 Where an officer referred to in paragraph ~~540.7~~ above is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.

52.125.13 Notwithstanding anything contained in this scheme of delegation, officers shall not have the power to make decisions upon any matter that has been reserved to a member body except in cases of emergency.

52.135.14 Without prejudice to the generality of the foregoing the Chief Executive and the Chief Operating Officer ~~Director~~ shall have the power:-

- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:-
 - (i) invitation and acceptance of tenders in accordance with Contract Standing Orders;
 - (ii) submission of bids for funding;
 - (iii) write-off of irrecoverable debts;
 - iv) virement (within the budget framework);
 - (v) disposal and acquisition of assets;

- (vi) service and placing of any necessary statutory or other notices (other than those expressly reserved to the Council or a Committee);
 - (vii) in consultation and with the consent of the Chief Legal Officer~~Head of Legal and Democratic Services~~ authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.
- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
 - (c) in the case of any overspend to notify the Chief Finance Officer~~Director of Finance~~ in the role of Section 151 Officer in accordance with the Financial Procedure Rules and Regulations;
 - (d) to determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Human Resources & Organisational Development and conformance with Council policies;
 - (e) to take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

[For the avoidance of doubt the appointment of the Chief Executive and Chief Operating Officer~~Director~~ shall be made by a duly appointed member body in accordance with the Officer Employment Rules. The relevant Committee Chairman will be consulted upon the appointment of a Head of Service but shall take no other part in the process.]

Taking Decisions

52.145.15 In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:-

- (a) the views of the relevant Committee Chairman following the application of the consultation criteria set out in paragraph (c) below;
- (b) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers, relevant Committee Chairman/Chairmen and local members, where the issue relates to a specific area, should take place;
- (c) consultation in accordance with the Council's Consultation Strategy and the views emanating from that process;

- (d) the range of available options;
- (e) the staffing, financial and legal implications;
- (f) the assessment of any associated risks in accordance with the Council's Risk Management Strategy;
- (g) the involvement of appropriate statutory officers;
- (h) the relevance of any regional or national guidance from other bodies;
- (i) the Council's Constitution, its Contract and Financial Procedures and Regulations, all relevant guidance, legislation and Codes of Practice;
- (j) the need to secure Best Value.

52.155.16 In order to assist with the above, arrangements should be made by relevant officers to deal with times of absence e.g. holidays. This could, for example, be through a named alternative.

Scrutiny

- (a) A report should be presented annually to the Audit, Crime & Disorder and Scrutiny Committee setting out significant decisions taken by Officers under delegated powers in the previous year;
- (b) any member may request that (with the exception of decisions made by the Planning Committee) decisions taken by officers under delegated powers are scrutinised by the Audit, Crime & Disorder and Scrutiny Committee;
- (c) any such scrutiny will not make any action taken as a result of the decision invalid. However, the scrutiny body will be able to recommend improvements to the process or a different course of action in future.

Legal and Procedural

52.165.17 The Chief Legal Officer Head of Legal and Democratic Services is authorised:-

- (a) to take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document;
- (b) to institute, defend, settle 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 the Chief Legal Officer Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests;
- (c) to instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council;

- (d) to enter objections to any proposal affecting the Borough, the Council or the inhabitants of the Borough.

52.175.18 For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Chief Executive.

General Indemnity

5.19 The Council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her in the form in Schedule 6-2.

Proper Officer Functions

5.20 A list of Proper Officer functions will be maintained by the Chief Legal Officer.

Maintenance, Review and change to schemes of delegations

5.21 The Chief Executive and the Chief Operating Officer will establish and maintain a scheme of delegation for her/his directorate or budget area which specifies the function; names the post which may carry out the delegated decision and the limits, if any, on the delegation. The limits on the delegation will include the obligation to consult, record and/or refer back to the Chief Executive or Chief Operating Officer in certain circumstances.

5.22 The Chief Executive and the Chief Legal Officer are authorised to approve any changes to any scheme of delegation.

Planning Scheme of Delegation

Introduction

The Terms of Reference of the Planning Committee include responsibility to determine the level of delegation to officers. It is important that there is clarity as to which matters officers can determine and which the Planning Committee must determine.

Scheme of Delegation

1.1 The Head of Place Development, Planning Development Manager and Planning Policy Manager may determine all matters arising from all legislation relating to the use and development of land, except for those matters set out in paragraph 2, which shall be determined by the Planning Committee.

1.2 The matters which shall be determined by the Planning Committee are:

- a) Applications for planning permission for major development¹(except where the application is made under section 73 of the Town & Country Planning Act 1990 – a minor material amendment/development without compliance with original conditions);
- b) Applications for planning permission for development which require to be advertised as a departure from development plan, as a whole, but which are recommended for approval;
- c) Applications for planning permission or listed building consent that are submitted by or on behalf of any Member the Chief Executive, Chief Operating Officer and Heads of Service, including the Head of Place Development, Planning Development Manager and Planning Policy Manager
- d) Decisions to confirm a Tree Preservation Order where there has been an objection to the making of the order.
- e) Applications or other matters called-in for determination by the Planning Committee by a Member in accordance with Paragraph 3, where the call-in request has not been withdrawn.

1.3 A Planning Committee Member or a Member representing the Ward in which development is proposed, may call in a matter for determination by the Planning Committee in accordance with the following procedure:

- a) A Councillor wishing to call an application in must do so by notice in writing (email is acceptable) to the Case Officer, copied to the Head of Place Development and Planning Development Manager within 28 days of the date public notice is given of the application;
- b) A request shall not be valid if submitted before an application has been submitted, in anticipation of an application, for example, following pre-application consultation on a proposal.
- c) A Councillor shall not be able to call-in any of the following matters for determination by the Planning Committee:

¹ “Major Development” is defined under The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

- i. Applications for Certificates of Lawfulness for Proposed Use or Development.
- ii. Applications for Certificates of Lawfulness for Existing Use or Development
- iii. Any matter where development is or may be permitted by development order, but where the prior approval of the Council is required.
- iv. Consultations on applications from neighbouring authorities.
- v. Approvals required under conditions attached to permissions or consents (for the avoidance of doubt, this shall not prevent the Planning Committee, when determining an application to require that an approval under condition be referred for determination by the committee).
- vi. Applications or notifications of work to trees protected by Tree Preservation Order or Conservation Area status.
- vii. Screening and scoping opinions under provisions relating to Environmental Impact Assessment.
- viii. Matters relating to prior notification of development authorised by an Act of Parliament (including 56 day telecommunications development).
- ix. Consultation by Electricity Undertakers.
- x. Matters related to Hazardous Substance Consent.
- xi. Applications in relation to non-material change to a planning permission.
- d) the request to “call-in” an application must be on relevant planning grounds and merit intervention to have the application placed before the Planning Committee. Where the “call in” is not made on material planning grounds the “call-in” will be invalid. The decision of whether the grounds are justifiable will be at the discretion of the Head of Place Development in consultation with the Chairman of Planning and the members concerned.

Section 106 Agreements

1.4 The Head of Place Development is authorised to:

- i. Agree the terms of, and variations to, Section 106 agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission granted under Appeal.
- ii. Refuse a Section 106 agreement if the same has not been completed within 6 months of the Planning Committee having granted planning permission without the need to return the matter to the Planning Committee

1.5 For the avoidance of doubt, any of the officers referred to in Paragraph 1 may refer, at their discretion, any matter for consideration and/or determination by the Planning Committee where they think it is necessary or appropriate to do so, and shall inform the Chairman of the Planning Committee of their intention to do so.

SCHEDULE 1 COMMITTEES

Committee	<u>Terms of Reference</u>	<u>Number of Councillors Membership</u>
Audit, Crime & Disorder Scrutiny Committee	<p><u>1</u> –Exercise the Council’s scrutiny and review functions in accordance with Article 6 of Part of this Constitution and the Scrutiny Procedure Rules set out in Part 4; including overall responsibility for audit and governance frameworks (including functions of an audit committee);</p> <p><u>2</u> Oversee compliance with the Council’s duties concerning Best Value;</p> <p><u>3</u> Monitor implementation of recommendations from the external and internal auditors;</p> <p><u>4</u> Monitor progress on the Council’s Corporate Plan;</p> <p><u>5</u> Review and approve the Annual Governance Statement.</p> <p><u>6</u> Exercise the Council’s scrutiny and review functions in relation to local crime and disorder matters within the remit of the Crime and Disorder Reduction Partnership in accordance with Article 6 of Part 2 of this Constitution</p>	<u>10</u>
Community & Wellbeing Committee	<p><u>1</u> The <u>development and</u> promotion of sport, leisure, cultural and recreational activities</p> <p><u>2</u> Management of parks, open spaces and countryside a(including Nonsuch Park JMC and Epsom and Walton Downs) and Allotments</p>	<u>10</u>

	<p><u>3</u> <u>The management of the</u> Playhouse, Bourne Hall, Ewell Court House, and the Ebbisham Centre</p> <p>(e) <u>the Rainbow Centre, Bourne Hall Museum</u></p> <p><u>4</u> Services for young people.</p> <p><u>5</u> Affordable housing</p> <p><u>6</u> Housing strategy and investment programme</p> <p><u>7</u> Housing standards, homelessness, homelessness prevention and advice, housing needs assessment</p> <p><u>8</u> Housing benefit - welfare aspects</p> <p><u>9</u> Private sector housing and administration of housing grants</p> <p><u>10</u> Personal social services for <u>older the elderly</u> and disabled <u>persons including community meals services, community alarm, day centres, community transport,</u></p> <p><u>11</u> <u>Grounds maintenance</u></p> <p><u>12</u> <u>Grant aid</u></p> <p><u>13</u> <u>Consultations on health service provision</u></p> <p><u>14</u> <u>Armed forces covenant</u></p> <p><u>15</u> Local NHS Services</p> <p><u>16</u> Work within the Voluntary Sector</p> <p><u>17</u> <u>Traveller & Gypsy site management</u></p> <p><u>18</u> <u>Amenity management and maintenance public spaces including parks</u></p> <p><u>19</u> <u>Tourism</u></p> <p><u>20</u> <u>Support & development of sports, the arts, and other leisure activities</u></p> <p><u>21</u> <u>No decisions which result in amendments to the agreed budget or additional spend may be made by the Committee unless and until it has been approved by Strategy & Resources Committee</u></p>	
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Environment & Community Safer <u>Communities</u> Committee	<ol style="list-style-type: none"> 1 Transportation policy 2 Waste management refuse collection and recycling 3 Environmental improvement schemes 4 The quality of the public realm, including cleansing 5 Highway matters that are the responsibility of the Borough Council and drainage 6 Public conveniences <u>6</u> Community safety <u>& crime and disorder prevention</u>, including anti-social behaviour <u>7</u> Parking <u>8</u> Contaminated land <u>11</u> Environmental <u>protection, pollution control</u> health <u>12</u> Food safety and <u>H</u>Health and safety <u>13</u> <u>Burials</u>, cemeteries and closed churchyards <u>14</u> <u>Street trading</u> <u>15</u> <u>Street naming and numbering</u> <u>16</u> <u>The provision and management of parking and the fixing of charges and parking enforcement</u> <u>17</u> <u>No decisions which result in amendments to the agreed budget or additional spend may be made by the Committee unless and until the it has been approved by Strategy & Resources Committee.</u> 	<u>10</u>
Licensing & Planning Policy Committee	(a) Matters relating to the local economy <ol style="list-style-type: none"> <u>1</u> To consider and approve Local Plan documents for public consultation (including Development Plan Documents up to Preferred Options stage and Supplementary Planning Documents up to Consultation stage); 	<u>10</u>

	<p><u>2</u> To consider and recommend for approval to Council, submission versions of Development Plan Documents;</p> <p>3 To consider and approve final versions of Supplementary Planning Documents, and any subsequent changes to the Development Plan not constituting a new or substantially revised Development Plan Document;</p> <p>4 To consider and approve other informal policy guidance for adoption;</p> <p><u>5</u> To consider and approve the Council's Local Development Scheme and Annual Monitoring Report;</p> <p>6 To consider and approve (i) draft Conservation Area Appraisals and Management Plans for public consultation and (ii) the final version of Conservation Area Appraisals and Management Plans;</p> <p>To consider and approve matters related to the Community Infrastructure Levy (CIL) leading up to the examination in public and the adoption of the CIL charging schedule;</p> <p><u>8</u> To consider and comment upon other authorities' or stakeholders' planning policy documents;</p> <p><u>9</u> To respond to government consultations on draft planning legislation and proposed planning policies;</p> <p>10 Land use policy statements and briefs for specific areas</p> <p><u>11</u> To consider any other planning policy matters not included in any of the above as deemed necessary by the Head of Planning and Building Control</p> <p><u>12</u> <u>Hackney Carriage and Private Hires policies and procedures</u></p>	
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	<p><u>13</u> To consider and determine (or delegate to a Licensing <u>Sub-Committee</u>)</p> <ul style="list-style-type: none"> • opposed and/or contentious applications made under the Licensing Act 2003 and/or applications for review under the said Act; • Opposed and/or contentious applications made under the Gambling Act 2005 and/or applications for review under the said Act; • Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences; private hire and public hire licences; <p><u>14</u> To approve a licensing policy statement and gambling policy statement for recommendation to the Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively;</p> <p><u>15.</u> To <u>ensure members of the Committee sitting on the Licensing (Hearings) Sub Committee agree a pool of</u> members to receive the necessary training to constitute Licensing Hearings Panels to undertake the administration of applications made under the Licensing Act 2003, the Gambling Act 2005, the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Closures Act 1847.</p> <p><u>16.</u> (p) — To appoint four Members from those trained in licensing matters to undertake the role of Chairman of the Licensing Hearings Panels.</p> <p>(q) — Safeguarding the historic environment.</p>	
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	<p><u>17</u> <u>No decisions which result in amendments to the agreed budget or additional spend may be made by the Committee unless and until the it has been approved by Strategy & Resources Committee</u></p>	
Planning Committee	<p>1 <u>Deal with regulatory matters required by, and flowing from, Town and Country Planning legislation <u>including matters relating to high hedges</u>;</u></p> <p><u>2</u> <u>Develop and maintain communication and consultation with the public, local businesses and relevant organisations;</u></p> <p><u>3.</u> <u>Determine the level of delegation to officers</u></p>	<u>13</u>
Strategy & Resources Committee	<p><u>1</u> The Budget and Policy Framework, for submission to the Council</p> <p><u>2</u> Implementation and monitoring of treasury management policies</p> <p><u>3</u> <u>Constitution</u></p> <p><u>4</u> <u>Human Resource Management (HR policies and practices, salaries, conditions of service)</u></p> <p><u>5</u> <u>Asset management including the purchase, management and disposal of real property owned or held by the Council (note other committees may have management responsibilities restricted to service provision)</u></p>	<u>10</u>

	<p><u>6</u> <u>Exercise of the Council's powers as Trustee of any land or money held by the Council in trust</u></p> <p><u>7</u> <u>Electoral matters including polling stations, ward boundaries</u></p> <p><u>8</u> <u>Community right to Challenge and Community Right to bid for Assets of Community Value</u></p> <p><u>9</u> <u>To exercise the Council's powers and rights as a shareholder in respect of any company in which the Council has a shareholding</u></p> <p><u>10</u> <u>Investment strategy</u></p> <p><u>11</u> The Corporate Governance Framework (jointly with the Chairmen of Standards and Audit, Crime & Disorder and Scrutiny Committees)</p> <p><u>12</u> Data quality and corporate risk management</p> <p><u>13</u> The local economy <u>and regeneration</u></p> <p><u>14</u> Emergency planning and business continuity</p> <p>(h) The Council's Human resources, property assets and finances</p> <p><u>15</u> <u>Council tax &</u> Housing benefits administration</p> <p><u>16</u> Civic and ceremonial matters</p> <p><u>17</u> Dealing (at first instance) with any matters of general policy which do not fall within the terms of reference of any other committee and are not reserved to the Full Council.</p>	
Standards Committee	<p>1 To assist and advise the Council in meeting its duty to promote and maintain high standards of conduct by members.</p> <p>2 To monitor and review the effectiveness of the Code of Conduct for members.</p> <p>3 To monitor, review and propose amendments to the <u>Council's Rules of Procedure</u> Council's Standing Orders.</p>	<u>9</u>
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	<p>To establish as necessary Hearing Sub-committees to hear and decide what action should be taken in respect of allegations against members.⁴ To ensure that the general public are informed of the effectiveness of the Council's promotion of high standards of conduct by members and effectiveness of arrangements to deal with breaches of the Code of Conduct for members.</p> <p>4 To grant dispensations relieving a member from either or both of the restrictions in section 31(4) of the Localism Act 2011.</p>	
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SCHEDULE 2 Sub Committees

Note: The Licensing (Hearings) and Licensing (General) and Standards (Hearings) Sub Committees are not subject to the rules on political proportionality

<u>Sub Committee</u>	<u>Terms of Reference</u>	<u>Number of Councillors Membership</u>
The Licensing (Hearings) Sub Committee	<p><u>Will determine applications:-</u></p> <ul style="list-style-type: none"> (a) For a personal licence where an objection has been made; (b) For a personal licence with unspent convictions; (c) For premises licence where a representation has been made; (d) For a club premises certificate where a representation has been made; (e) For a provisional statement where a representation has been made; (f) To vary a premises licence/club premises certificate where a representation has been made; (g) To vary designated premises supervisor if there is a police objection; (h) For transfer of premises licence if there is a police objection; (i) For interim authorities if there is a police objection; (j) To review a premises licence/club premises certificate 	<p>3</p> <p>NOTE: this is the legal minimum and to be quorate all three councillors must attend</p>
The Licensing (General) Sub Committee	<p><u>Will determine applications:-</u></p> <ul style="list-style-type: none"> (a) Opposed and/or contentious applications for the granting, renewal, transfer or revocation of gaming permits; (b) Opposed and/or contentious applications for the granting, 	<p>3</p>

	<p>renewal, transfer or revocation of sex establishment licences;</p> <p>(c) Contentious applications for the grant or renewal of Private Hire and Hackney Carriage Driver, Vehicle and Operator Licences and the refusal, suspension or revocation of these licences where serious offences or breaches of licence conditions have been committed.</p>	
<u>Shareholder Sub Committee</u>	<p><u>Must meet once per annum</u></p> <p>a) <u>Power to remove and appoint company directors;</u></p> <p>b) <u>Approve the annual company business plan, ensuring that it aligns with the corporate objectives of the Council;</u></p> <p>(c) <u>Periodically evaluate financial performance of a company, and performance against the current business plan;</u></p> <p>d) <u>Consider any recommendations to cease trading by a company;</u></p> <p>e) <u>Monitor compliance with relevant legislation;</u></p> <p>f) <u>Approve any Shareholder Agreement with the company, or any variation to such agreement;</u></p> <p>(g) <u>Consider such other matters, as require prior consultation with shareholders or as are reserved to the Shareholders in general meeting, and make such decision on those matters as they think fit.</u></p>	<u>5</u>
<u>Standards Hearing Sub-committee</u>	<u>To hear and decide what action should be taken in respect of allegations against members.</u>	<u>3</u>

Schedule 3 – Advisory Panels

Note: Advisory Panels are subject to the rules on political proportionality

<u>Advisory Panel</u>		<u>Terms of Reference</u>	<u>Number of Councillors</u>
Financial Policy Panel	1	To advise the Strategy and Resources Committee on:- (a) all matters relating to the Budget and Policy Framework (including the setting of staff pay) (including the setting of staff pay); (b) new legislation or government policy relating to local government finance; (c) procurement strategy and those matters that have budget or procurement implications for more than one committee; (d) performance against key performance indicators.	8 <u>Membership to include:</u> <u>Chairmen of the Environment Safe Communities, Community & Wellbeing & Strategy & Resources Committees</u>
	2	To ensure effective scrutiny of the treasury management strategy and policies.	
	3	To respond on behalf of the Strategy and Resources Committee to urgent consultation requests from central or regional government.	
Health Liaison Panel	1	To consider, and where appropriate advise the <u>Community & Wellbeing Committee</u> Social Committee on:- (a) preparing, promoting and monitoring the Council's Health Strategy in association with National Health Service bodies, Social Services and the voluntary sector;	7

	<p>(b) providing leadership and liaising with NHS bodies, the County Council and other agencies to promote the effective use of all resources and the delivery of best value Health and Social Services to the community.</p> <p>2 Working in partnership with a Member from each of the following – Elmbridge District Council, Mole Valley District Council, Reigate & Banstead District Council and officers from these local authorities on:-</p> <ul style="list-style-type: none"> • Promoting the interests of the local residents in any decisions concerning health services • developing a shared vision for the nature, location and quality of local NHS services • facilitating partnership working and the sharing of information and to co-ordinate input into the NHS decision-making processes • providing a focus for the Councillor-lead meetings and interaction with local NHS representatives • Furthering the local democratic legitimacy of NHS bodies and their local public accountability. 	
Human Resources Panel	<p>1 To advise the Strategy and Resources Committee on:-</p> <p>(a) employment human resource policies and good practice (excluding the setting of staff pay)s;</p>	6

	<p>(b) staff wellbeing monitoring sickness absence, staff turnover, health and safety.</p>	
	<p>2 The Panel is able to invite the Staff Consultative Group to attend the Panel as and when required or to present such reports as it may require.</p>	
	<p>0.0 In addition, the Human Resources Panel, meeting with staff representatives on the Joint Staff Committee has the following functions:—</p> <p>(a) to provide formal consultation and discussions between the Council and its staff representatives on matters relating to pay, employee relations, terms and conditions of employment, and training and development;</p> <p>(b) to consider any relevant matters referred to it by Management or Staff representatives to seek to resolve differences of interpretation or misunderstanding.</p>	

Schedule 4 – Joint Arrangements

<u>Joint Committee</u>	<u>Terms of Reference</u>	<u>Membership</u>
Nonsuch Joint Management Committee	<p>Nonsuch Park is managed and maintained by a Joint Management Committee, comprising an equal number of councillors from Epsom and Ewell and Sutton Borough Councils. Chairmanship rotates between the two councils annually. The two councils fund, on an equal basis, the running of the Park, after taking income into account.</p> <p>The Committee is covered by the political balance arrangements</p>	3
Coast to Capital Joint Committee	<p>The purpose of the Joint Committee is to approve the Strategic Economic Plan and proposed Growth Deal for the Coast to Capital Local Enterprise Partnership (LEP) area.</p> <p>The Coast to Capital area encompasses all of the County of West Sussex, Brighton & Hove, Lewes, Croydon and the four eastern Surrey districts (being this Council, Mole Valley, Reigate and Banstead and Tandridge). There are two county councils, two unitary authorities, 12 district and borough councils and the South Downs National Park Authority within the area and partnership. It is one of the larger LEPs outside London, with just under 2 million residents and over 150,000 businesses and organisations.</p> <p>The Joint Committee includes representatives from all 16 authorities and the South Downs National Park Authority. The LEP and other business interests and organisations are not eligible to serve on this Joint Committee, which has been established under the Local Government Act 1972.</p>	<u>1</u>

<u>East Surrey Community Safety Partnership</u>	<ol style="list-style-type: none"> <u>1 To promote integration of community safety priorities into mainstream policies and services</u> <u>2 To ensure the strategic vision is translated into real change for East Surrey</u> <u>3 To reduce alcohol and drug related harm and reduce re-offending</u> <u>4 To encourage closer collaborative working on shared concerns</u> <u>5 To increase community reassurance through co-ordinated awareness- raising campaigns</u> <u>6 To provide a voice for East Surrey at the Surrey Community</u> <u>7 To identify funding opportunities and lead on relevant funding submissions</u> <u>48 To contribute to and support the delivery of relevant County wider strategies</u> 	<u>1</u>
Surrey Police & Crime Panel	A joint committee comprising the 12 local authorities in Surrey and two independent members to carry out the functions set out in the Police Reform and Social Responsibility Act 2011.	<u>1</u>

~~Axnnex~~Schedule 1 Schedule 5- Statutory Chief Officers – Areas of Responsibility

Post	Areas of Responsibility
Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) for all services.</p> <p>Responsible for Place Development, Venues & Facilities, Legal & Democratic Services, Human Resources & Organisational Development, Community & Wellbeing, in support of the Council's corporate goals, ensuring that the Council meets its statutory obligations.</p> <p>The Chief Executive (Head of Paid Service) is the Proper Officer for all statutory purposes unless otherwise determined by them.</p>
<u>Chief Finance Officer</u> Director of Finance and Resources	<p>Participate in the corporate management of the Council.</p> <p>Responsible for ICT, Customer Services & Business Support, Operational Services, Financial Services, Revenues & Benefits, and Housing & Environmental Services, in support of the Council's corporate goals, ensuring that the Council meets its statutory obligations in these areas.</p> <p>Responsible for the proper administration of the Council's financial affairs under section 151 Local Government Act 1972, Section 114 of the Local Government and Finance Act 1988 and Accounts and Audit Regulations and Guidance.</p>
<u>Chief Legal Officer</u> Head of Legal and Democratic Services	<p>To act as the Council's Monitoring Officer in accordance with S 5 of the Local Government and Housing Act 1989 as amended.</p>

Schedule 6-2 - Indemnity to Staff

- 1.1 The Borough Council will, subject to the exceptions set out below, indemnify its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its employees under any policy of insurance taken out by the Borough Council or any motor vehicle insurance policy taken out by the employee) occasioned by any neglect, act, error or omission committed by them in or about the pursuit of their duties as they may be from time to time in the course of their employment with the Borough Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent.

Exceptions

- 1.2 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-
- (a) Fraud, dishonesty or a criminal offence on the part of the employee;
 - (b) Any neglect, error or omission by the employee otherwise than in the course of his duties;
 - (c) Liability in respect of losses certified by the District Auditor as caused by wilful misconduct.
- 1.3 The indemnity will not apply if an employee, without the written authority of the Borough Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the employee had acted with reckless disregard for the consequences.
- 1.4 The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.