

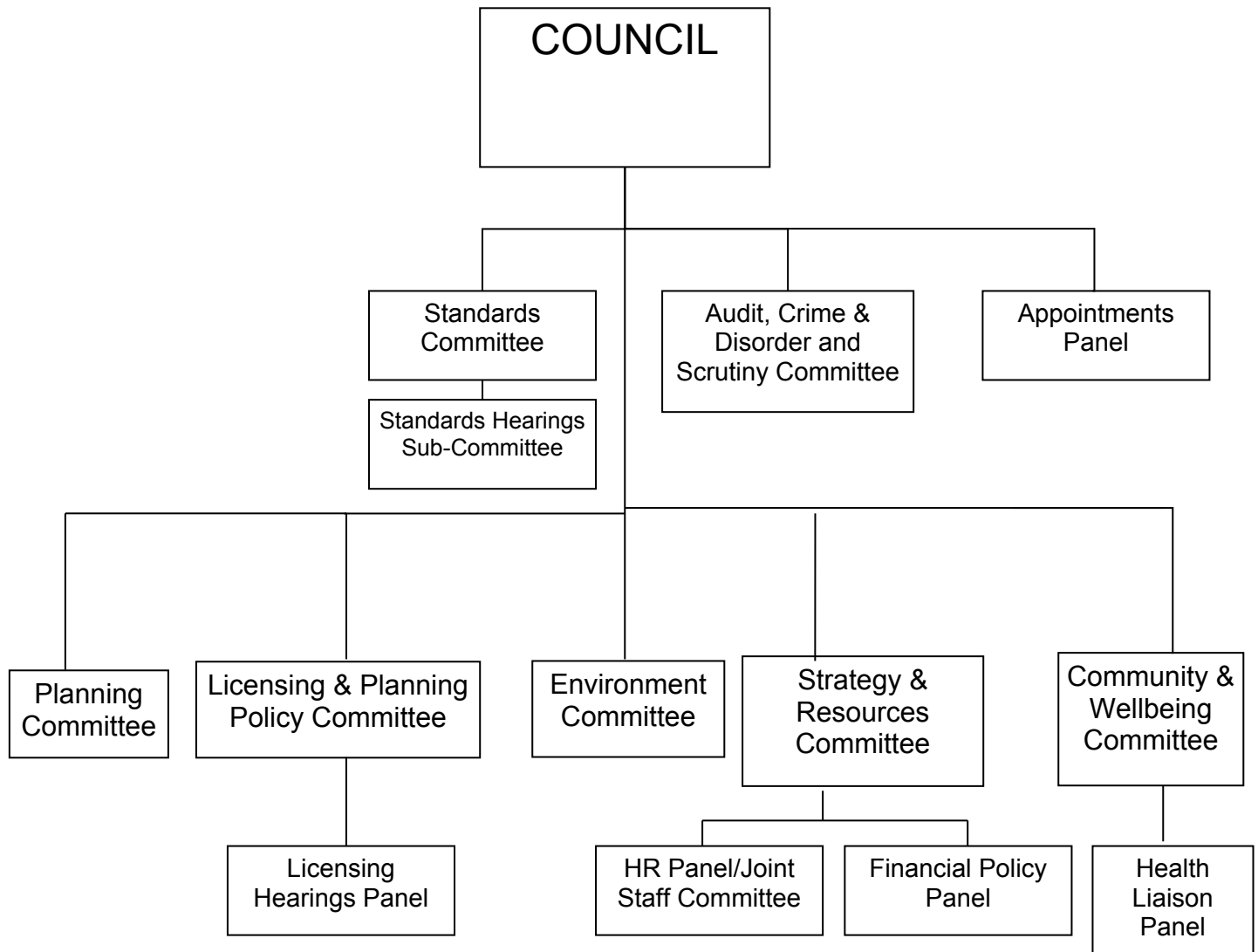
PART 3

Responsibility for Functions

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1 Diagram of Committee Structure



2. Membership and Meetings of Committees

Ordinary Committees

- 1.1 Because 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 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.
- 1.2 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

- 1.3 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.
- 1.4 In addition to the main committees, the Council may set up time-limited sub-committees for specific purposes.

Advisory Bodies and Joint Arrangements

- 1.5 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:

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

- 1.6 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

- 1.7 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 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 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 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.

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

Community and Wellbeing

- (a) The promotion of sport, leisure, cultural and recreational activities
- (b) Parks, open spaces and countryside (including Nonsuch Park JMC and Epsom and Walton Downs)
- (c) Allotments
- (d) The Playhouse, Bourne Hall, Ewell Court House and the Ebbisham Centre
- (e) The Rainbow Centre
- (f) Bourne Hall Museum
- (g) Services for young people.
- (h) Affordable housing
- (i) Housing strategy and investment programme
- (j) Housing standards, homelessness, homelessness prevention and advice, housing needs assessment

- (k) Housing benefit - welfare aspects
- (l) Private sector housing and administration of housing grants
- (m) Personal social services for the elderly and disabled
- (n) Local NHS Services
- (o) Work within the Voluntary Sector
- (p) Gypsy site management

Licensing and Planning Policy Committee

- (a) Matters relating to the local economy
- (b) 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);
- (c) To consider and recommend for approval to Council, submission versions of Development Plan Documents;
- (d) 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;
- (e) To consider and approve other informal policy guidance for adoption;
- (f) To consider and approve the Council's Local Development Scheme and Annual Monitoring Report;
- (g) 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;
- (h) 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;
- (i) To consider and comment upon other authorities' or stakeholders' planning policy documents;
- (j) To respond to government consultations on draft planning legislation and proposed planning policies;
- (k) Land use policy statements and briefs for specific areas
- (l) 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.

- (m) To consider and determine (or delegate to a Licensing Hearings Panel)
 - 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;
- (n) 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;
- (o) To agree a pool of 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) To appoint four Members from those trained in licensing matters to undertake the role of Chairman of the Licensing Hearings Panels.
- (q) Safeguarding the historic environment.

Strategy and Resources

- (a) The Budget and Policy Framework, for submission to the Council
- (b) Implementation and monitoring of treasury management policies
- (c) The Corporate Governance Framework (jointly with the Chairmen of Standards and Audit, Crime & Disorder and Scrutiny Committees)
- (e) Data quality and corporate risk management
- (f) The local economy
- (g) Emergency planning and business continuity
- (h) The Council's human resources, property assets and finances
- (i) Housing benefits administration
- (j) Civic and ceremonial matters
- (k) 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.

3 Terms of Reference of the Licensing Hearings Panel

3.1 The Council is responsible for issuing premises and personal licences.

Licensing Hearings Sub-Committee

(Note: Political balance requirements do not apply)

- 3.2 Licensing Hearings Panels will be formed of any three members of a pool of members appointed by the Licensing and Planning Policy Committee, one of whom shall be the Chairman. The three members appointed for any hearing shall be selected by the officers in consultation with the Chairman of the Licensing and Planning Policy Committee. 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.

4 Terms of Reference of the Planning Committee

- 4.1 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.

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

Audit, Crime & Disorder and Scrutiny Committee

- (a) 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);
- (b) Oversee compliance with the Council's duties concerning Best Value;
- (c) Monitor implementation of recommendations from the external and internal auditors;
- (d) Monitor progress on the Council's Corporate Plan;
- (e) Review and approve the Annual Governance Statement.
- (f) 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

6 Terms of Reference of the Standards Committee

1. To assist and advise the Council in meeting its duty to promote and maintain high standards of conduct by members.
2. To monitor and review the effectiveness of the Code of Conduct for members.
3. To monitor, review and propose amendments to the Council's Standing Orders.

4. To establish as necessary Hearing Sub-committees to hear and decide what action should be taken in respect of allegations against members.
5. 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.
6. To grant dispensations relieving a member from either or both of the restrictions in section 31(4) of the Localism Act 2011.

7 Terms of Reference of Advisory Panels

- 7.1 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, to advise the Council or its Committees or Sub-Committees on any matter relating to the following subject area: -

Appointments Panel

- (a) to make appointments and nominations sought by the Surrey Leaders' Group, Outside Bodies and Charities to be forwarded to the Annual Council meeting for determination
- (b) In the case where appointments and nominations are sought during the Municipal Year, to make such appointments and nominations to be forwarded on to the next appropriate Ordinary Meeting of the Council.

Human Resources

- 7.2 To consider, and where appropriate advise the Strategy and Resources Committee on:-
- (a) human resource policies and practices;
 - (b) monitoring sickness absence, staff turnover, health and safety.
- 7.3 In addition, the Human Resources Panel, meeting with staff representatives on the **Joint Staff Committee** has the following functions: -
- (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;
 - (b) to consider any relevant matters referred to it by Management or Staff representatives to seek to resolve differences of interpretation or misunderstanding.

Financial Policy

7.4 To advise the Strategy and Resources Committee on:-

- (a) all matters relating to the Budget and Policy Framework;
- (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.

7.5 To ensure effective scrutiny of the treasury management strategy and policies.

7.6 To respond on behalf of the Strategy and Resources Committee to urgent consultation requests from central or regional government.

Health Liaison

7.7 To consider, and where appropriate advise the 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;
- (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.

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:-

- 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.

8 Joint Arrangements

Nonsuch Park Joint Management Committee

- 8.1 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

- 8.2 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.
- 8.3 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.
- 8.4 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.

Surrey First

- 8.5 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

- 8.6 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.

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

- 9.1 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.
- 9.2 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.

10 Scheme of Delegation to Officers

Introduction

- 10.1 This scheme of delegation authorises the Chief Executive and the 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.
- 10.2 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.
- 10.3 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 1 below and "Head of Service" means the Heads of Service reporting either to the Chief Executive or Director of Finance and Resources.

General Delegation to Officers

- 10.4 The Chief Executive and the 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, the Chief Executive or 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 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 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 Director are empowered to take all necessary decisions in cases of emergency;
 - (e) in relation to all delegated authority conferred on the Chief Executive and 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 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.
- 10.5 For the purposes of this scheme, emergency 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.
- 10.6 In deciding whether or not to exercise such delegated powers, the Chief Executive and the 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.
- 10.7 The Chief Executive and the 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.
- 10.8 All delegations conferred under this scheme must be formally recorded in writing by the Chief Executive, and the 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.
- 10.9 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.
- 10.10 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.
- 10.11 Officers shall act so as to achieve for their service the policies and objectives of their service area always having regard to the overall corporate interests of the Council.

- 10.12 Where an officer referred to in paragraph 10.7 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.
- 10.13 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.
- 10.14 Without prejudice to the generality of the foregoing the Chief Executive and the 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 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 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 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

10.15 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.

10.16 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

10.17 The 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 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.

10.18 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

10.19 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 2.

Schedule 1 - 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>
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>
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 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.