

DIRECTLY ELECTED MAYOR – PROPOSED ALTERNATIVE EXECUTIVE GOVERNANCE ARRANGEMENTS

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Why has this report come to the Council?

To obtain approval from Council for proposals for the operation of a Directly Elected Mayor form of executive governance following receipt of a valid petition, as required by Regulations 17 (1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 and Regulation 4(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012.

Recommendation: that Council:

- (a) Notes the position concerning the receipt of a valid petition, and the consequential process prescribed by legislation for a referendum to be held on 22 May 2014 and, in the event of an affirmative outcome in the referendum, an election on 16 October 2014;
- (b) approves the proposals set out in this report on the operation of Executive arrangements under a Directly Elected Mayor model for the purposes of the publication of a notice required by Regulations 17 (1) and (2) of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 and Regulation 4(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2012;
- (c) approves the proposals in para 3 for seeking recommendations of the Independent Remuneration Panel in the event of an affirmative outcome in the referendum.

1 Introduction

1.1 Under Regulations made under Sections 9MC and 9MG and 105 of the Local Government Act 2000, a local authority in receipt of a valid petition requisitioning a referendum on a change in its form of executive governance arrangements is required to take certain steps a prescribed period before the holding of the referendum. These steps include the publication of a statement of how the local authority proposes to operate the alternative form of executive arrangements in the event of an affirmative vote in the referendum.

1.2 As the Council received a valid petition under Regulation 9 of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 on 21 January 2011, requisitioning a referendum on a change to a Directly Elected Mayor form of executive, a referendum will be held on 22 May 2014. In the event of an affirmative vote in the referendum, legislation requires that the first election for a Directly Elected Mayor will be held on 16 October 2014. The first elected Mayor would hold office until May 2019, and terms of office thereafter would be 4 years.

1.3 At least 56 working days before the referendum, i.e. by 28 February, the Council is required to publish a statement on, among other matters, how the Council proposes that the revised form of executive governance will operate in the event of an affirmative outcome in the referendum. This report sets out the matters which the Council needs to determine formally to enable proposals to be published on 28 February as required by the legislation.

2 Executive Governance Arrangements under Directly Elected Mayor Model

2.1 It should be noted that a change to a Directly Elected Mayor model of executive governance would replace the Council's existing model (Leader and Cabinet). The Directly Elected Mayor would be required to appoint an Executive at least two and not more than eight Councillors, one of whom must be designated the Deputy Mayor. The Mayor would have authority to delegate Executive functions to Executive members as he/she saw fit. The position of the 51 Councillors would remain unchanged, as would the remaining features of the Council's democratic structure, including meetings of full Council, overview and scrutiny committees and regulatory committees (planning, licensing etc.). It should be noted that the number of Councillors on a local authority can only be changed following a review by the Local Government Boundary Commission.

2.2 Section 9MF of the Local Government Act 2000, as amended, provides that, except in certain exceptional circumstances, if a local authority holds, or is required to hold, a referendum for a change in governance arrangements to a directly elected mayor model, the local authority cannot hold or be required to hold a second such referendum for 10 years from the date of the first referendum.

2.3 The elected Mayor takes office on the fourth day following the election, and would hold office until his/her successor comes into office unless he/she resigns or dies, or becomes disqualified to hold office under the legislation governing the qualification and disqualification for office of councillors, which also applies to elected Mayors. An elected Mayor cannot be removed from office or required to resign as a result of any vote or resolution of the Council.

2.4 Any person can stand for election as elected Mayor, provided he/she satisfies the eligibility and qualification requirements for standing as a councillor, which also apply to an elected Mayor. The eligibility requirements are:

- Nationality – a person must be a British subject, or qualifying Commonwealth citizen, or a citizen of the Republic of Ireland, or a citizen of a member state of the European Union
- Age – a person must have attained the age of 18 on the date of nomination of candidates
- Connection with Locality – the person must on the day of nomination of candidates:
 - Be, and thereafter continue to be a local government elector for the area of the local authority; or
 - During the whole of the previous 12 months, occupied as owner or tenant any land or other premises in the area of the authority; or
 - During the whole of the previous 12 months, have had his/her principal or only place of work in the area of the authority; or
 - During the whole of the previous 12 months, have resided in the area of the local authority

2.5 It would be possible for an existing Councillor to stand for election as elected Mayor; but if elected, upon that person taking office as elected Mayor, an immediate casual vacancy would arise in that Councillor's seat on the Council.

2.6 A change to a new model of executive governance would also not have any immediate impact on Council staffing arrangements, and the requirement to have certain statutory officers in place (Head of Paid Service; Monitoring Officer; S151 Officer) would remain unchanged.

2.7 The Council's existing arrangements for Executive governance are contained in Chapter 7 of the Council's Constitution (The Executive) and for ease of reference are reproduced at Appendix "A".

2.8 A revised Chapter 7 showing proposals for executive governance under a Directly Elected Mayor model are shown at Appendix "B". The proposals for Executive governance shown in the revised Chapter 7, if the Council is minded to approve them, will form the basis of the statement of proposals to be published on 28 February.

2.9 Revised executive arrangements under a Directly Elected Mayor model will also require consequential amendments to other parts of the Constitution, which will require consideration and agreement by Council later in 2014 in the event of an affirmative vote in the referendum.

3 Referendum and Election Costs

3.1 As the referendum will be held as a combined poll with the European Parliamentary Elections on 22 May 2014, the costs will be shared on a 50:50 basis with the European Commission. The total costs are estimated to be in the region of £120,000 (the total cost of the Police and Crime Commissioner election in Copeland in November 2012 was £121,746.64). The 50% of costs attributable to the referendum (approximately £60,000) would have to be borne by the Council, and there is no scope for re-claiming any of these costs from any other source.

3.2 As noted above, legislation requires that in the event of an affirmative outcome in the referendum, the first Mayoral election would be held on 16 October 2014. Other than through changes in legislation by Parliament, there is no scope for this process and timescale to be varied by the Council or by any other authority, including central government. That being the case, it is certain that a Mayoral election held on 16 October would be a stand-alone election, and the full costs of up to £120,000 would fall onto the Council.

4 Remuneration

4.1 Regulation 2(b) of the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 provides that an elected mayor of a local authority is to be treated as a councillor of the local authority for the purposes of Section 18 (1), (3), (4) and (5) of the Local Government and Housing Act 1989, which provides for schemes of Basic and Special Responsibility Allowances for local authority members.

4.2 As a scheme of member allowances can only be agreed or amended by the Council itself, after taking into account the recommendations of the Independent Remuneration Panel, it is proposed that, in the event of an affirmative outcome in the referendum, the Independent Remuneration Panel should be asked to make initial recommendations on what remuneration arrangements should apply in a Directly Elected Mayor model, including remuneration of the Mayor, after the referendum but before the Mayoral election. Such recommendations would be provisional only, however, because as noted above, it will be for the Elected Mayor himself or herself to decide how many Executive members to appoint, and the extent of the Executive responsibilities (if any) to delegate to each of them, and it is likely that the final remuneration package will depend at least partly on such factors. It is suggested that in fairness to those who choose to stand in any Mayoral election, some indication of likely levels of remuneration to the successful candidate should be given in advance of such an election.

5 Chairman of the Council

5.1 Section 245(4A) of the Local Government Act 1972 provides that in a district council operating a Directly Elected Mayor model of Executive, whose Chairman and Vice Chairman have previously used the style "Mayor" and "Deputy Mayor", that style can no longer be used upon the Directly Elected Mayor taking office. The current Mayor and Deputy Mayor would therefore become the Chair and Deputy Chair of the Council.

5.2 Whilst the revised Executive arrangements referred to in para 2 above provide for the Mayor to be first citizen of the Borough and to have first refusal of attending a civic engagement, arrangements applying in other districts using the Directly Elected Mayor model suggest that in practice civic duties are shared between the Mayor and the Chairman, and it is anticipated that this practice would be followed in Copeland also.

6 Pre Election Publicity - Purdah

6.1 The Code of Recommended Practice on Local Authority Publicity 1086 (re-issued by the Coalition administration in 2011) places restrictions on use of local authority publicity in periods immediately before elections or referendums.

6.2 From publication of Notice of Referendum on 14 April to the close of polling on 22 May, the Council will be prohibited by the Publicity Code from producing any materials or publications which:

- Attracts publicity on controversial issues or reports views or proposals in such a way that aligns the Council with one side or other in the referendum debate; or
- Relates directly to an individual involved in the referendum.

6.3 Members of the Council will be advised that they should not make any statements or comments in a public arena which might be interpreted as an expression of support for one side or the other in the referendum debate, when they are speaking in an official Council capacity or using Council channels of communication.

6.4 Similar restrictions will of course exist for the lead-in period to the European Parliamentary elections, which will be concurrent with that of the referendum. A full guidance document will be issued to all Members nearer the time.

Consultees: Chief Executive; Section 151 Officer;

Monitoring Officer comments: Included in report

S151 Officer comments: The costs of the referendum have been estimated at £60K and have been included in the budget proposals elsewhere on this council agenda. If the referendum approves a change in governance model and an election is necessary the estimated additional costs of an election circa £120k have not been accounted for and would need to be funded from Council's general reserves.

EIA comments: No groups are advantageously or disadvantageously affected by the proposals in the report.

Appendices – Appendix A – Existing Chapter 7
Appendix B – Revised Chapter 7

CHAPTER 7

THE EXECUTIVE

App A

The Council will appoint an Executive consisting of the Leader together with up to 5 other Councillors.

1. Role

The Executive will carry out all of the Local Authority's functions which are not matters reserved to Full Council or the responsibility of any other Committee of the Local Authority. The Executive can make recommendations to Full Council and other Committees in respect of matters that are referred to Full Council for decision.

2. Form and Composition of the Executive

Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office for 4 years or until:

- a) He or she resigns from the office;
- b) He or she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension);
- c) He or she is no longer a Councillor;
- e) He or she is removed from office by resolution of the Council

Executive Members

Other Executive Members shall hold office until:

- a) They resign from office;
- b) They are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension);
- c) They are removed from office either individually or collectively by resolution of the Council or by the Leader
- d) They are no longer Councillors;
- e) The date of the next Annual Council Meeting at the end of the Municipal Year

Executive Members should not be the Mayor, Deputy Mayor or a Member of a Overview and Scrutiny committee.

3. Exercise of Functions

Members of the Executive have wide ranging leadership roles collectively and will need to:

Portfolio leadership

Engender strong working partnerships with relevant senior officers within portfolio
Giving political direction to officers working within the portfolio
Gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes
Provide leadership in the portfolio
Liaise with the appropriate scrutiny chair and receive scrutiny reports and attend Scrutiny meetings as required
Be accountable for choices and performance in the portfolio
Have an overview of the performance management, efficiency and effectiveness of the portfolio
Making executive decisions within the Portfolio in accordance with delegated authority and the political context

Contribute to the setting of strategic agenda and work programme for the portfolio

Work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Executive.
Provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with key partners as required. Make sure that the portfolio's forward work programme is kept up to date and accurate.

Provide representation for the portfolio

Provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with key partners.

Reporting and accounting

Report as appropriate to the Leader, Full Council, Executive, appropriate chair of scrutiny, regulatory bodies and the media in consultation or as directed by the leader.
Be the principal political spokesperson for the portfolio along with the leader and other executive colleagues.
Appear before scrutiny committees in respect of matters within the portfolio.
Take an active part in Executive meetings and decision making
To show an interest in and support for the portfolios of others
To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility

Leading partnerships and community leadership

To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities

To negotiate and broker in cases of differing priorities and disagreement

To act as a leader of the local community by showing vision and foresight

Internal governance, ethical standards and relationships

To promote and support good governance of Copeland Borough Council and its affairs

To provide community leadership and promote active participation by Copeland citizens

To promote and support open and transparent government

To support, and adhere to respectful, appropriate and effective relationships with employees of Copeland Borough Council

To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

Leader

Leadership Responsibilities

In addition to the collective roles and responsibilities as a Member of the Executive the main areas of responsibility for the Leader are:

- Providing political leadership in relation to the Council's reaction to legislation affecting the operation of Local Government as a whole, rather than specific services.
- Providing political leadership in relation to proposals for enhancing the system of two tier local government as they affect the Borough.
- Constitutional matters and the ongoing development of the Council's Constitution
- Providing leadership on the Council's emergency planning arrangements
- Coordinating the activities of the various portfolio holders.
- Chairing the Executive
- Managing relationships between the Council's various political groups and ensuring that the Executive is properly accountable to the wider Council.
- To agree urgent consultation responses to documents circulated by other organisations

Specific Portfolio Responsibilities

Portfolio Holder	Portfolio Functions	Internal Committees	External Committees
<p><u>Strategic and Nuclear Policy</u></p> <p><u>Leader Council or Elaine Woodburn</u></p> <p><u>Lead Officers</u></p> <p><u>Paul Walker; Pat Graham</u></p>	<ul style="list-style-type: none"> • Strategic Leadership • Nuclear • Strategic Partnerships (LEP & BEC) • Corporate Reputation • Communications • Promoting the Council's Reputation • Policy Development 	<ul style="list-style-type: none"> • Executive • Full Council • Strategic Nuclear Board • Change Board • Beacon Partnership 	<ul style="list-style-type: none"> • BEC • Cumbria Leaders Board • Joint Districts • West Cumbria Strategic Forum • Cumbria Health and Well Being Board • West Cumbria Site Stakeholder Group • Copeland Community Fund
<p><u>Finance and HR</u></p> <p><u>Councillor Gillian Troughton</u></p> <p><u>Lead Officer</u></p> <p><u>Darienne Law</u></p>	<ul style="list-style-type: none"> • Finance • Revenue and Benefits • Procurement • Welfare Reform • Human Resources • Audit • Legal • Elections • PFI • Democratic Services • Promoting the Council's Reputation • Policy Development 	<ul style="list-style-type: none"> • Executive • Full Council • Audit (Observer) • Personnel (Observer) 	<ul style="list-style-type: none"> • Pensions Committee • Revs and Bens Board • Audit Board (Shared Services) • Health/Hospital Development

<p><u>Community Regeneration</u></p> <p><u>Councillor Hugh Branney</u></p> <p><u>Lead Officer Julie Betteridge</u></p>	<ul style="list-style-type: none"> • Localities • Town Centres • Children & Young People • Leisure (NCL) • Community Safety • Promoting the Council's Reputation • Policy Development 	<ul style="list-style-type: none"> • Executive • Full Council 	<ul style="list-style-type: none"> • North Country Leisure Board • Youth Forums • Safer Cumbria Direction Group • West Cumbria Community Safety Partnership • LDNP
<p><u>Transition and Performance</u></p> <p><u>Councillor Allan Holliday</u></p> <p><u>Lead Officer Penny Mell</u></p>	<ul style="list-style-type: none"> • Implementation of Savings • Performance • Shared Services • Change Board • New ways of working • Customer Services • IT • Promoting the Council's Reputation • Policy Development 	<ul style="list-style-type: none"> • Executive • Full Council • Change Board 	

<p><u>Environment</u></p> <p><u>Councillor Peter Kane</u></p> <p><u>Lead Officer Keith Parker</u></p>	<ul style="list-style-type: none"> • Waste • Recycling • Environmental Health • Enforcement • Open Spaces • Emergency Planning • Promoting the Council's Reputation • Policy Development 	<ul style="list-style-type: none"> • Executive • Full Council 	<ul style="list-style-type: none"> • Cumbria Waste Partnership
<p><u>Community Planning</u></p> <p><u>Councillor George Clements</u></p> <p><u>Lead Officer John Groves</u></p>	<ul style="list-style-type: none"> • Local Development Framework • Strategic Planning • Regeneration • Housing • Development Management • Building Control • Land and Property • Promoting the Council's Reputation • Policy Development 	<ul style="list-style-type: none"> • Executive • Full Council • Strategic Housing Panel • Local Development Framework Working Group 	<ul style="list-style-type: none"> • Cumbria Housing Group

4. **Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in this Chapter.

5.. **Functions delegated to the Executive by Council**

The Executive shall exercise the following functions of the Council: -
Policy

- 1 To approve annual business plans and monitor implementation.
- 2 To make recommendations to Council for the establishment of policies which shall include the Council's Corporate Improvement Plan.
- 3 To request the appropriate Overview and Scrutiny Committee to consider and develop policy responses on specific issues and undertake review initiatives relating to policy quality and performance.
- 4 To consider and make recommendations to Council on the formation, remit, development and implementation of joint Committees with the County and other District Councils.
- 5 Recommending the organisation and management policies of the Council to ensure that such policies are designed to make the most effective contribution to the achievement of the Council's objectives and the review of such policies in the light of changing circumstances.
6. Recommendation of policy direction of the Council and in particular the policy direction of the Chief Executive, Directors and Service Heads.

Financial

7. Consideration and determination of the Council's budgetary process including the identification of priorities or provision of services and the monitoring of the Council's budgets.
8. Recommendation of draft budget proposals to Full Council.
9. Consideration and determination of issues of significant underspending and overspending in current budgets as revealed by monitoring systems.
10. Virement of expenditure and the approval of supplementary estimates which can be met within the contingency provision in the revenue estimates in accordance with limits set out in Financial Regulations.
11. Virements within the current approved capital programme over £25,000 in accordance with Financial and Contract Procedure Rules as set out in Chapters 14 and 17 of this Constitution.
12. Additions or deletions to/from the current capital programme, or changes to the financing in any one year of the programme, in accordance with Financial Regulations and Contract Standing Orders,
13. Setting guidelines for service development plans, budgets and the capital

programme.

14. Consideration and determination of breaches of the Council's Rules including Finance and Contract Procedure Rules.
15. Establishment of procedures relating to financial administration, banking, loans and investments, wages, salaries, superannuation, insurance, creditors and debtors.
16. Noting of irrecoverable debts as agreed by Corporate Team in accordance with limits set out in Financial Regulations.
17. Determining policies for the making of grants, loans or other financial assistance and establishing schemes of assistance.

Legal

18. Parliamentary and electoral matters and any matters involving High Court and other litigation by or against the Council.
19. Determination of matters relating to complaints to and reports from the Local Government Ombudsman.- is this not Audit or an OSC

Personnel

20. Consideration and recommendation of strategic policies in relation to employment matters, personnel recruitment and training, industrial relations and human resource planning.
21. Consideration and recommendation of strategic policies relating to disciplinary action and grievances and the consideration of appeals in accordance with such policies.

Planning and Development

22. Implementation of policies for grant aid for the economic development of the Borough from all sources, Local, National and European.

Land and Property

23. Being responsible for acquisitions disposals or exchanges, grants, taking and surrender of leases, wayleaves, licences, boundary adjustments, waiver of restrictive covenants and similar agreements undertaken by the Council and action in relation to incursions onto such land and property, in categories of value as set out in Contract Standing Orders.
24. Arranging for the provision and management of such office accommodation

as is required to meet the needs of the Council.

25. Setting and monitoring energy management policy and practice.

Housing

26. To determine procedures for dealing with cases of homelessness.

27. To be responsible for grants of waivers of restrictive covenants imposed upon properties sold under the Right To Buy provisions of the Housing Act 1985, in accordance with Council policy, and action in relation to incursions onto Housing Revenue Account land and property.

Emergency Planning

28. To monitor and review the arrangements for dealing with emergencies in and affecting the Borough.

29. To lobby central government for such resources as are deemed necessary for maintaining effective plans for emergencies.

30. To monitor and review joint working arrangements with other authorities responsible for planning and dealing with emergencies.

Other Functions

31. Other functions not specified in Regulation 1 and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.

EXECUTIVE PROCEDURE RULES

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

The discharge of executive functions will be in accordance with the Scheme of Delegations to the Executive in Part 3 of the Constitution.

1.2 Sub-delegation of executive functions

- (a) where the executive or a committee of the executive is responsible for an executive function, they may delegate further to an area committee;
- (b) Unless the Council directs otherwise, the executive may delegate further to a committee of the executive or to an officer.
- (c) Even where the executive functions have been delegated, the fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and executive functions

- (a) The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4 Conflicts of Interest

- (a) Where the leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter 2 this Constitution.
- (b) If a member of the Executive has a conflict of interest this should be dealt with as set in the Council's Code of Conduct for Members in Chapter 2 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the executive, or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom

the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Chapter 2 of the Constitution.

1.5 Executive meetings - when and where?

The executive will meet in accordance with a timetable of meetings to be agreed by the Council. The executive shall meet at the Council's main offices or another location to be agreed by the executive.

1.6 Public or private meeting of the executive?

Meetings of the executive will be held in accordance with the Access to Information Procedure Rules set out in Chapter 4 of this Constitution.

1.7 Quorum

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive (including the leader) or three including the leader, whichever is the larger

1.8 How are decisions to be taken by the executive?

- (a) Executive decisions which had been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2.0 HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who Presides?

If the Leader is present he/she will preside and in his/her absence the Deputy Leader or both Leader and Deputy Leader, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Chapter 4 of this Constitution.

2.3 What business?

At each meeting of the executive the following business will be conducted.

(i) consideration of the accuracy of the statements of decisions made at the last meeting;

(ii) declarations of interest, if any

(iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules (Chapter 8 of this Constitution) or the Budget and Policy Framework Procedure Rules set out in this Chapter.

(iv) consideration of reports from overview and scrutiny committees; and

(v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Chapter 4 of this Constitution.

2.4 Consultation

All reports to the executive from any member of the executive or an officer on variations to the approved Policy and the corporate plan must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put an item on the executive agenda?

The Council will decide upon the schedule for the meetings of the executive. The Leader may put on the agenda of an executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive,

CopelandConstitutionChapter7 Page 13 of 18

a committee of it or any member or officer in respect of that matter. The proper officer will comply with the leader's requests in this respect.

Any member of the executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the proper officer will comply.

2.6 What if an item is so urgent that calling a meeting is impractical?

Exceptionally urgent business is delegated to the Chief Executive under Chapter 20 of this Constitution.

Budget and Policy Framework Rules

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its Policy Framework and Budget as set out in Chapter 5 The Full Council. Once a Policy Framework or a Budget is in place, it will be the responsibility of the Executive to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK AND MAKING DECISIONS

The process by which the budget and policy framework shall be developed is:

- a) The Executive will publicise by including in the Forward Plan and publicise by such other methods as it considers appropriate a timetable for making proposals to the Councils for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Overview and Scrutiny Committees will also be notified. The consultation period shall in each instance be not less than six weeks.
- b) At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation.

If a relevant Overview and Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programmes, it is open to the Overview and Scrutiny Committees to investigate, research or report in detail with policy recommendations before the end of the consultation period.

The Executive will take any response from an Overview and Scrutiny Committees into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.

- c) Once the Executive has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. Before reaching a decision having significant financial implications the Council shall consider a report from the Head of Financial Services.
- e) If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may

- only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- f) The decision will be publicised in such manner as the Council determines and a copy shall be given to the Leader.
 - g) An in-principle decision will automatically become effective ten working days from the date of the Council's decision, unless the Leader informs the Chief Executive in writing within five working days that he or she objects to the decision becoming effective and provides reasons why.
 - h) In that case, the Chief Executive will call a Council meeting within a further ten working days. The Council will be required to re-consider its decision. The Council may:
 - i) approve the Executive's recommendation by a simple majority of votes cast at the meeting; or
 - ii) approve a different decision which does not accord with the recommendation of the Executive by a simple majority.
 - i) The decision shall then be made public and shall be implemented immediately;
 - j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- a) Subject to the provisions of paragraph 5 (virement) the Executive, and any Officers discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- b) If the Executive and any Officers discharging Executive functions want to make such a decision, they shall take advice from the Chief Executive after having consulted the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not in accordance with the budget. If the advice

of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- a) The Executive or Chief Executive may take a decision which is contrary to the Council's policy framework or contrary to or not in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the Full Council; and
 - ii) if the Chair of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the chair of the relevant Overview and Scrutiny Committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Overview and Scrutiny Committees the consent of the Chair of the Council and in the absence of both the Vice-Chair of the Council will be sufficient.

- b) Following the decision, the decision-maker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. (see 'The Access to Information Procedure Rules').

5. VIREMENT

Steps taken by the Executive or Officers discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads where each individual virement does not exceed that specified in the Council's Financial Regulations set out in the Financial Procedure Rules. Beyond that limit, approval to any virement across budget heads shall require the approval of the Full Council.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decision by the Executive, or Officers, statutory area committees or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- b) necessary to ensure compliance with the law, ministerial direction or government guidance's.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- a) Where an Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer and shall follow the procedure set out in the Overview and Scrutiny Procedure Rules.
- b) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council will meet within twenty-one days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Head of Financial Services. The Council may
 - i) endorse a decision or proposal of the Executive as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Head of Financial Services

*** Please note Overview and Scrutiny Procedure Rules, Rule 9 & 10 in**

Chapter 8.

THE EXECUTIVE

1. EXECUTIVE ARRANGEMENTS

The Council will operate the Directly Elected Mayor form of Executive arrangements

1. Role

The Executive will carry out all of the Local Authority’s functions which are not designated as non Executive functions in law or by this Constitution (see below –3. Exercise of Functions).

2. Form and Composition of the Executive

The Executive will consist of:

- A Directly Elected Mayor (the Mayor)
- At least two but not more than nine Councillors appointed to the Executive by the Mayor.

3. The Mayor

(a) Roles and Functions

The Mayor will carry out the following principal roles:

- (i) To be the Council’s principal spokesperson
- (ii) To give overall political direction to the Council
- (iii) To appoint the Executive and Deputy Mayor
- (iv) To decide on the scheme of delegation of Executive functions to Executive Members and officers, as the case may be
- (v) To chair meetings of the Executive
- (vi) To have first refusal of attending a civic event

(b) Mayor as a Member of the Council

The Mayor will be treated as a Councillor unless the law provides otherwise. In particular the Mayor will:

- (i) be subject to the same rules about qualification and disqualification for office as Councillors
- (ii) be subject to the Code of Conduct for Members as set out in this Constitution and required to register and disclose relevant disclosable and non-disclosable interests as required by that Code
- (iii) be able to speak at any meeting of the Council, its Committees and Sub Committees and Panels, except the Overview and Scrutiny Committee. The Mayor may only speak at the Overview and Scrutiny Committee when invited to do so and may not vote.
- (iv) if a member of a political group, be taken into account when calculating seat allocations on committees and panels of which he/she is a member when requirements of the political balance provisions of the Local Government and Housing Act 1989 apply
- (v) be subject to the Members' Allowances Scheme
- (vi) be subject to the requirements as to casual vacancies as they apply to Councillors

4. Deputy Mayor

(a) Appointment

At the first meeting of the Council after his/her election, the Mayor will appoint one of the Members of the Executive to act as Deputy Mayor.

(b) Term of Office

The Deputy Mayor will hold office until the end of the Mayor's term of office unless he/she is no longer a Member of the Council or the Executive, resigns as Deputy Mayor or is removed by the Mayor from the office of Deputy Mayor.

(c) Duties of Deputy Mayor

If, for any reason, the Mayor is unable to act, or the office of Mayor is vacant, the Deputy Mayor will act in his/her place until a new Mayor is elected or able to act again. If the Mayor is unable to act or the office is vacant at the same time as the Deputy Mayor is unable to act, or the office of Deputy Mayor is vacant, then the Executive must act in the Mayor's place, or arrange for a member of the Executive to do so.

(d) Removal from Office

The Mayor has the freedom to select or deselect the Deputy Mayor and his/her Executive. However any changes to the composition of the Executive, including the position of Deputy Mayor, must be reported to the Council Monitoring Officer as soon as the change takes effect, who is required to report it to the next meeting of the Council.

5. Other Executive Members

(a) Composition

Only Councillors can be appointed to the Executive. There can be no co-optees, deputies nor substitution of Executive members. Neither the Chairman of the Council nor the Vice Chairman can be Executive members. Executive members cannot be members of the Overview and Scrutiny Committee.

(b) Terms of Office

Members of the Executive will hold office until their appointment is terminated by the Mayor, they resign from the Executive, or cease to be a Councillor.

(c) Appointment by the Mayor

Subject to para 3 above, the size and composition of the Executive will be solely a matter for the Mayor to decide. He/she may choose to appoint Councillors from any political group or those not in a political group. The Executive need not reflect the political balance of the Council as a whole. The Mayor will report his/her appointments to the Monitoring Officer and the full Council as and when they are made.

(d) Removal from Office

The Mayor will report changes to the composition of the Executive to the Monitoring Officer and the full Council as and when they are made.

6. Proceedings of the Executive

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in this Chapter.

2. EXECUTIVE PROCEDURE RULES

1. How Does the Executive Operate?

(a) Who May Make Executive Decisions?

Functions which are the responsibility of the Executive may be exercised by the Mayor. The Mayor may delegate authority to exercise any of those functions to:

- (i) The Executive as a whole
- (ii) A Committee of the Executive
- (iii) An individual Member of the Executive
- (iv) An Officer

The Mayor may also appoint working groups of Members, including members not on the Executive, to advise the Executive on any matter in which it has powers or duties. When establishing a working group the Mayor will specify its terms of reference, its number of members and its operational timeframe. The Mayor will consult Group Leaders on the membership of working groups.

(b) Delegation by the Executive

At the first meeting of the Council following his/her election, and at each subsequent Annual Meeting of the Council, the Mayor will present to the Council a written schedule of delegations by him/her of Executive functions for inclusion in this Constitution, to include:

- (i) The names, addresses and wards of Councillors appointed by the Mayor to the Executive
- (ii) The Executive functions delegated to each Executive member, including for each function delegated to each member, details of any limits of the authority delegated
- (iii) The terms of reference and constitution of such Executive committees as the Mayor chooses to appoint, and the names of the Executive members appointed to each
- (iv) The nature and extent of any delegations of Executive functions to officers, with details of any limitations on that delegation, and the title of the officer to whom the delegation is made.

The Mayor may amend delegations of Executive functions at any time and must give written notice of such delegations to the Monitoring Officer and report any such changes to the next Council meeting.

(c) Conflicts of Interest

Where the Mayor has a conflict of interest, this should be dealt with as set out in the Code of Conduct for Members in this Constitution.

(d) Executive Meetings – When and Where

The Executive will meet on such occasions and times to be determined by the Mayor. Meetings will be held at the Copeland Centre, Whitehaven, or such other location determined by the Mayor.

(e) Public or Private Meetings of the Executive

All formally convened meetings of the Executive will be in public unless the Executive is considering matters which are exempt or confidential within the terms of the Access to Information Rules in this Constitution.

(f) Quorum

The quorum at meetings of the Executive will be two.

(g) How are Decisions to be Taken by the Executive?

- (i) Executive members may speak as often as the Chair considers reasonable and necessary in the interests of a full debate; Executive members may make motions without notice but all motions require a seconder.
- (ii) Every question arising at a meeting shall be determined by a majority of votes of members of the Executive present and voting on that question. Voting shall be by a show of hands unless any member of the Executive present demands a recorded vote, whereupon the names of the members voting for, against and abstaining will be recorded in the minutes.

(h) Who Presides?

If the Mayor is present, he/she shall preside. In his/her absence, if present the Deputy Mayor shall preside. If neither is present, then the Executive member appointed to do so shall preside for that meeting only.

(j) Who May Attend Executive Meetings?

- (i) All Members of the Council may attend Executive meetings, whether held in public or private. Non-Executive Members may speak at the Chair's discretion.
- (ii) The statutory officers of the Council (Head of Paid Service; Monitoring Officer; S151 Officer) may attend any Executive meeting and may address the Executive on any business being considered.
- (iii) Members of the public may attend public meetings of the Executive and may ask questions in accordance with the Scheme for Questions at Executive meetings.

(k) What Business?

At each meeting of the Executive, the following business shall be conducted:

- Minutes of last meeting
- Declarations of Interests
- Petitions
- Matters Referred to Executive by an Overview and Scrutiny Committee or Member Panel
- Other matters as set out on the agenda

(l) Consultation

All reports to Executive must be subject to consultation in accordance with consultation guidelines circulated by the Monitoring Officer

(m) Who Can Put Items on the Executive Agenda?

(i) The Mayor will decide the schedule of meetings of the Executive and can ask for any item of business to be placed on an Executive agenda

(ii) Any Member of the executive can ask for any item of business to be placed on an Executive agenda

(iii) Any Member of the Council can ask for an item of business to be placed on an Executive agenda, and the Mayor has discretion to agree or not. No more than 4 such items will be placed on the agenda for any one Executive meeting.

(iv) The statutory officers of the Council can ask for any item of business to be placed on an Executive agenda, and can require the Monitoring Officer to call an executive meeting in pursuance of their statutory duties.

(n) Recording of Executive Decisions

All decisions of the Executive (whether taken collectively by the Executive or a committee of the Executive or by an individual Executive member under delegated authority, or by an officer under delegated authority, will be recorded in the manner prescribed in this Constitution for recording Executive decisions.

3. EXERCISE OF FUNCTIONS

1 Functions Other Than Prescribed Non-Executive Functions

Subject to 2 below, the Executive will discharge all functions of the Council other than those specified as non-Executive functions in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, as follows:

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8) .
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A(1) of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990(2).
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.

(1) Function	(2) Provision of Act or Statutory Instrument
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)(3).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990(4).
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992(5).
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990(6).
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990(7).

(1)

Function

notice or stop notice.

15. Power to issue an enforcement notice.

16. Power to apply for an injunction restraining a breach of planning control.

17. Power to determine applications for hazardous substances consent, and related powers.

18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

19. Power to require proper maintenance of land.

20. Power to determine application for listed building consent, and related powers.

21. Power to determine applications for conservation area consent.

22. Duties relating to applications for listed building consent and conservation

(2)

Provision of Act or Statutory Instrument

Section 172 of the Town and Country Planning Act 1990(8).

Section 187B of the Town and Country Planning Act 1990(9).

Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).

Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.

Section 215(1) of the Town and Country Planning Act 1990.

Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c. 9).

Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act(10).

Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation

(1)

Function

area consent.

(2)

Provision of Act or Statutory Instrument

Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.

23. Power to serve a building preservation notice, and related powers.

Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.

Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

25. Powers to acquire a listed building in need of repair and to serve a repairs notice.

Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

26. Power to apply for an injunction in relation to a listed building.

Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990(11).

27. Power to execute urgent works.

Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

Power to issue licences authorising the use of land as a caravan site (“site licences”).

Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).

2. Power to license the use of moveable dwellings and camping sites.

Section 269(1) of the Public Health Act 1936 (c. 49).

- 3.** Power to license hackney carriages and private hire vehicles. (a)as to hackney carriages, the [Town Police Clauses Act 1847 \(10 & 11 Vict. c. 89\)](#), as extended by section 171 of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and section 15 of the [Transport Act 1985 \(c. 67\)](#); and sections 47, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);
(b)as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
- 4.** Power to license drivers of hackney carriages and private hire vehicles. Sections 51, 53, 54, 59, 61 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
- 5.** Power to license operators of hackney carriages and private hire vehicles. Sections 55 to 58, 62 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
- 6.** Power to register pool promoters. Schedule 2 to the [Betting, Gaming and Lotteries Act 1963 \(c. 2\)\(12\)](#).
- 7.** Power to grant track betting licences. Schedule 3 to the [Betting, Gaming and Lotteries Act 1963\(13\)](#).
- 8.** Power to license inter-track betting schemes. Schedules 5ZA to the [Betting, Gaming and Lotteries Act 1963\(14\)](#).
- 9.** Power to grant permits in respect of premises with amusement machines. Schedule 9 to the [Gaming Act 1968 \(c. 65\)\(15\)](#).
- 10.** Power to register societies wishing to promote lotteries. Schedule 1 to the [Lotteries and Amusements Act 1976 \(c. 32\)\(16\)](#).
- 11.** Power to grant permits in respect of premises where amusements with prizes are provided. Schedule 3 to the [Lotteries and Amusements Act 1976\(17\)](#).
- 12.** Power to issue cinema and cinema Section 1 of the [Cinema Act 1985 \(c. 13\)](#).

club licences.

- 13.** Power to issue theatre licences. Sections 12 to 14 of the Theatres Act [1968 \(c. 54\)\(18\)](#).
- 14.** Power to issue entertainments licences. Section 12 of the Children and Young Persons Act [1933 \(c. 12\)](#), section 52 of, and Schedule 12 to, the London Government Act [1963 \(c. 33\)](#), section 79 of the Licensing Act [1964 \(c. 26\)](#), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act [1967 \(c. 19\)](#) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act [1982 \(c. 30\)](#).
- 15.** Power to license sex shops and sex cinemas. The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
- 16.** Power to license performances of hypnotism. The Hypnotism Act [1952 \(c. 46\)](#).
- 17.** Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
- 18.** Power to license pleasure boats and pleasure vessels. Section 94 of the Public Health Acts Amendment Act [1907 \(c. 53\)\(19\)](#).
- 19.** Power to register door staff. Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act [1963 \(c. 33\)](#) and Part V of the [London Local Authorities Act 1995 \(c. x\)](#).
- 20.** Power to license market and street trading. Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the [London Local Authorities Act 1990 \(c. vii\)](#) and section 6 of the [London](#)

[Local Authorities Act 1994 \(c. xii\).](#)

- 21.** Power to license night cafes and take-away food shops. Section 2 of the Late Night Refreshment Houses Act [1969 \(c. 53\)\(20\)](#), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.
- 22.** Duty to keep list of persons entitled to sell non-medicinal poisons. Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act [1972 \(c. 66\)\(21\)](#).
- 23.** Power to license dealers in game and the killing and selling of game. Sections 5, 6, 17, 18 and 21 to 23 of the Game Act [1831 \(c. 32\)](#); sections 2 to 16 of the Game Licensing Act [1860 \(c. 90\)](#), section 4 of the Customs and Inland Revenue Act [1883 \(c. 10\)](#), sections 12(3) and 27 of the Local Government Act [1874 \(c. 73\)](#), and section 213 of the Local Government Act [1972 \(c. 70\)](#).
- 24.** Power of register and license premises for the preparation of food. Section 19 of the Food Safety Act [1990 \(c. 16\)](#).
- 25.** Power to license scrap yards. Section 1 of the Scrap Metal Dealers Act [1964 \(c. 69\)](#).
- 26.** Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. The Safety of Sports Grounds Act [1975 \(c. 52\)\(22\)](#).
- 27.** Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. Part III of the Fire Safety and Safety of Places of Sport Act [1987 \(c. 27\)](#).
- 28.** Power to issue fire certificates. Section 5 of the Fire Precautions Act [1971 \(c. 40\)](#).
- 29.** Power to license premises for the breeding of dogs. Section 1 of the Breeding of Dogs Act [1973 \(c. 60\)](#) and section 1 of the Breeding and Sale of

Dogs (Welfare) Act 1999 (c. 11).

- 30.** Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. section 1 of the Pet Animals Act 1951 (c. 35)(**23**); section 1 of the Animal Boarding Establishments Act 1963(c. 43)(**24**); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70)(**25**); section 1 of the Breeding of Dogs Act 1973 (c. 60)(**26**), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
- 31.** Power to register animal trainers and exhibitors. Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)(**27**).
- 32.** Power to license zoos. Section 1 of the Zoo Licensing Act 1981 (c. 37)(**28**).
- 33.** Power to license dangerous wild animals. Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
- 34.** Power to license knackers' yards. Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
- 35.** Power to license the employment of children. Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
- 36.** Power to approve premises for the solemnisation of marriages. Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510)(**29**).
- 37.** Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to—
(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act

1981 (c. 67) or

(b)an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).

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| 38. Power to register variation of rights of common. | Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)(30). |
| 39. Power to license persons to collect for charitable and other causes. | Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44) (31). |
| 40. Power to grant consent for the operation of a loudspeaker. | Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40) . |
| 41. Power to grant a street works licence. | Section 50 of the New Roads and Street Works Act 1991 (c. 22) . |
| 42. Power to license agencies for the supply of nurses. | Section 2 of the Nurses Agencies Act 1957 (c. 16) . |
| 43. Power to issue licences for the movement of pigs. | Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). |
| 44. Power to license the sale of pigs. | Article 13 of the Pigs (Records, Identification and Movement) Order 1995. |
| 45. Power to license collecting centres for the movement of pigs. | Article 14 of the Pigs (Records, Identification and Movement) Order 1995. |
| 46. Power to issue a licence to move cattle from a market. | Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). |
| 47. Power to permit deposit of builder's skip on highway. | Section 139 of the Highways Act 1980 (c. 66) . |
| 48. Power to license planting, retention and maintenance of trees etc. in part of | Section 142 of the Highways Act 1980. |

highway.

49. Power to authorise erection of stiles etc. on footpaths or bridleways. Section 147 of the Highways Act 1980.

50. Power to license works in relation to buildings etc. which obstruct the highway. Section 169 of the Highways Act 1980.

51. Power to consent to temporary deposits or excavations in streets. Section 171 of the Highways Act 1980.

52. Power to dispense with obligation to erect hoarding or fence. Section 172 of the Highways Act 1980.

53. Power to restrict the placing of rails, beams etc. over highways. Section 178 of the Highways Act 1980.

54. Power to consent to construction of cellars etc. under street. Section 179 of the Highways Act 1980(**31**).

55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators. Section 180 of the Highways Act 1980.

56. Power to sanction use of parts of buildings for storage of celluloid. Section 1 of the Celluloid and Cinematograph Film Act [1922 \(c. 35\)](#).

57. Power to approve meat product premises. Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. [1994/3082](#))(**32**).

58. Power to approve premises for the production of minced meat or meat preparations. Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. [1995/3205](#)).

59. Power to approve dairy Regulations 6 and 7 of the Dairy Products

establishments.	(Hygiene) Regulations 1995 (S.I. 1995/1086)(33).
60. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)(34).
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.

69. Power to Register motor salvage operators Part 1 Vehicle Crime Act 2001

70. Functions Relating to registration of common land and town and village greens Part 1 Commons Act 2006

C. Functions relating to health and safety at work

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer. Part I of the Health and Safety at Work etc. Act

D. Functions relating to elections

1. Duty to appoint an electoral registration officer. Section 8(2) of the Representation of the People Act [1983 \(c. 2\)](#)(**36**).

2. Power to assign officers in relation to requisitions of the registration officer. Section 52(4) of the Representation of the People Act 1983.

3. Functions in relation to parishes and parish councils. Part II of the Local Government and Rating Act [1997 \(c. 29\)](#) and subordinate legislation under that Part.

4. Power to dissolve small parish councils. Section 10 of the Local Government Act

- 1972.
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups. Section 11 of the Local Government Act 1972.
 6. Duty to appoint returning officer for local government elections. Section 35 of the Representation of the People Act 1983.
 7. Duty to provide assistance at European Parliamentary elections. Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act [1978 \(c. 10\)\(37\)](#).
 8. Duty to divide constituency into polling districts. Section 18 of the Representation of the People Act 1983.
 9. Power to divide electoral divisions into polling districts at local government elections. Section 31 of the Representation of the People Act 1983
 10. Powers in respect of holding of elections. Section 39(4) of the Representation of the People Act 1983.
 11. Power to pay expenses properly incurred by electoral registration officers. Section 54 of the Representation of the People Act 1983.
 12. Power to fill vacancies in the event of insufficient nominations. Section 21 of the Representation of the People Act 1985.
 13. Duty to declare vacancy in office in certain cases. Section 86 of the Local Government Act 1972.
 14. Duty to give public notice of a casual vacancy. Section 87 of the Local Government Act 1972.
 15. Power to make temporary appointments to parish councils. Section 91 of the Local Government Act 1972.

16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2) .
18. Duty to Consult on change of scheme for elections	Sections 33, 38 and 40 Local Government and Public Involvement in Health Act 2007
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act
20. Duties relating to notice to Local Government Boundary Commission	Sections 36 and 42 of the 2007 Act
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act
22. Functions relating to change of name of electoral area	Section 59 of the 2007 Act

E. Functions relating to name and status of areas and individuals

1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer	Section 245b of the Local

borough status.

Government Act 1972.

F. Functions relating to community governance

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| 1. Duties relating to community governance reviews. | Section 79 of the 2007 Act. |
| 2. Functions relating to community governance petitions. | Sections 80, 83 to 85 of the 2007 Act. |
| 3. Functions relating to terms of reference of review. | Sections 81(4) to (6). |
| 4. Power to undertake a community governance review. | Section 82 of the 2007 Act. |
| 5. Functions relating to making of recommendations. | Sections 87 to 92 of the 2007 Act. |
| 6. Duties when undertaking review. | Section 93 to 95 of the 2007 Act. |
| 7. Duty to publicise outcome of review. | Section 96 of the 2007 Act. |
| 8. Duty to send two copies of order to Secretary of State and Electoral Commission. | Section 98(1) of the 2007 Act. |
| 9. Power to make agreements about incidental matters | Section 99 of the 2007 Act |

G. Power to make, amend, revoke or re-enact byelaws

Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act [1978 \(c. 30\)\(38\)](#).

H. Functions relating to smoke free premises

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| 1. Duty to enforce Chapter 1 and regulations Made under it | Section 103 of the 2006 Act |
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| 2. Power to authorise officers | Section 10(5) and para 1 Schedule 2, 2006 Act |
| 3. Functions relating to fixed penalty Notices | paras 13, 15, 16, Schedule 1, 2006 Act |
| 4. Power to transfer enforcement functions to another authority | Smoke-free (Premises and Enforcement) Regulations 2006 |

I. Power to promote or oppose local or personal bills

Section 239 of the Local Government Act 1972.

J. Functions Relating to Pensions

1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)(39).
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2. Functions under the Fireman’s Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 1 of the Fire & Rescue Services Act 2004.	Section 34 & 36 of the Fire & Rescue Services Act 2004
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K. Miscellaneous Functions

1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980 (c. 66).
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2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
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3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
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4. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
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5. Power to determine application for public path	Sections 118ZA and 118C(2) of the
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extinguishment order.	Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.

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| 18. Power to apply for variation of order under section 130B of the Highways Act 1980. | Section 130B(7) of the Highways Act 1980. |
| 19. Power to authorise temporary disturbance of surface of footpath or bridleway. | Section 135 of the Highways Act 1980. |
| 20. Power temporarily to divert footpath or bridleway. | Section 135A of the Highways Act 1980. |
| 21. Functions relating to the making good of damage and the removal of obstructions. | Section 135B of the Highways Act 1980. |
| 22. Powers relating to the removal of things so deposited on highways as to be a nuisance. | Section 149 of the Highways Act 1980. |
| 23. Power to extinguish certain public rights of way. | Section 32 of the Acquisition of Land Act 1981 (c. 67) . |
| 24. Duty to keep definitive map and statement under review. | Section 53 of the Wildlife and Countryside Act 1981 (c. 69) . |
| 25. Power to include modifications in other orders. | Section 53A of the Wildlife and Countryside Act 1981. |
| 26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981. | Section 53B of the Wildlife and Countryside Act 1981. |
| 27. Duty to reclassify roads used as public paths. | Section 54 of the Wildlife and Countryside Act 1981. |
| 28. Power to prepare map and statement by way of consolidation of definitive map and statement. | Section 57A of the Wildlife and Countryside Act 1981. |
| 29. Power to designate footpath as cycle track. | Section 3 of the Cycle Tracks Act |

1984 (c. 38).

30. Power to extinguish public right of way over land acquired for clearance. Section 294 of the Housing Act 1981 (c. 68).

31. Power to authorise stopping-up or diversion of footpath or bridleway. Section 257 of the Town and Country Planning Act 1990.

32. Power to extinguish public rights of way over land held for planning purposes. Section 258 of the Town and Country Planning Act 1990.

33. Power to enter into agreements with respect to means of access. Section 35 of the Countryside and Rights of Way Act 2000 (c. 37).

34. Power to provide access in absence of agreement. Section 37 of the Countryside and Rights of Way Act 2000.

Part II: other miscellaneous functions

35. Functions relating to sea fisheries. Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).

36. Power to make standing orders. Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c. 70).

37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal). Section 112 of the Local Government Act 1972.

38. Power to make standing orders as to contracts. Section 135 of the Local Government Act 1972.

39. Duty to make arrangements for proper administration of financial affairs etc. Section 151 of the Local Government Act 1972.

40. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69) .
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) .
43. Duty to designate officer as the head of the authority’s paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42) .
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
45. Duty to approve authority’s statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
47A. Powers relating to complaints about high hedges	Part 8, Anti Social Behaviour Act 2008
48. Power to make payments or provide other benefits in cases of maladministration etc	Section 92, Local Government Act 2000
49. Power to make an order designating a place as a designated place	Section 13(2) Criminal Justice and Police Act 2001
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16, Violent Crime Reduction Act 2006

Nuisance Act shall apply			
Obtaining of information as to interests in land under S330 of the Town & Country Planning Act 1990 and the Local Government (Miscellaneous Provisions) Act 1976	The Council	Legal Services Manager	
Appointments of Members to Outside Bodies	The Council		

Specific Portfolio Responsibilities of Executive Members

[To be Determined by the Mayor]

Budget and Policy Framework Rules

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its Policy Framework and Budget as set out in Chapter 5 The Full Council. Once a Policy Framework or a Budget is in place, it will be the responsibility of the Executive to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK AND MAKING DECISIONS

The process by which the budget and policy framework shall be developed is:

- a) The Executive will publicise by including in the Forward Plan and publicise by such other methods as it considers appropriate a timetable for making proposals to the Councils for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Overview and Scrutiny Committees will also be notified. The consultation period shall in each instance be not less than six weeks.
- b) At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation.

If a relevant Overview and Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programmes, it is open to the Overview and Scrutiny Committees to investigate, research or report in detail with policy recommendations before the end of the consultation period.

The Executive will take any response from an Overview and Scrutiny Committees into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.

- c) Once the Executive has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. Before reaching a decision having significant financial implications the Council shall consider a report from the Head of Financial Services.
- e) If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- f) The decision will be publicised in such manner as the Council determines and a copy shall be given to the Leader.
- g) An in-principle decision will automatically become effective ten working days from the date of the Council's decision, unless the Leader informs the Chief Executive in writing within five working days that he or she objects to the decision becoming effective and provides reasons why.

- h) In that case, the Chief Executive will call a Council meeting within a further ten working days. The Council will be required to re-consider its decision. The Council may:
 - i) approve the Executive's recommendation by a simple majority of votes cast at the meeting; or
 - ii) approve a different decision which does not accord with the recommendation of the Executive by a simple majority.
- i) The decision shall then be made public and shall be implemented immediately;
- j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- a) Subject to the provisions of paragraph 5 (virement) the Executive, and any Officers discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- b) If the Executive and any Officers discharging Executive functions want to make such a decision, they shall take advice from the Chief Executive after having consulted the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- a) The Executive or Chief Executive may take a decision which is contrary to the Council's policy framework or contrary to or not in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i) if it is not practical to convene a quorate meeting of the Full Council; and
- ii) if the Chair of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the chair of the relevant Overview and Scrutiny Committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Overview and Scrutiny Committees the consent of the Chair of the Council and in the absence of both the Vice-Chair of the Council will be sufficient.

- b) Following the decision, the decision-maker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. (see 'The Access to Information Procedure Rules').

5. VIREMENT

Steps taken by the Executive or Officers discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads where each individual virement does not exceed that specified in the Council's Financial Regulations set out in the Financial Procedure Rules. Beyond that limit, approval to any virement across budget heads shall require the approval of the Full Council.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decision by the Executive, or Officers, statutory area committees or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- b) necessary to ensure compliance with the law, ministerial direction or government guidance's.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- a) Where an Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer and shall follow the procedure set out in the Overview and Scrutiny Procedure Rules.

- b) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council will meet within twenty-one days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the S 151 Officer. The Council may
- i) endorse a decision or proposal of the Executive as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the S151 Officer

*** Please note Overview and Scrutiny Procedure Rules, Rule 9 & 10 in Chapter 8.**