

PART 3

Responsibility for Functions

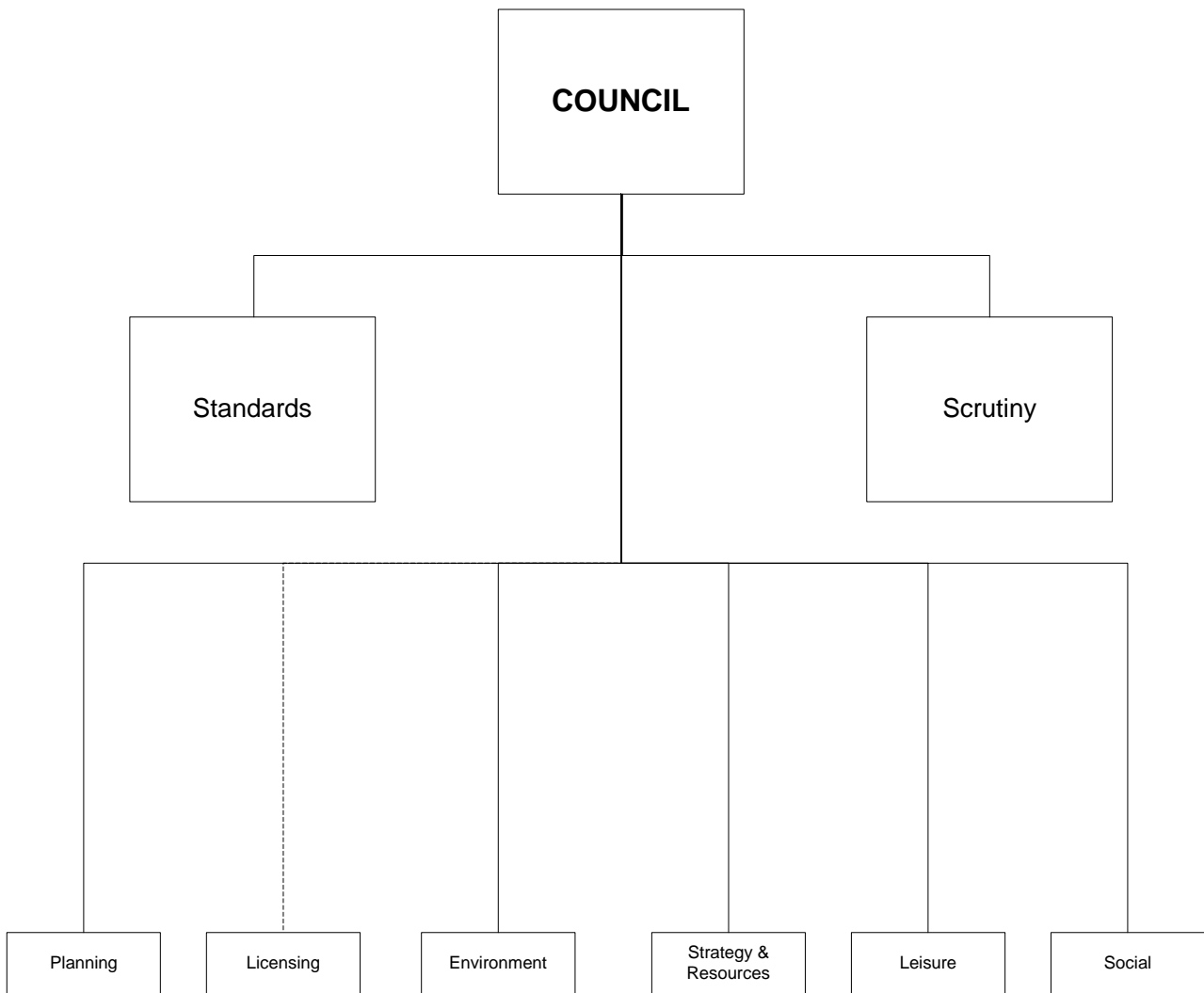
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1 Diagram of Committee Structure



2 Membership and Meetings of Committees

Membership

2.1 Because of the nature of the business and the rules of proportionality, the Planning and Licensing Committees have thirteen and fourteen members respectively. Other committees have fewer members to facilitate the transaction of business, but the right of any Councillor to refer decisions to Council is maintained in the Council Procedure Rules (Standing Orders) set out in Part 4 of this Constitution.

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

Environment	11
Strategy and Resources	10
Leisure	10
Social	10
Licensing	13
Planning	13
Scrutiny	5
Crime and Disorder Committee	5
Standards	5 (+ at least 2 lay members)
Total	82

2.3 Scrutiny Committee members may not sit on any of the policy Committees. They may therefore only be members of the Planning, Licensing or Standards Committee.

2.4 Members of the Crime and Disorder Committee may not sit on the Environment Committee.

2.5 In addition to the main committees, the Council may set up time-limited sub-committees for specific purposes. Currently there is one such sub-committee, the Planning Policy Sub-Committee, which has nine members.

2.6 The Council currently has three standing advisory panels which will report as required to the appropriate committee as set out in their Terms of Reference. Two of the panels have specific partnership roles and will include those partners in their regular meetings. The third is to provide advice on the corporate financial framework and policy-making and will include in its membership the Chairmen of all four policy committees, with appropriate political balance. Recommendations may be made by the panels to committees or directly to the Council. The advisory panels and numbers of members on them are as follows:

Human Resources (NOTE: meeting with staff representatives will still be designated as Joint Staff Committee)	6
Financial Policy	8
Health Liaison	7
Total	21

Arrangements for Meetings

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

3 Terms of Reference of Policy Committees

- 3.1 In accordance with the Ambition and Key Priorities set by the Council in its Corporate Plan and the targets set out in the Community Strategy (produced by the Council and its partners), the principles of Best Value, and within the approved Budget and Policy Framework to:
- (a) deal with all policy and operational matters, including statutory responsibilities;
 - (b) develop its strategies and policies and put them to the Council for approval;
 - (c) draw up Service Delivery Plans and revenue budgets, and develop proposals for capital projects, and submit these to the Strategy and Resources Committee for recommendation to Council where these form part of the corporate policy framework;
 - (d) implement approved capital projects;
 - (e) develop and maintain communication and consultation with the public, local businesses, voluntary and other relevant organisations, and form partnerships and influence partners;
 - (f) distribute grant aid or award rate relief in accordance with conditions laid down by Council;
and
 - (g) determine the level of delegation to officers.

In respect of the following subject areas:-

Environment

- (a) transportation policy
- (b) waste management refuse collection and recycling
- (c) environmental improvement schemes
- (d) the quality of the public realm, including cleansing
- (e) highway matters that are the responsibility of the Borough Council and drainage
- (f) public conveniences
- (g) community safety, including anti-social behaviour
- (h) parking
- (i) safeguarding the historic environment.

Strategy and Resources

- (a) the Budget and Policy Framework, for submission to the Council
- (b) implementation and monitoring of treasury management policies
- (c) the Council's contribution to the Epsom and Ewell Community Strategy
- (d) the District-Wide Local Plan, the Local Development Framework and the Council's input to the Surrey Structure Plan, other local plans, Regional Plans and government strategic documents
- (e) land use policy statements and briefs for specific areas

NOTE: (c) and (d) will be dealt with through the Planning Policy Sub-Committee

- (f) the Corporate Governance Framework (jointly with the Chairmen of Standards and Scrutiny Committees)
- (g) data quality and corporate risk management
- (h) the local economy
- (i) emergency planning and business continuity
- (j) the Council's human resources, property assets and finances
- (k) housing benefits administration
- (l) Civic and ceremonial matters
- (m) dealing (at first instance) with any matters of general policy which do not fall within the terms of reference of any other committee and are not reserved to the Full Council.

Leisure

- (a) the promotion of sport, leisure, cultural and recreational activities
- (b) parks, open spaces and countryside (including Nonsuch Park JMC and Epsom and Walton Downs)
- (c) allotments
- (d) the Playhouse, Bourne Hall, Ewell Court House and the Ebbisham Centre
- (e) the Rainbow Centre
- (f) Bourne Hall Museum
- (g) Services for young people.

Social

- (a) affordable housing
- (b) housing strategy and investment programme
- (c) housing standards, homelessness, homelessness prevention and advice, housing needs assessment
- (d) housing benefit - welfare aspects
- (e) private sector housing and administration of housing grants
- (f) personal social services for the elderly and disabled
- (g) local NHS Services
- (h) work within the Voluntary Sector
- (i) contaminated land
- (j) environmental health
- (k) food safety and health and safety
- (l) cemeteries and closed churchyards
- (m) gypsy site management
- (n) budgetary matters in respect of licensing and vehicle licensing

4 Planning Policy Sub-Committee Terms of Reference

- (a) To consider and recommend to the Strategy and Resources Committee for approval the Council's Local Development Scheme and consider and approve the Annual Monitoring Reports;
- (b) To consider and approve Local Development Framework documents for public consultation (including Development Plan Documents up to Preferred Options stage; Supplementary Planning Documents up to Consultation stage);
- (c) To consider and approve draft Conservation Area Appraisals and Management Plans for public consultation;
- (d) To consider and comment upon other authorities' planning policy documents and the Regional Spatial Strategy;
- (e) To respond to government consultations on draft planning legislation and proposed planning policies;
- (f) To consider and recommend for approval, to Strategy and Resources Committee, submission versions of Development Plan Documents, final versions of Supplementary Planning Documents, and any subsequent changes to the Development Plan;
- (g) To consider and recommend for approval, to Strategy and Resources Committee, the final version of Conservation Area Appraisals and Management Plans;
- (h) To consider and recommend for approval to Strategy and Resources Committee any other changes to planning policy not included in any of the above.

5 Terms of Reference of the Planning Committee

- 5.1 In accordance with the Ambition and Key Priorities set by Council and the Corporate Plan and the targets set out in the Community Strategy (produced by the Council and its partners), the principles of Best Value, and within the approved Budget and Policy Framework, to: -
- (a) deal with regulatory matters required by, and flowing from, Town and Country Planning legislation;
 - (b) develop and maintain communication and consultation with the public, local businesses and relevant organisations;
 - (c) determine the level of delegation to officers.

6 Terms of Reference of the Licensing Committee and Licensing Hearings Sub-Committee

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

Licensing Committee

- (a) To consider and determine (or delegate to a sub-committee): Opposed and/or contentious applications made under the Licensing Act 2003 and/or applications for review under the said Act;
- (b) To consider and determine (or delegate to a sub-committee): Opposed and/or contentious applications made under the Gambling Act 2005 and/or applications for review under the said Act;
- (c) To consider and determine (or delegate to a sub-committee): Opposed and/or contentious applications for the granting, renewal, transfer or revocation of sex establishment licences; private hire and public hire licences
- (d) To approve a licensing policy statement and gambling policy statement for recommendation to the Council and to keep this under review in accordance with the Licensing Act 2003 and the Gambling Act 2005 respectively;
- (e) To establish a licensing hearings sub-committee to undertake the administration of applications made under the Licensing Act 2003, the Gambling Act 2005, the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Closures Act 1847.
- (f) To appoint four Members of the Committee to undertake the role of Chairman of the hearings sub-committees.

Licensing Hearings Sub-Committee

(Note: Political balance requirements do not apply)

6.2 The Licensing Hearings Sub-Committee will be formed of any three members of the Licensing Committee, one of whom shall be the Chairman, selected from those designated to undertake the role by the Licensing Committee. The three members appointed for any hearing shall be selected by the officers in consultation with the Chairman of the Licensing Committee. The Sub-Committee will be required to determine applications:-

- (a) For a personal licence where an objection has been made;
- (b) For a personal licence with unspent convictions;
- (c) For premises licence where a representation has been made;
- (d) For a club premises certificate where a representation has been made;

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

7 Terms of Reference of the Scrutiny Committee and Crime and Disorder Committee

Scrutiny Committee

- 7.1 In accordance with the Ambition and Key Priorities set by Council in its Corporate Plan and the targets set out in the Community Strategy (produced by the Council and its partners), the principles of Best Value, and within the approved Budget and Policy Framework, to: -
- (a) Exercise the Council's scrutiny and review functions in accordance with Article 6 of Part of this Constitution and the Scrutiny Procedure Rules set out in Part 4; including overall responsibility for audit and governance frameworks (including functions of an audit committee);
 - (b) Oversee compliance with the Council's duties concerning Best Value;
 - (c) Monitor implementation of recommendations from the external and internal auditors;
 - (d) Monitor progress on the Council's Corporate Plan;
 - (e) Review and approve the Annual Governance Statement.

Crime and Disorder Committee

- 7.2 In accordance with the Ambition and Key Priorities set by the Council in its Corporate Plan and the targets set out in the Community Strategy, (produced by the Council and its partners), the principles of Best Value and within the approved budget framework to: -
- (a) exercise the Council's scrutiny and review functions in relation to local crime and disorder matters within the remit of the Crime and Disorder Reduction Partnership in accordance with Article 6 of Part 2 of this Constitution

8 Terms of Reference of the Standards Committee

- (a) To promote and maintain high standards of conduct by Members and Officers.
- (b) To monitor the effectiveness of, and review, all the Codes of Conduct for Members and Officers and to propose amendments to them to give effect to best practice and any changes in law.
- (c) To monitor, review and propose amendments to the Council's Standing Orders.
- (d) To assist Members, Officers and co-opted Members to observe the Council's Code of Conduct through the provision of advice, guidance and training on any matters within the Terms of Reference of the Committee, and particularly the Codes of Conduct and local protocols.
- (e) To give support to the Monitoring Officer in discharging his/her role in respect of standards of conduct and behaviour.
- (f) To receive allegations against Members of breach of the Code of Conduct by that Member. To assess those complaints in a Sub-Committee to decide whether:-
 - (i) there should be no action. If this decision is reached, to have a separate Sub-Committee review the decision if requested by the complainant;
 - (ii) to refer the allegation for an investigation by the Monitoring Officer. If this decision is reached, to authorise the Monitoring Officer to investigate the allegation and provide a report of his findings to a Sub-Committee;
 - (iii) to refer the allegation to the Standards Board; or
 - (iv) other action should be taken. If this decision is reached, to recommend mediation or an alternative resolution.
- (g) The Standards Committee will hear an allegation referred to it.
- (h) If a breach of the Members' Code of Conduct is found, to resolve what action (if any) should be taken against the Member concerned, and to either:-
 - (i) censure the member;
 - (ii) restrict (for a maximum of three months) the Member's access to the premises of the Authority and the use of resources of the Authority, provided that such restrictions are reasonable and proportionate and that they do not unduly restrict the Member's ability to perform their functions;

- (iii) apply a partial or total suspension for a maximum of three months or until such time as a written apology is submitted, or any training or conciliation specified by the Standards Committee is undertaken.
- (i) To ensure that the general public are informed of the effectiveness of the Authority's encouragement and promotion of high ethical standards from Members and Officers.
- (j) To monitor and review the Council's "whistle blowing" policies in accordance with the Public Interest Disclosure Act 1998 and to propose amendments to them, as appropriate, and to monitor reported cases of fraud, corruption or malpractice.
- (k) To be responsible for liaison between the Council and external agencies, for example, the Local Government Ombudsman and the District Auditor, in connection with any matter relating to the Terms of Reference of the Committee.
- (l) To grant dispensation to members and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- (m) To submit an annual report on the work of the Committee to the Council.
- (n) To receive an annual report from the Head of Customer Services and to consider the ethical implications for the Council, its Members and its officers and, if necessary, to issue advice on the same.
- (o) To receive the annual letter from the Local Government Ombudsman and to consider any issues raised.

9 Terms of Reference of Advisory Panels

9.1 In accordance with the Ambition and Key Priorities set by the Council in its Corporate Plan and the targets set out in the Community Strategy (produced by the Council and its partners), the principles of Best Value, and within the approved Budget and Policy Framework, to advise the Council or its Committees or Sub-Committees on any matter relating to the following subject area: -

Human Resources

9.2 To consider, and where appropriate advise the Strategy and Resources Committee on:-

- (a) human resource policies and practices;
- (b) monitoring sickness absence, staff turnover, health and safety.

9.3 In addition, the Human Resources Panel, meeting with staff representatives on the **Joint Staff Committee** has the following functions: -

- (a) to provide formal consultation and discussions between the Council and its staff representatives on matters relating to pay, employee relations, terms and conditions of employment, and training and development;
- (b) to consider any relevant matters referred to it by Management or Staff representatives to seek to resolve differences of interpretation or misunderstanding.

Financial Policy

9.4 To advise the Strategy and Resources Committee on:-

- (a) all matters relating to the Budget and Policy Framework;
- (b) new legislation or government policy relating to local government finance;
- (c) procurement strategy and those matters that have budget or procurement implications for more than one committee;
- (d) performance against key performance indicators.

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

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

Health Liaison

9.7 To consider, and where appropriate advise the Social Committee on:-

- (a) preparing, promoting and monitoring the Council's Health Strategy in association with National Health Service bodies, Social Services and the voluntary sector;
- (b) providing leadership and liaising with NHS bodies, the County Council and other agencies to promote the effective use of all resources and the delivery of best value Health and Social Services to the community.

Working in partnership with a Member from each of the following – Elmbridge District Council, Mole Valley District Council, Reigate & Banstead District Council and officers from these local authorities on:-

- Promoting the interests of the local residents in any decisions concerning health services
- developing a shared vision for the nature, location and quality of local NHS services
- facilitating partnership working and the sharing of information and to co-ordinate input into the NHS decision-making processes
- providing a focus for the Councillor-lead meetings and interaction with local NHS representatives

Furthering the local democratic legitimacy of NHS bodies and their local public accountability.

Joint Arrangements: Nonsuch Park Joint Management Committee

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

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

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

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

10.3 Representing the local Ward Community

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

10.4 Representing Individuals and Groups

Whenever appropriate:-

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

10.5 Representing the Whole Community

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

10.6 Representing the Council

- (a) Acting as an ambassador of the Council in the wider community to present its ambition, its policies and its views.

- (b) Where appointed to a particular position as the Council's representative on other public or voluntary bodies, to represent and secure the Council's policies through influence and formal partnership working in those bodies.
- (c) Building and maintaining relationships with the Council's partners.

10.7 **A Local Politician**

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

10.8 **Managing the Council and its Services (The Committee Role)**

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

11 Scheme of Delegation to Officers

Introduction

- 11.1 This scheme of delegation authorises the Chief Executive and the Directors to exercise the functions of the Council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 11.2 This scheme is without prejudice to the exercise of the Council's functions by the Council and the Council's committees, sub-committees and panels.
- 11.3 For the purposes of this scheme "the Directors" means the directors whose job title and areas of responsibility are set out in Schedule 1 below and "Head of Service" means the Heads of Service reporting to a Director.

General Delegation to Officers

- 11.4 The Chief Executive and the Directors are empowered to make decisions on behalf of the Council in accordance with the following general principles:-
- (a) if a function, power or responsibility has not been specifically reserved to the Council or a committee, the Director within whose remit the matter falls is authorised to act;
 - (b) the Council and its Committees will make decisions on matters of significant policy. The Chief Executive, and the Directors have express authority to take all necessary actions to implement Council and committee decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
 - (c) the Chief Executive and the Directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
 - (d) the Chief Executive and the Directors are empowered to take all necessary decisions in cases of emergency;
 - (e) in relation to all delegated authority conferred on the Directors by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit;
 - (f) where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, or their nominee, is authorised to act;
 - (g) anything delegated to a Director or the Head of Legal and Democratic Services is also delegated to the Chief Executive;
 - (h) these delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.

- 11.5 For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.
- 11.6 In deciding whether or not to exercise such delegated powers, the Chief Executive and the Directors should consider whether to consult the appropriate Group Leader, Group Chairman or Committee Chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
- 11.7 The Chief Executive and the Directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme, and there will be a presumption that all operational and budgetary responsibility for services shall be exercised by the Head of Service for the appropriate services, unless the Chief Executive directs otherwise.
- 11.8 All delegations conferred under this scheme must be formally recorded in writing by the Chief Executive, and the Directors as the case may be (including for the avoidance of doubt any delegation under paragraph 12.4 (e) and 12.7 above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name. The Head of Planning and the Development Control Manager shall exercise in their own names any powers delegated to them in connection with the determination of planning applications or any other planning function and such decisions shall remain their responsibility.
- 11.9 The Chief Executive will make such arrangements as he considers appropriate to maintain a central record of all delegations under this scheme. The record will be available for public inspection.
- 11.10 In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution, including its Contract and Financial Procedures and Regulations, and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 11.11 Officers shall act so as to achieve for their service the policies and objectives of their service area always having regard to the overall corporate interests of the Council.
- 11.12 Where an officer referred to in paragraph 12.7 above is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.
- 11.13 Notwithstanding anything contained in this scheme of delegation, officers shall not have the power to make decisions upon any matter that has been reserved to a member body except in cases of emergency.
- 11.14 Without prejudice to the generality of the foregoing the Chief Executive and the Directors shall have the power:-

- (a) to take all lawful action consistent with overall Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:-
 - (i) invitation and acceptance of tenders in accordance with Contracts Standing Orders;
 - (ii) submission of bids for funding;
 - (iii) write-off of irrecoverable debts;
 - iv) virement (within the budget framework);
 - (v) disposal and acquisition of assets;
 - (vi) service and placing of any necessary statutory or other notices (other than those expressly reserved to the Council or a Committee);
 - (vii) in consultation and with the consent of the Head of Legal and Democratic Services authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.
- (b) to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility;
- (c) in the case of any overspend to notify the Director of Finance in the role of Section 151 Officer in accordance with the Financial Procedure Rules and Regulations;
- (d) to determine staffing arrangements within approved budgets, subject to agreement on grading with the Director of Human Resources and Communication and conformance with Council policies;
- (e) to take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

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

Taking Decisions

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

- (a) the views of the relevant Committee Chairman following the application of the consultation criteria set out in paragraph (c) below;
- (b) the implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other areas. In such cases, consultation with officers, relevant Committee Chairman/Chairmen and local members, where the issue relates to a specific area, should take place;
- (c) consultation in accordance with the Council's Consultation Strategy and the views emanating from that process;
- (d) the range of available options;
- (e) the staffing, financial and legal implications;
- (f) the assessment of any associated risks in accordance with the Council's Risk Management Strategy;
- (g) the involvement of appropriate statutory officers and/or other Directors;
- (h) the relevance of any regional or national guidance from other bodies;
- (i) the Council's Constitution, its Contract and Financial Procedures and Regulations, all relevant guidance, legislation and Codes of Practice;
- (j) the need to secure Best Value.

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

Scrutiny

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

Legal and Procedural

11.17 The Head of Legal and Democratic Services is authorised:-

- (a) to take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document;

- (b) to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests;
- (c) to instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council;
- (d) to enter objections to any proposal affecting the Borough, the Council or the inhabitants of the Borough.

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

General Indemnity

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

Schedule 1 - Chief Officers – Areas of Responsibility

Post	Areas of Responsibility
Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers) for all services.</p> <p>The Chief Executive (Head of Paid Service) is the Proper Officer for all statutory purposes unless otherwise determined by him.</p>
Director of Finance	<p>Participate in the corporate management of the Council.</p> <p>Provide financial, IT, revenue and benefits, legal, democratic and property services in support of the Council's corporate and service strategies and objectives.</p> <p>Responsible for the proper administration of the Council's financial affairs under section 151 Local Government Act 1972, Section 114 of the Local Government and Finance Act 1988 and Accounts and Audit Regulations and Guidance.</p>
Director of Operations	<p>Participate in the corporate management of the Council.</p> <p>Direct the Operations Department in the provision of Car Parks, Procurement and Projects, Planning, Regulatory, Venues, Housing and Personal Services, Customer services and Process Consultancy and Operational Services in support of the Council's corporate goals, ensuring that the Council meets its statutory obligations in these areas.</p>
Director of Human Resource and Communication	<p>Participate in the corporate management of the Council.</p> <p>Direct the Human Resource and Communication Department in the provision of human resources support and communications and consultation advice in support of the Council's corporate goals, ensuring that the Council meets its statutory obligations.</p>
Head of Legal and Democratic Services	<p>To act as the Council's Monitoring Officer in accordance with S 5 of the Local Government and Housing Act 1989 as amended.</p>

Schedule 2 - Indemnity to Staff

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

Exceptions

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