PART 3 – RESPONSIBILITY AND FUNCTIONS

GENERAL PROVISIONS

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The following general provisions apply to Committees in exercise of their functions and responsibilities and also Officers acting under the Scheme of Delegation.

1. CONFERENCES

1.1 Each Committee may authorise the attendance, subject to budgetary provision, of a Member at a Conference the subject matter of which falls within the purview of that Committee.

2. DEVELOPMENT PROPOSALS

(a) In cases where a Committee proposes to submit an application under the Town and Country Planning General Regulations 1992 for development on behalf of the Council, including for development of land which has been declared surplus to the requirements of the Council, the Committee may resolve that such applications be submitted to the relevant planning authority.

(b) The Chief Executive and Director of Neighbourhood Services and Communities are authorised to make proposals under the 1992 Regulations and to seek any required planning or building control permission in pursuance of any resolution or objection of the Council.

3. SEALING, SIGNING AND AUTHENTICATION OF DOCUMENTS

3.1 **Sealing and Signing of documents**

3.1.1 A resolution of the Council or of a Committee where that Committee has the power, or an Officer acting under delegated powers relevant, authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate

or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document or for the conclusion of any contract necessary to implement or give effect to the resolution.

3.1.2 The Seal shall be attested by the Chief Executive and any Director who reports directly to the Chief Executive or any employed Solicitor, barrister or legal executive. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who has attested the seal. Such documents will include those relating to works contracts, leases, transfers and bylaws.

3.1.3 The Chief Executive and any Director who reports directly to the Chief Executive, acting within their area of responsibility or any employed solicitor, barrister or legal executive shall be authorised to sign any contract, notice, or other document which is not required to be sealed by the Council.

4. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

4.1 Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Director of Legal and Governance unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

5. COMMON RESPONSIBILITY

5.1 Each Committee shall have regard to the implications of the Maldon Corporate Plan, Workforce Development Plan, the Crime and Disorder Strategy and the IT Strategy.

6. CONTRACTS

6.1 There shall be delegated to each Committee power to allocate and manage within approved estimates contracts entered into for the purpose of achieving or furthering the approved programme of the Committee.

7. MEMBERSHIP OF OUTSIDE ORGANISATIONS

7.1 Appointments to Outside Organisations shall be made by the Council, normally at its Annual Meeting. Casual vacancies shall be considered by the next ordinary meeting of the Council.

8. RESPONSIBILITIES AND FUNCTIONS

8.1 All proposals for amending the terms of reference of Committees and the Scheme of Delegation will be considered by the Performance, Governance and Audit Committee and recommended to the Council.

9. CONFLICTS BETWEEN COMMITTEES

9.1 All conflicts between Committees shall be determined by the Council.

PART 3 – RESPONSIBILITY AND FUNCTIONS

10. INSPECTION OF DOCUMENTS

10.1 A Member of the Council may on application to the Director of Legal and Governance inspect any document which has been considered by a Committee, or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such a document.

10.2 A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested or in which they have a disclosable personal interest in the terms of the Local Code of Conduct.

10.3 This shall not preclude the Chief Executive, Directors or the Council's legal advisor from declining to allow inspection of any document that is, or in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

10.4 All reports made or Minutes kept by any Committee shall, as soon as the Committee has concluded action on the matter to which such reports or Minutes relate, be open for the inspection of any Member of the Council.

10.5 On the request of any Member attending a meeting of a Committee of which they are not a Member, they shall be given access to any documents which have been provided to the Committee at that meeting except where the report or document contains information relating to staffing information, or where the identity of individual staff would be revealed (see Access to Information Procedure Rules).

11. INSPECTION OF LANDS, PREMISES ETC.

11.1 Unless specifically authorised to do so by the Council, or a Committee, a Member of the Council shall not issue any order for any works which are being carried out by or on behalf of the Council or claim by virtue of their membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.