

Cabinet

15 April 2015

Annual Review of the Constitution

Report of Corporate Management Team **Colette Longbottom, Head of Legal and Democratic Services** **Councillor Simon Henig, Leader of the Council**

Purpose of the Report

1. To present proposals for the revision of the Council's Constitution.

Background

2. In accordance with the Local Government Act 2000, the County Council adopted the new constitution for the Unitary Authority from 1 April 2009. Although legislation has been amended by the Localism Act 2011, a constitution is still required. An annual review of the constitution is carried out each year by the Monitoring Officer.
3. Amendments to the Constitution which have been approved by full Council since last year's annual review have been incorporated into the constitution which is kept updated and maintained on the Council's website and the intranet. Amendments made since the last annual review are shown below:-
 - a. Amendments to the officer scheme of delegations, and to the terms of reference of the General Licensing and Registration Committee to reflect changes in legislation, working practices, or to correct inaccuracies (Parts 3A and 3C)
 - b. Establishment of a protocol for reporting of meetings, to comply with the Openness of Local Government Bodies Regulations 2014 (Parts 4 and 5)
 - c. To update the Members Allowances Scheme by the adoption of a new process for Members' travel, accommodation and subsistence claims to be in line with the claims process for employees (Part 6)
 - d. The introduction of a Civic Handbook which will be used as a guide for any member fulfilling the joint role of Chairman of Durham County Council and Mayor of the City of Durham (Part 5)
 - e. A revised Local Code of Corporate Governance (Part 5)

- f. Following the annual meeting in May 2015, as agreed by full council on 21 January 2015, the council procedure rules will be amended to reflect changes to public questions submitted to council, and the inclusion of a protocol for members of the public within to ask questions at Council (Parts 4 and 5)
 - g. Full Council agreed on 1 April 2015 to amend Article 16 to reflect the obligation of the Health and Wellbeing Board to develop and agree a pharmaceutical needs assessment. Also as Part 1 of the Care Act 2014 came into force on 1 April 2015, and places new duties and responsibilities on the Council in relation to care and support for adults. The Corporate Director, Children and Adults Services Delegations required updating to ensure that the Council complies with its statutory obligations (Parts 2 and 3C)
4. The Monitoring Officer has now carried out her annual review of the constitution which includes the review of the delegations to the Chief Officers who have been consulted and asked to submit any amendments. The proposed revisions are attached as Appendices.

Proposed Revisions

- 5. To amend the Executive Procedure Rules to comply with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (“the Regulations”) in order to make provision about the standing orders of local authorities in relation to the recording of votes taken at budget decision meetings. The council procedure rules were amended accordingly last year to comply with the requirement related to council budget meetings. The amendment to the Executive Procedure Rules is contained in Appendix 2.
- 6. To amend Article 4 relating to Full Council because the responsibility of approving the Local Transport Plan has now transferred to the Combined Authority. The amendment is highlighted in Appendix 3.
- 7. To amend Article 6 relating to overview and scrutiny arrangements to correct a typing error, and to amend the Overview and Scrutiny Procedure Rules to reflect working practices. The amendments are shown in Appendix 4.
- 8. To amend Article 9 to update the role and function of the Standards Committee. The amendments are shown in Appendix 5.
- 9. To amend Article 11 relating to officers in Neighbourhood Services to reflect the changes to the functions and responsibilities of the Director of Neighbourhood Services. The proposed Neighbourhood Services section of Article 11 is shown in Appendix 6.
- 10. To amend Article 13 regarding finance, contracts and legal matters to bring it in line with Paragraph 17 of the Contract Procedure Rules. The amendment is highlighted in Appendix 7.

11. To amend the Contract Procedure Rules (“CPR”) to reflect changes in legislation. The EU Procurement Directives, which underpin UK procurement law, were substantially updated in early 2014, and the UK government has transposed these into UK law, in the form of new Public Contracts Regulations (“Regulations”) early in 2015. They have also been updated to improve in terms of clarity or functionality. A proposed update to the CPR is attached at Appendix 8.

The changes include:

- a. Additional clauses to Rule 3 to allow the Corporate Procurement Manager, in consultation with the appropriate Head of Service, to suspend individual officers’ ability to make purchases, in cases of non-compliance or disciplinary action.
 - b. Corporate Directors have a special delegated power, already contained in the CPR, to approve urgent contract awards, in situations where the normal procurement process cannot be followed – with a Contract Procedure Rule Variation put in place as soon as possible after this. In light of this, and to ensure that Corporate Directors are aware of breaches of the rules within their Service Grouping, it is proposed to amend Rule 4, to require that where an application for Variation to the CPRs is retrospective in nature, the application must be reviewed by the relevant Corporate Director before being submitted.
 - c. An expanded list of exemptions, in Rule 5, to cover scenarios in which expenditure is outside the scope of procurement law, and to which procurement rules should therefore not apply.
 - d. A clause in Rule 7 to refer to the Council’s duties under the Public Services (Social Value) Act.
 - e. Amendment to Rule 9 to broaden the scope for direct negotiation with a single supplier, where this is of considerable benefit to the Council.
 - f. Clarification, in Rule 11, that when shortlisting via PQQ, at least five bidders (assuming five or more are received) should be shortlisted – in line with the requirements of the EU Directive.
 - g. Clarification, in Rule 22, of the previously advised requirement to make use of in-house providers, where these can meet a Service Area’s need, within an appropriately established budget.
12. That the terms of reference of the Audit Committee as detailed in Part 3A of the Constitution relating to the Responsibility for Non-Executive or Council functions, be amended to reflect that responsibility for adopting the Annual Governance Statement (AGS) be delegated to Audit Committee. The Accounts and Audit Regulations 2011 require all relevant bodies to prepare an Annual Governance Statement (AGS), which is to accompany the Statement of Accounts (SoA), and also require that, on or before the 30 September, approval is given to the SoA by resolution of a committee, which

for Durham County Council is the Audit Committee. Therefore, the approval processes for the AGS and the SoA must be aligned and must ensure that both documents are formally approved by 30 September. This proposal, which was approved by the Audit Committee on 26 February 2015, would streamline the process for approving the AGS and will ensure that it is approved in a timely manner, and in accordance with Council's Constitution. The proposed amendments are set out in Appendix 9.

13. To amend officer delegations for the reasons set out below (Part 3, C). The proposed amendments are set out in Appendix 10, Schedules 1-5.
 - a. Changes to the General Delegations to all Chief Officers to clarify the working practice that Heads of Service authorise officers (Part 3, C, Table 1) as set out in Schedule 1.
 - b. Changes to the delegations of the Corporate Director, Regeneration and Economic Development to reflect current working practices and changes in legislation (Part 3, C, Table 4) as set out in Schedule 2.
 - c. Changes to the delegations of the Corporate Director, Neighbourhood Services to reflect changes to the names of service areas, to improve the clarity of the delegations to Heads of Service and to include additional legislation (Part 3, C, Table 5). Schedule 3 shows the current delegations and Schedule 4 shows the proposed new delegations.
 - d. Changes to the delegations of the Corporate Director, Resources to reflect working practices and to clarify and reflect current working practices in relation to the pension fund (Part 3, C, Table 6) as set out in Schedule 5.
14. Following the Housing Stock Transfer, delegations in relation to Housing (paragraph 56 of table 4), will require amendment. It is proposed that the Head of Legal and Democratic Services do this following appropriate consultation and using appropriate delegated powers.
15. As a consequence of questions from the Area Action Partnership's (AAPs) being considered at full Council meetings following the annual meeting of Council instead of meetings Cabinet, the Executive Procedure Rules, and the protocol for public speaking at Cabinet will be amended to reflect that questions from the public on matters of concern or interest, will be considered as the first agenda item at cabinet meetings, rather than a separate session prior to the formal meeting. The amendments are highlighted at Appendix 2.
16. The revisions proposed, except for those referred to in paragraph 15 above and some minor tweaks to paragraph 5 of the Contract Procedure Rules were approved by the Constitution Working Group on 12 March 2015 for recommendation to Cabinet, and then Council on 20 May 2015.

Recommendations and reasons

17. The Leader and Cabinet are asked to:

- (i) Approve the delegating of executive powers as set out in the officer scheme of delegations.
- (ii) Recommend that Council agree the proposed revisions to the Constitution, including the delegations to Chief Officers contained, at the meeting of the Council on 20 May 2015.
- (iii) Recommend that Council authorise the Head of Legal and Democratic Services, following consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.
- (iv) Recommend that Council authorise the Head of Legal and Democratic Services, in consultation with the Leader, to make any amendments in relation to Housing, as identified in paragraph 14 of the report.

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Appendix 1: Implications

Finance: None specific within this report.

Staffing: None specific within this report.

Risk: None specific within this report.

Equality and Diversity/Public Sector Equality Duty: Provision will be made for the constitution to be made available on a variety of formats and languages.

Accommodation: None specific within this report.

Crime and Disorder: None specific within this report.

Human Rights: None specific within this report.

Consultation: Consultation with Chief Officers has taken place in relation to the proposed provisions.

Procurement: None specific within this report.

Disability Issues: None specific within this report.

Legal Implications: To comply with recent changes in legislation.

Appendix 2: Amendments to the Executive Procedure Rules, and Protocol for Public Speaking at Cabinet

Amendments to paragraph 1.11 (c), 2.3.and 2.6 of the Executive Procedure Rules

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are determined by the Leader. The Leader may provide for executive functions to be discharged by:

- (i) the Executive as a whole;
- (ii) a committee of the Executive;
- (iii) an individual member of the Executive;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) another local authority.

1.2 Delegation by the Leader

Following the annual meeting of the Council, the Head of Legal and Democratic Services, at the direction of the Leader, will draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. This will contain the following information about executive functions in relation to the coming year:

- (i) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
- (iii) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements; and

- (iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

- (a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- (b) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (c) Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and executive functions

- (a) The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Head of Legal and Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Head of Legal and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (b) Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he has served it on its chairman.

1.5 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 Part 5 of this Constitution.
- (b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual member 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 Part 5 of this Constitution.

1.6 Executive meetings – when and where?

The frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public meetings of the Executive?

The Executive will hold its meetings in public, except in the circumstances set out in paragraphs (a) to (c) of Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Briefly, these circumstances cover:

- (a) confidential information;
- (b) exempt information;
- (c) disorderly conduct.

1.8 Private meetings of the Executive

If the Executive is to hold a meeting in private and this means a meeting or part of a meeting during which the public are excluded, then at least 28 clear days before the private meeting it must:

- (a) make available at the Council offices a notice of intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of reasons for the meeting to be held in private.

Following that, at least 5 clear days before a private meeting, the Council must:

- (a) make available at its offices a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public and a statement of the Council's response to any such representation.

1.9 Urgent Private Meeting of the Executive

Where the date by which a private meeting must be held makes compliance with Rule 1.8 impracticable, the meeting may only be held in private where the Executive has agreement from:-

- (a) the Chair of the Overview and Scrutiny Management Board; or
- (b) if he/she is unable to act, the Chair of the Council; or
- (c) where there is no chair, the vice-chair of the Council

that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the Executive has obtained agreement to hold an urgent private meeting it must make available at the Council offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

1.10 Quorum

- (a) The quorum for a meeting of the Executive shall be 3 including the Leader or Deputy Leader.
- (b) The quorum for a meeting of a committee of the Executive shall be 2.

1.11 How are decisions to be taken by the Executive?

- (a) Executive decisions made by 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.
- (c) Immediately after any vote is taken at a budget decision¹ meeting of the Executive there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

¹ Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

The Leader will preside at any meeting of the Executive or its committees at which he is present. In his absence, the Deputy Leader will preside.

2.2 Who may attend?

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

2.3 What business?

At each meeting of the Executive the following business will be conducted:

- (i) questions from the public;
- (ii) consideration of the minutes of the last meeting;
- (iii) declarations of interest, if any;
- (iv) matters referred to the Executive (whether by the Overview and Scrutiny Management Board or one of the other Scrutiny Committees or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from the Overview and Scrutiny Management Board and Scrutiny Committees; and
- (vi) 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 Part 4 of this Constitution.

2.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation undertaken with stakeholders 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 items on the executive agenda?

- (a) The Leader will decide upon the schedule for meetings of the Executive. He may put any matter on the agenda of any Executive

meeting whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter.

- (b) Any member of the Executive may require the Head of Legal and Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.
- (c) The head of paid service, the monitoring officer and/or the chief finance officer may include an item for consideration on the agenda of an Executive meeting and may require that such a meeting be convened in pursuance of their statutory duties.

2.6 **Questions by the Public**

A protocol that sets out how members of the public can raise matters with the Cabinet ~~before and~~ at Cabinet meetings is set out in Part 5 (Codes and Protocols) of this Constitution.

Protocol for Public Speaking before and at Cabinet Meetings

This Protocol is intended to assist members of the public in understanding how they may raise matters with the Council's Cabinet

Public Questions and Answer Session	Protocol for Members of the Public wishing to Speak at Cabinet
<p>Members of the public may question Cabinet Members on matters of concern or interest, during the first formal item of business on question and answer sessions to be held between 9.30 a.m. and 10.00 a.m. before every ordinary Cabinet Meeting. The following procedures apply:</p> <ol style="list-style-type: none">1. Questions may either be submitted by members of the public not later than 12 p.m. on the third day before the date of the meeting, or asked informally at the public session meeting.2. Priority will be given to those submitted in advance.3. If you are asking a question that is substantially the same as a one that has already been responded to, you will be forwarded a copy of the previous similar question and response instead of being allowed to ask the question in person.4. Questions submitted beforehand, may be made via the following means -<ul style="list-style-type: none">• By e-mail to Cabinetquestions@durham.gov.uk• By tel. to 03000 269 708 or 03000 269 711 <p>In writing to Committee Services Section (Cabinet Questions), County Hall, Durham DH1 5UL.</p>	<p>If a member of the public wishes to speak at Cabinet about a matter being considered at the meeting. The following procedures apply:</p> <ol style="list-style-type: none">1. Members of the public must indicate the item they wish to speak on by no later than 12 p.m. on the third day before the date of the meeting. They must do so via the following means:<ul style="list-style-type: none">• By e-mail to Cabinetquestions@durham.gov.uk• By tel. to 03000 269 708 or 03000 269 7112. If a group of people wish to speak on an item they will be asked to elect a spokesperson. Accordingly they are advised to arrange to be at the venue for the Cabinet meeting in good time to arrange who this will be.3. A representative of Committee Services will be there to greet Members of the Public, take down their name and advise them where to sit. The Committee Services representative will also advise whether it is necessary to elect a spokesperson.4. Generally, representations will be subject to a time limit of 5 minutes, (except at the discretion of the Chairman).

Appendix 3: Amendments to Article 4 – The Full Council

Article 4 – The Full Council

4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Council Plan
- Sustainable Community Strategy
- County Durham Local Development Framework (Plans and alterations that together form the Development Plan)
- Youth Justice Plan
- ~~Local Transport Plan~~
- Crime and Disorder Reduction Strategy (known as the Safe Durham Partnership Plan)
- Housing Strategy
- Licensing Authority Policy Statement
- Statement on Gambling Policy
- Any other plan or strategy which the Council determines should be adopted or approved by them.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget;

- (c) subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- (d) appointing and removing the Leader;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.05 and amending, revoking or replacing such a scheme;
- (h) confirming and terminating the appointment of the head of paid service;
- (i) receive the final accounts for information; and
- (j) those non-executive functions specified as being the responsibility of the Council in Section A of Part 3 of this Constitution;
- (k) all other matters which, by law, must be reserved to the Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

Appendix 4: Amendments to the Overview and Scrutiny Arrangements, and Overview and Scrutiny Procedure Rules

Article 6 – Overview and Scrutiny Arrangements

6.01 Terms of Reference

The Council will appoint the Overview and Scrutiny Management Board and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 (as amended) or regulations under section 32 of the Local Government Act 2000 (as amended) and under the Health and Social Care Act 2001 in relation to the matters set out in the right hand column of the same table.

Terms of reference for the Board and Committees are set within the context of the Council Plan, its Notice of Key Decisions and the overarching partnership framework namely the Sustainable Communities Strategy (SCS) and its associated delivery plan and the Council Plan.

Neither the Chairman of the Council nor members of the Executive or Executive Support Members may be members of the Overview and Scrutiny Management Board or a Scrutiny Committee.

Committee	Scope
<p data-bbox="188 1227 539 1294">Overview and Scrutiny Management Board</p> <p data-bbox="188 1339 370 1370"><i>Membership</i></p> <ul data-bbox="236 1415 705 1662" style="list-style-type: none"> <li data-bbox="236 1415 705 1550">• 26 Members of the Council including the Chairs and Vice Chairs of the 6 5-Scrutiny Committees; <li data-bbox="236 1594 705 1662">• 5 voting Church and Parent Governor representatives; 	<ol data-bbox="810 1227 1353 2027" style="list-style-type: none"> <li data-bbox="810 1227 1353 1326">1 To oversee and co-ordinate the work of Overview and Scrutiny and its committees <li data-bbox="810 1370 1353 1469">2 To ensure effective liaison across the work of the committees re: cross cutting issues <li data-bbox="810 1514 1353 1590">3 To be strategic driver of the Overview and Scrutiny function <li data-bbox="810 1635 1353 1805">4 To consider as appropriate scrutiny member involvement in regional scrutiny arrangements within the context of any regional strategies. <li data-bbox="810 1850 1353 2027">5 The establishment of appropriate liaison with the Executive in the interests of achieving common aims and continuous improvement for the Council

**Overview and Scrutiny
Management Board (continued)**

- 6 To encourage appropriate community involvement in the Overview and Scrutiny role
- 7 To consider the Council Plan and Notice of Key Decisions and to monitor performance against these plans
- 8 To deal with petitions in accordance with the Council's Protocol as set out in Part 5 of this Constitution

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will have an Overview and Scrutiny Management Board and the Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. The Board and such Committees may appoint smaller groups to carry out detailed examination of particular topics for report back to them. Such Groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except Members of the Executive, the Executive Support Members and the Chairman of the County Council shall be eligible for appointment as Members of the Overview and Scrutiny Management Board or a Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he has been directly involved.

3. Co-optees

Each thematic Scrutiny Committee shall be entitled to appoint a maximum of two people as non-voting co-optees either as standing members of the Committee or on a time limited basis. The selection and nomination of co-opted members shall be in accordance with the Protocol agreed by the Overview and Scrutiny Management Board.

4. Education representatives

The Overview and Scrutiny Management Board and each relevant Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 3 parent governor representatives.

A relevant Scrutiny Committee in this paragraph is a Scrutiny Committee of a Local Education Authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Overview and Scrutiny Management Board or relevant Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. **Meetings of the Overview and Scrutiny Management Board and Scrutiny Committees**

- (a) There shall be at least 6 ordinary meetings of the Overview and Scrutiny Management Board in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Management Board meeting may be called by the Chairman of the Overview and Scrutiny Management Board or by the Head of Legal and Democratic Services if he considers it necessary or appropriate.
- (b) There shall be at least four meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee may be called by the Chairman of the relevant Committee or by the Head of Legal and Democratic Services if he considers it necessary or appropriate.
- (c) The Overview and Scrutiny Management Board and the Scrutiny Committees may set up ad hoc groups including non-voting co-opted members to carry out specific projects and report their findings to the appointing Board or Committee.
- (d) The Chair and Vice-Chair of the Overview and Scrutiny Management Board acting together shall be authorised to take urgent action in relation to the allocation of projects to a Scrutiny Committee or an ad hoc group following consultation with the appropriate Chair of a Scrutiny Committee.

6. **Adults, Well-Being and Health Scrutiny Committee**

The Adults Well-Being and Health Scrutiny Committee shall have powers to deal with routine matters within its jurisdiction subject to reporting for information to the Overview and Scrutiny Management Board. ~~However, where policy issues are concerned, including consultations about substantial changes in relation to Health Services, a report shall be submitted to the Overview and Scrutiny Management Board and to the Council's Executive for information.~~ The Committee shall have the enhanced review and scrutiny powers in line with provisions in Health and Social Care Act 2012, including power of referral to the Secretary of State for Health. ~~In the event of a proposed referral to the Secretary of State for Health, a report shall be submitted to the County Council for information, prior to submission.~~

7. **Quorum**

The quorum for an Overview and Scrutiny Management Board or a Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

8. Who Chairs Overview and Scrutiny Committee meetings?

- (a) There shall be a Chair and a Vice-Chair of the Overview and Scrutiny Management Board and each Scrutiny Committee.
- (b) In the absence of a Chair the Vice-Chair can exercise the powers of the Chair.
- (c) The Chair and the Vice-Chair of the Overview and Scrutiny Management Board shall be entitled to attend each Scrutiny Committee as an ex-officio member.

9. Work programme

Each Scrutiny Committee will, following consultation with the Chair and Vice-Chair of the Overview and Scrutiny Management Board, set its own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

10. Agenda items

- (a) Any Member of the Overview and Scrutiny Management Board or a Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Head of Legal and Democratic Services that he wishes an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the agenda for the next available meeting of the Board, Committee or Sub-Committee. Seven working days notice of the item should be given to the Head of Legal and Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

On receipt of such a request, so long as it is an appropriate matter to be considered, the Head of Legal and Democratic Services will ensure that it is included on the next available agenda.

- (b) Any Member of the Authority shall be entitled to give notice to the Head of Legal and Democratic Services that he wishes an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the agenda for the next available meeting of the Board, Committee or Sub-Committee, providing that it is not an excluded matter. Seven working days' notice of the item should be given to the Head of Legal and Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

On receipt of such a request, so long as it is an appropriate matter to be considered, the Head of Legal and Democratic Services will ensure that it is included on the next available agenda.

- (c) The Overview and Scrutiny Management Board and the Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and/or the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Management Board shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Management Board or Scrutiny Committee within one month of receiving it.

11. Policy review and development

- (a) The role of the Overview and Scrutiny Management Board in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Management Board may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Management Board and the Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

12. Reports from the Overview and Scrutiny Management Board and Scrutiny Committees

- (a) All formal reports from Scrutiny Committees will be reported to the Overview and Scrutiny Management Board before submission to the Executive or the Council except in special circumstances with the agreement of the Chair and Vice-Chair of the Overview and Scrutiny Management Board.
- (b) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Management Board will prepare a formal report and submit it to the Head of Legal and Democratic Services for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- (c) If an Overview and Scrutiny Management Board cannot agree on one single final report to the Council or Executive as appropriate, one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (d) The Council or Executive shall consider the report of the Overview and Scrutiny Management Board within one month of it being submitted to the Head of Legal and Democratic Services.

13. Making sure that Overview and Scrutiny reports are considered by the Executive

- (a) The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of the Overview and Scrutiny Management Board referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Executive within two months, the Executive will give an explanation of the reasons to the Chair of the Overview and Scrutiny Management Board as soon as practicable.
- (b) The Overview and Scrutiny Management Board and the Scrutiny Committees will have access to the Executive's Notice of Key Decisions and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Management Board following a consideration of possible policy/service developments, the Board will be able to respond in the course of the Executive's consultation process in relation to any key decision.
- (c) Where the Executive has delegated decision-making power to another individual member of the Executive the Overview and Scrutiny Management Board will submit a copy of their report to him for consideration. At the time of doing so the Overview and Scrutiny Management Board shall serve a copy on the Head of Legal and Democratic Services. The Member with delegated decision-making power must consider the report and respond in writing to the Overview and Scrutiny Management Board within four weeks of receiving it. A copy of his written response to it shall be sent to the Head of Legal and Democratic Services and the Leader. The Member will also attend a future meeting of the Overview and Scrutiny Management Board to present their response.

14. Rights of the Overview and Scrutiny Management Board and Scrutiny Committee Members to documents

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Management Board and the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in

the Access to Information Procedure Rules in Part 4 of this Constitution.

- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Management Board and the Scrutiny Committees as appropriate depending on the particular matter under consideration. Indeed, the aim will be to develop a positive and constructive relationship between the Executive and the Overview and Scrutiny function.

15. **Members and Officers giving account**

- (a) The Overview and Scrutiny Management Board and any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required.

- (b) For this purpose, senior officer includes any chief officer, deputy chief officer, third tier officer and other appropriate senior officer. Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- (c) Where any member or officer is required to attend the Overview and Scrutiny Management Board or a Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Legal and Democratic Services. The Head of Legal and Democratic Services shall inform the member or officer, if necessary in writing, giving at least 7 working days notice of the meeting at which he is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he is required to attend to give account and whether any papers are required to be produced for the Board or Committee.

Where the account to be given to the Overview and Scrutiny Management Board or Scrutiny Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Management Board or Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

16. **Attendance by others**

The Overview and Scrutiny Management Board or a Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17. **Call-in**

- (a) The Overview and Scrutiny Management Board has the power to call in decisions made by the Executive (which term shall also include a Joint Committee) but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the Executive. This is a power which should only be used in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions.
- (b) When a decision is made by the Executive, an individual member of the Executive with delegated powers or under joint arrangements, notice of the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. All Overview and Scrutiny Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (c) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.
- (d) Within that period:
 - (i) the Chair or, in his absence the Vice-Chair of the Overview and Scrutiny Management Board; or
 - (ii) any five members of the Overview and Scrutiny Management Board or the Scrutiny Committee within whose remit the decision falls

may sign a notice requesting that the decision is called in and submit the notice to the Head of Legal and Democratic Services. The notice

should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution.

- (e) On receipt of the notice the Head of Legal and Democratic Services will, as soon as possible, seek the views of the Chair or in his absence, the Vice-Chair of the Overview and Scrutiny Management Board, or in the absence of both, a Chair or Vice-Chair of another Scrutiny Committee.
- (f) The Chair or Vice-Chair to whom the request is referred will consider whether the request is reasonable. They will take account of whether a case has been made out for calling in the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Monitoring Officer and Chief Finance Officer on this point.
- (g) If it is considered that the request for call-in is reasonable, the Head of Legal and Democratic Services will convene a meeting of the Overview and Scrutiny Management Board within 7 working days, after consulting the Chair of the Board about the date. The Board will then proceed as in sub-paragraph (i) below.
- (h) If the Chair or Vice-Chair to whom the request is referred consider that the request is unreasonable the decision will not be called in. The Head of Legal and Democratic Services will submit a report to the next available meeting of the Overview and Scrutiny Management Board giving details of the request and Chair's/Vice-Chair's reasons for refusing it.
- (i) Where the Overview and Scrutiny Management Board considers a call-in request, the format of the meeting will be as follows:-
 - after the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;
 - on matters of particular relevance to a particular electoral division, electoral division members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Head of Legal and Democratic Services by 12 noon on the day prior to the relevant hearing;
 - the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;

- the relevant Corporate Director or his representative will advise the Board on the background and context of the decision and its importance to achieving Service priorities;
- Board members will ask questions of members and officers in attendance;
- the portfolio holder(s) will be invited to make any final comments on the matter.

The Board, after considering the evidence presented to the meeting, will make one of the following decisions:

- to take no further action, in which case the decision will take effect immediately;
 - to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Board's concerns; the decision-maker must then re-consider the matter with a further 10 working days, taking into account the concerns of the Overview and Scrutiny Management Board, before making a final decisions;
 - to refer the matter to full Council, in which case paragraph (k) below will apply; or
 - to refer the matter to a sub group of the Board for further consideration and report back to the Board within a specified period not exceeding 14 days, in which case the Board will, at its reconvened meeting take one of the decisions set out above; if the Board does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Board meeting or the expiry of that further 14 day period, whichever is the earlier.
- (j) If, following a request for call-in, the Overview and Scrutiny Management Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker or to full Council, the decision will take effect on the date of the relevant Board meeting, or the expiry of that further 7 working day period, whichever is the earlier.
- (k) If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker, together with the Council's

views on the decision. That decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

- (l) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

18. **Exceptions**

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (i) that the Overview and Scrutiny Management Board may only call-in a maximum of 3 decisions per three month period;
- (ii) that call-in can be invoked in respect of a decision only once;
- (iii) that call in will not apply to individual decisions made by the Audit Committee, the County Planning Committee or Area Planning Committees, the Highways Committee, the Statutory Licensing Committee, the General Licensing and Registration Committee, the Appeals and Complaints Committee, the Chief Officers' Appointments Committee, the Standards Committee or the Human Resources Committee, or any Sub-Committee of those Committees.

19. **Call-in and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council in consultation with the Chair of the Overview and Scrutiny Management Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Council, the Vice-Chairman's consent shall be required (again in consultation with the Chairman of the Overview and Scrutiny Management Board). In the absence of both the Chairman and Vice-Chairman of the Council, the Chief Executive or his nominee's consent shall be required. Decisions taken as a matter of

urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

20. Reports to the Local Authority where the key decision procedure is not followed

20.1 Where an executive decision has been made and:-

- (a) was not treated as being a key decision; and
- (b) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant local authority within such reasonable period as the committee may specify.

20.2 A report under paragraph 22.1 must include details of:-

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

21. Independence

The purpose of Overview and Scrutiny is to hold decision-makers to account. Members of the Overview and Scrutiny Management Board or a Scrutiny Committee should, therefore, approach any Scrutiny process in an open manner irrespective of political allegiance.

22. Procedure at Overview and Scrutiny Committee meetings

- (a) The Overview and Scrutiny Management Board and Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) consideration of any matter referred to the Board or Committee for a decision in relation to call in of a decision;

- (iv) responses of the Executive to reports of the Overview and Scrutiny Board;
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Management Board or a Scrutiny Committee conduct investigations (e.g. with a view to policy development), the Board or Committees may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all Members of the Board or Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy;
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Board or Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

23. Councillor Call for Action

- (a) The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.
- (b) Any Member may request that an item is placed on the agenda of the Overview and Scrutiny Management Board for consideration. The Member making that request does not have to be a member of the Overview and Scrutiny Management Board or any Scrutiny Committee.
- (c) The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Overview and Scrutiny Management Board agenda if the Chairman, in consultation with the Monitoring Officer, is satisfied that:
 - (i) the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
 - (ii) the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted

Council policy or legislation; and

- (iii) the issue of concern has a demonstrable impact on a part or the whole of the Member's electoral division

and accordingly information to support the above matters should accompany the Call for Action request.

- (d) A Call for Action cannot, in any event, relate to:
 - (i) a planning decision;
 - (ii) a licensing decision;
 - (iii) any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Management Board.
 - (v) any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.
- (e) If the Chairman rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.
- (f) A valid Call for Action will be considered at the next ordinary meeting of the Overview and Scrutiny Management Board or at a special meeting of the Board within 14 days of validation whichever is the sooner. The Board may either decide to consider the matter itself or refer it to the appropriate Scrutiny Committee.
- (g) The subject matter of the Call for Action will be the subject of a report from the relevant Corporate Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Overview and Scrutiny Management Board or Scrutiny Committee meeting to provide that information, make representations and answer questions.
- (h) The Call for Action will be considered by the Overview and Scrutiny Management Board or Scrutiny Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

- (i) The Member who referred the matter under sub-paragraph (b) above may address the Overview and Scrutiny Management Board or Scrutiny Committee in respect of the Call for Action for up to 10 minutes.
- (j) The Overview and Scrutiny Management Board or Scrutiny Committee may also consider representations from any residents of the electoral division affected by the Call for Action, subject to the discretion of the Chairman.
- (k) If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the Overview and Scrutiny Management Board or Scrutiny Committee to answer questions and make any representations.

24. Reports and Recommendations on Calls for Action

- (a) Where the Overview and Scrutiny Management Board or Scrutiny Committee makes a report or recommendations to the Council or the Executive as a result of a reference under paragraph 22 above, the Overview and Scrutiny Management Board or Scrutiny Committee may publish the report, subject to the provisions of Part 5 of the Local Government Act 2000 (as amended) in relation to confidential or exempt information.
- (b) The Overview and Scrutiny Management Board or Scrutiny Committee will, by notice in writing to the Head of Legal and Democratic Services, require the Council or Executive:
 - (i) to consider the report or recommendations,
 - (ii) to respond to the Overview and Scrutiny Management Board or Scrutiny Committee indicating what, if any action the Council or Executive proposes to take,
 - (iii) if the Overview and Scrutiny Management Board or Scrutiny Committee has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information,
 - (iv) if the Overview and Scrutiny Management Board or Scrutiny Committee provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information,

and to do so within two months of the date when the Council or Executive received the report or recommendations or (if later) the date

when the Head of Legal and Democratic Services received the notice.

25. Scrutiny of Crime and Disorder Matters

- (a) The Safer and Stronger Communities Scrutiny Committee may make a report or recommendations to the Council with respect to any local crime and disorder matter in relation to a Member of the Council.

(A local crime and disorder matter in relation to a Member means any matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment);
- the misuse of drugs, alcohol or other substances which affects all or part of the Member's electoral area (or any person who lives or works in that area)).

- (b) Any Member of the Council may give notice to the Head of Legal and Democratic Services that he wishes an item which he considers to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of the Safer and Stronger Communities Scrutiny Committee.

- (c) On receipt of the request, the Head of Legal and Democratic Services will ensure that the item is included on the next available agenda for consideration by the Safer and Stronger Communities Scrutiny Committee.

- (d) Sub-paragraphs (g) to (k) of paragraph 22 above shall apply to the consideration of a crime and disorder matter by the Safer and Stronger Communities Scrutiny Committee as they apply to the consideration of a Call for Action by the Overview and Scrutiny Management Board or relevant Scrutiny Committee.

- (e) If the Safer and Stronger Communities Scrutiny Committee decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.

- (f) Where the Committee makes a report or recommendations to the Council it must:

- (i) provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
- (ii) provide a copy of the report or recommendations to such of:

- the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
- the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);

as it thinks appropriate.

- (g) Where the Safer and Stronger Communities Scrutiny Committee makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph (f)(ii) above, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:
- (i) consider the report or recommendations;
 - (ii) respond to the Safer and Stronger Communities Scrutiny Committee indicating what (if any) action it proposes to take;
 - (iii) have regard to the report or recommendations in exercising its functions.
- (h) For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Safer and Stronger Communities Scrutiny Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every 12 month period.
- (i) Where the Safer and Stronger Communities Scrutiny Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act, 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

Appendix 5: Amendments to Article 9 – The Standards Committee

Article 9 – The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition

The Standards Committee comprises 11 Council Members with two co-optees from the parish councils.

9.03 Role and Function

The Standards Committee will have the following roles and functions:-

- (a) promoting and maintaining high standards of conduct by ~~Members Councillors, Independent Members~~ and Co-opted Members of the Council and Parish and Town Council Members
- (b) assisting ~~the~~ ~~Members Councillors, Independent Members~~, and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
- (d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
- (e) advising, training or arranging to train ~~Members Councillors, Independent Members~~, and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
- (f) granting dispensations to ~~Members Councillors, Independent Members~~, and Co-opted Members of the Council and Parish and Town Council Members from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
- ~~(g) the exercise of any functions under Regulations made under Section 54(4) of the Local Government Act 2000 (as amended);~~

- (g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
- (h) the assessment, investigation and determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;
- (i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
- (j) overview of the Officers' Code of Conduct;
- (k) overview of the Protocol on Member/Officer Relations;
- (l) ~~power to make payments or provide other benefits in cases of maladministration etc;~~ overview of payments or provision of other benefits in cases of maladministration
- ~~(m) the exercise of (a) – (h) in relation to Parish and Town Council Members.~~

9.04 **Parish and Town Council Sub-Committee**

The Standards Committee will appoint a sub-committee comprising 3 Councillors. The remit of the Sub-Committee will be to support Parish and Town Councillors and their Clerks in maintaining high standards of conduct, whether through training or otherwise, and for this purpose to maintain close links with the County Durham Association of Local Councils.

Appendix 6: Proposed Amendments to Article 11 – Officers - regarding Neighbourhood Services

Post	Main Functions and areas of responsibility
Corporate Director Neighbourhood Services	<p>Culture and Sport Localities including:</p> <ul style="list-style-type: none"> • Libraries, Museum, Theatres and Leisure Centres <p>Culture and Sport Improvement and Development</p> <ul style="list-style-type: none"> • Marketing, Funding and Commissioning • Service and System Improvement and Co-ordination <p>Culture and Sport Growing and learning including:</p> <ul style="list-style-type: none"> • Libraries, Museums and Collections, Heritage and Visual Arts <p>Culture and Sport Wellbeing including:</p> <ul style="list-style-type: none"> • Sport, Fitness, Physical Activity, Aquatics, Parks and Countryside <p>Culture and Sport Place and Experience including:</p> <ul style="list-style-type: none"> • Theatre, Performing Arts, Festivals and Events <p>Building Facilities and Management</p> <p>County Fleet</p> <p>Refuse and Recycling including:</p> <ul style="list-style-type: none"> • Waste Transfer Stations <p>Clean and Green including:</p> <ul style="list-style-type: none"> • Street Cleansing, Public Realm/ Open Space Maintenance, Parks and Grounds <p>Neighbourhood Protection including:</p> <ul style="list-style-type: none"> • Pest Control, Civic Pride, Dog Control, Neighbourhood Wardens, Anti-Social Behaviour, Bereavement Services, Allotments and Unauthorised Encampments <p>Business Regulation</p> <p>Environment Protection including:</p> <ul style="list-style-type: none"> • Pollution Control, Contaminated Land, Air Quality Management, Public Health and Private Sector Housing <p>Health Protection including:</p> <ul style="list-style-type: none"> • Food Hygiene and Standards, Animal Health and Welfare, Infectious Disease Control, Safety and Occupational Health, Health and Safety (Employees) <p>Consumer Protection including:</p> <ul style="list-style-type: none"> • Fair Trading, Safety and Metrology, Licensing and Markets <p>Customer Services</p> <p>Service Improvement including:</p> <ul style="list-style-type: none"> • Complaints <p>Policy , Performance and Communications</p> <p>Business Support</p> <p>Projects</p> <p>Strategic Waste including:</p> <ul style="list-style-type: none"> • Waste Contract and Management Strategy

Post	Main Functions and areas of responsibility
	<p>Building Design including:</p> <ul style="list-style-type: none"> • Architecture and Building Surveying, Mechanical and Electrical, Asbestos Management <p>Construction Programme and Project Management including:</p> <ul style="list-style-type: none"> • Programme and Project Management, Quantity Surveying and Accounts, Construction and Design Management (CDM) <p>Highway Services including:</p> <ul style="list-style-type: none"> • Highway Design Construction and Maintenance, Winter Maintenance <p>Schools Capital Projects</p> <p>Strategic Highways including:</p> <ul style="list-style-type: none"> • Drainage and Coastal Protection, Network Management, Client, Policy and Asset Management, Road Safety

Appendix 7: Amendments to Article 13 – Finance, Contracts and Legal Matters

Article 13 – Finance, Contracts and Legal Matters

13.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution and with the Procurement Code of Practice.

13.03 Legal proceedings

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or a chief officer acting under delegated powers or in any case where he considers that such action is necessary to protect the Council's interests.

13.04 Authentication of documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- (b) Any contract with a value exceeding ~~£10,000~~ £500 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. In accordance with the Contract Procedure Rules, if a formal agreement is unnecessary it can be concluded by the sending of an award letter and the subsequent issuing of a purchase order. A formal agreement requires signature by ~~Such contracts must either be signed by~~ at least two officers of the Council authorised in accordance with Paragraph 13.04(c). Where the contract is in the form of a deed it must be made under the Council's seal and attested as required by Paragraph 13.05(a) of the Constitution. ~~or made under the Common Seal of the Council attested by at least one authorised officer.~~
- (c) Chief Officers shall determine which persons within their service areas are authorised to sign contracts on behalf of the Council and shall

notify the Head of Legal and Democratic Services of the names of those persons so authorised whose names shall be kept in a list maintained by the Head of Legal and Democratic Services.

13.05 Common Seal of the Council

- (a) The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal and Democratic Services or some other person authorised by him.
- (b) Details of every deed and other document to which the Common Seal is to be affixed shall be entered prior to the time of its sealing or as soon as practicable thereafter by the Head of Legal and Democratic Services in a book to be maintained for that purpose and the book shall be signed by the person attesting the affixation of the Common Seal.

Appendix 8: Amendments to the Contract Procedure Rules

Contract Procedure Rules

1. INTRODUCTION

1.1 What are Contract Procedure Rules?

1.1.1 The Contract Procedure Rules (CPRs) provide the framework for procurement activity across the Council, setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity. They apply to all Service Groupings across the Council.

1.1.2 To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:

- The term “Chief Officers” refers to the Council’s Chief Executive, the Corporate Directors and the Assistant Chief Executive.
- The term “Procurement Officer” refers to any officer of the Council responsible for carrying out a procurement exercise – not just to officers with “Procurement Officer” as their job title. Any Council officer undertaking a procurement exercise is a “Procurement Officer” for the purposes of these rules.
- In addition to the above definitions, the general term “officer” refers to any employee of the Council.

1.1.3 The Contract Procedure Rules should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution.

1.1.4 The content of these CPRs is supported by additional guidance and documentation contained in the Advice Centre ~~within the “Procurement and Purchasing”~~ in the “Procurement Catalogue” section of the Council intranet (henceforth referred to as the “Advice Centre”).

2. BASIC PRINCIPLES

2.1 All procurement procedures must:

- Realise value for money by achieving the optimum combination of whole life costs and quality of outcome,
- Be consistent with the highest standards of integrity,
- Operate in a transparent manner,

- Ensure fairness in allocation of public contracts,
- Support all relevant Council priorities and policies including the Medium Term Financial Plan,
- Comply with the Council's Corporate Strategy for Commissioning and Procurement, and the Sustainable Commissioning and Procurement Policy, and:
- Comply with all legislative requirements including European Union (EU) Treaty principles, which in relation to procurement are as follows:
 - transparency - contract procedures must be transparent and contract opportunities should generally be publicised;
 - equal treatment and non-discrimination - potential suppliers must be treated equally;
 - proportionality - procurement procedures and decisions must be proportionate;
 - mutual recognition - giving equal validity to qualifications and standards from other Member States, where appropriate.

2.2 These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

3. OFFICER RESPONSIBILITIES

3.1 Officers

3.1.1 Officers will comply with these Contract Procedure Rules (CPRs), the Council's Constitution and with all UK and EU legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

3.1.2 Officers will:

- Have regard to the guidance in the Advice Centre,
- Keep the records required by Rule 19 of these CPRs,
- Take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs,
- Prior to letting a contract on behalf the Council, check whether:

- o the Council already has an appropriate contract in place in the Corporate Contracts Register, or:
- o an appropriate national, regional or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this **must** be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with Corporate Procurement.

Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

- Ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

3.1.3 Failure to comply with any of the provisions of these CPRs, the Council's Constitution or UK or EU legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or relevant Corporate Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

3.1.4 In cases of non-compliance with these CPRs, the Corporate Procurement Manager may, following consultation with the officer's Head of Service, temporarily or permanently suspend any officer's access to the Oracle system, e-tendering system, and use of purchasing cards.

3.1.5 In addition, in cases of serious non-compliance, the Corporate Procurement Manager may temporarily suspend any officer's delegated authority to place contracts, and refer the matter to the Council's Chief Internal Auditor and Corporate Fraud Manager for further investigation.

3.2 Chief Officers

3.2.1 Chief Officers will:

- Ensure their Service Grouping complies fully with the requirements of these CPRs,
- Ensure contracts are recorded in the corporate Contracts Register as held and maintained by Corporate Procurement, through the use of the Procurement Acceptance Report as detailed in Rule 19,
- Ensure that their Service Grouping provides the requisite information to allow the Council to maintain the Procurement Work Programme, including

the submission of a Procurement Initial Request Form at as early a stage as possible.

Copies of the Procurement Acceptance Report and Procurement Initial Request Form are available from the Advice Centre.

4. VARIATIONS TO CONTRACT PROCEDURE RULES AND EXEMPTIONS

4.1 Except where the Public Contracts Regulations (2015) apply, the Executive has the power to waive any requirements within these CPRs for specific projects.

4.2 Additionally, and where proceeding under a Variation does not breach the Public Contracts Regulations (2015), these Rules may be waived or varied where the circumstances are certified by the Corporate Director, Resources (advised as appropriate by the Corporate Procurement Manager) as meeting any of the following criteria:

(a) with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;

(b) involving cases of genuine, unforeseen urgency, where it is not possible to comply with the CPRs;

(c) for the purchase of a work of art or museum specimen, to meet the specific requirements of an artistic, cultural, or performing arts event, or otherwise for the protection of exclusive rights which cannot be procured competitively due to the nature of the requirement;

(d) in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this; or

(e) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.

4.3 The appropriate Officer must complete and submit an Application for Variation form, as contained within the Advice Centre, for approval by the Corporate Director, Resources, which must be authorised by their Head of Service before being submitted to Corporate Procurement. Corporate Procurement will review the Application for Variation before obtaining a decision from the Corporate Director, Resources (or other officer as delegated).

- 4.4 Committing to expenditure with a supplier, without a valid contract or a Variation in place, is a breach of these CPRs. Therefore, where a Variation is being sought retrospectively, for expenditure to which a Service Area has already, the retrospective application must be authorised by their Corporate Director, to make them aware of the breach, before it is submitted to Corporate Procurement.
- 4.5 Every Variation form will be recorded on a master register to be maintained by Corporate Procurement.
- 4.6 Where a Variation is being applied for by Corporate Procurement, it must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.
- 4.7 The use of e-procurement does not negate the requirement to comply with all elements of these CPRs. The circumstances under which an exemption to the use of e-procurement can be requested are detailed in Rule 10 and Rule 12.

5. EXEMPTIONS

- 5.1 ~~These CPRs do not apply to contracts~~ The following contracts and/or payments are exempt from these CPRs:

- (a) Contracts for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. Such statutory undertakers include:
- i. British Telecom – specifically for telecoms infrastructure works;
 - ii. Network Rail – specifically for works affecting the railway infrastructure;
 - iii. Northern Gas Networks – specifically for gas supply infrastructure works;
 - iv. Northern Powergrid – specifically for electricity infrastructure works;
 - v. Northumbria Water – specifically for water and sewerage infrastructure works;

In addition, certain other organisations may be regarded as statutory undertakers in very specific circumstances, where works are required, involving disruption to, or re-siting of, existing infrastructure which they own and/or operate, particularly:

- vi. Any other telecoms provider for works to specifically-licensed mobile telecoms infrastructure which they own;
- vii. Any Independent Distribution Network Operator (IDNO) for works to electricity infrastructure they own.

- (b) Fees payable to Ofsted for the inspection of a school, children's home, or other facility;

(c) Fees payable to the Care Quality Commission under section 85(1) of the Health and Social Care Act 2008;

(d) Fees payable to the Driver & Vehicle Licensing Agency and/or Drive & Vehicle Standards Agency (formerly VOSA) with regard to Council owned or operated vehicles;

(e) Fees payable to the Disclosure & Barring Service;

(f) Fees for TV licenses in Council owned or operated premises;

(g) Fees payable to Public Health England with respect to the Child Death Notification Service;

(h) Contracts for the carrying out of statutory public health funerals under the Part 3 of the Public Health (Control of Disease) Act 1984;

(i) Contracts for the purchase of broadcasting time, including for the placing of radio and television advertising;

(j) Contracts to provide sponsorship to events, awards schemes, or other promotional activity being organised by a third party;

(k) Contracts of employment which make an individual a direct employee of the authority;

(l) A staff secondment, where an employee of another organisation shall work on a Council project, on a temporary basis, but where they will not become an employee of the Council;

NB: While the CPRs do not apply to staff secondments, authorisation to proceed must be obtained from Human Resources, and the terms of the secondment appropriately documented.

(m) Agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or:

(n) The payment of grants to third parties.

NB: While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process. Officers should follow any guidance contained in the Advice Centre.

- Which have been procured on the Council's behalf by a Central Purchasing Body, where the process followed is in line with the Public Contracts Regulations (2015) (e.g. the North East Procurement Organisation, another Pro5 Organisation, or Crown Commercial Service).

~~e through collaboration with other local authorities or other public bodies, where a competitive process which complies with the CPRs of the leading organisation has been carried out;~~

~~e under the terms of a Strategic Partnership arrangement approved by the Executive.~~

- Those relating to special educational needs, urgent social care contracts or urgent operational needs, if in the opinion of the relevant Corporate Director it is considered to be in the Council's interests or necessary to meet the authority's obligations under relevant legislation. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.
- Those relating to residential and/or nursing care to a person or persons to whom the Council has a duty or power to provide under the Care Act 2014 and other relevant legislation relating to social care, health and mental health, S21 and S29(4) National Assistance Act 1948, S117 Mental Health Act 1983, S17 Children Act 1989 and S2 Local Government Act 2000, if in the opinion of the appropriate Corporate Director, it is considered to be in the Council's interests and demonstrates value for money.

6. RELEVANT CONTRACTS

6.1 All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the supply of goods, or the carrying out of works, supplies or services.

These include arrangements for:

- The supply or disposal of goods,
- The hire, rental or lease of goods and equipment,
- The delivery of services, including (but not limited to) those related to:
 - the recruitment of staff
 - land and property transactions
 - financial and consultancy services

6.2 A contract awarded under a Variation to these CPRs (as per Rule 4) remains a Relevant Contract in all aspects other than those elements of the CPRs which were specifically waived.

5.2 Relevant Contracts do not include:

- Contracts of employment which make an individual a direct employee of the authority,

- Agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or;
- The payment of grants to third parties.

NB While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process. Officers should follow any guidance contained in the Advice Centre.

7. RISK ASSESSMENT

- 7.1 All procurements with a likely total value of £50,000 or greater, as well as lower value procurements via Invitation to Tender, and Requests for Quotation where appropriate, must be supported by a risk assessment. This risk assessment must be carried out by the Service Area requesting the procurement, at the start of the procurement process.
- 7.2 The risk assessment process will identify where further specialist advice should be sought.
- 7.3 In order to ensure the Council meets its duties under the Public Services (Social Value) Act 2012, the risk assessment must include an appraisal of the opportunities to address social value outcomes through the proposed procurement.
- 7.4 Full details of the process to be followed, including the approved risk log, matrix, and social value options appraisal, are available in the Advice Centre.

8. PRE-TENDER MARKET TESTING AND CONSULTATION

- 8.1 The Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation.
- 8.2 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition.
- 8.3 In undertaking any market testing activities, the Officer responsible should refer to any guidance contained in the Advice Centre.

9. COMPETITION REQUIREMENTS

9.1 Competition Requirements

9.1.1 The Procurement Officer must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded.

9.1.2 Based on this value, quotations or tenders must then be invited, and appropriately advertised, in line with the financial thresholds detailed in the Advice Centre.

9.1.3 Where the Public Contracts Regulations (2015) apply (i.e. for any contracts likely to exceed the relevant OJEU threshold), the Procurement Officer must determine, prior to advertising, whether the contract is to be divided into lots. If it is decided not to subdivide the contract into lots, the reason for this decision must be recorded in the Procurement Acceptance Report required by Rule 19.

9.1.4 Where the Public Contracts Regulations (2015) apply (i.e. for any contracts likely to exceed the relevant OJEU threshold), the Procurement Officer shall consult Corporate Procurement to determine the procedure for conducting the procurement exercise.

9.2 Negotiation with a Single Supplier (below OJEU)

9.2.1 In exceptional circumstances, a contract which will not exceed the relevant OJEU threshold may be awarded without a competitive procurement, via direct negotiation with a single supplier, following a similar process to the EU Negotiated Procedure without prior publication.

9.2.2 Such an award may **only** be made directly by, or with written approval from, Corporate Procurement, and **only** in the following circumstances:

(a) for the purchase of goods which are patented or have such special technical characteristics that they may be considered unique, and where these goods are only available from one supplier.

(Note that the presence of a patent alone does not permit the use of this procedure – many patented products are available from more than one supplier);

Or:

(b) for the execution of works or services involving unique, highly specialist knowledge or skills and where it can be demonstrated that only one organisation possesses the required knowledge or skills:

Or:

(c) for the execution of works or services, where there is considerable benefit to the Council in negotiating with a

particular proposed supplier, and where this does not expose the Council to unacceptable risk.

9.2.3 The use of this process may be invalidated by prior negotiation or discussion (of any kind), between a Service Area and a proposed supplier, without the involvement of Corporate Procurement, where such negotiation may distort or restrict the potential market or otherwise prejudice the Council's position. Corporate Procurement reserves the right to refuse the award of a contract via this process where such unauthorised negotiation has taken place.

NB Note that when using Rule 9.2 above, no contract may be entered into until the relevant notification has been issued by Corporate Procurement, as set out in Rule 19.3.

10. INVITATION TO TENDER / REQUEST FOR QUOTATION

10.1 Invitations to Tender, Requests for Quotation and Quick Quotes must be issued in accordance with the requirements of these CPRs, with particular attention to Rule 7, Rule 9 and Rule 17. The Procurement Officer must ensure they are familiar with, and adhere to, the minimum current threshold values, as published on the Advice Centre.

10.2 Above the single quotation threshold of £5,000, outlined in the Advice Centre, all Invitations to Tender, Requests for Quotation and Quick Quotes must be issued via the Council's e-tendering system. Procurement documents must be issued via the e-tendering system.

10.3 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically or, for example, where there is a failure of the electronic system, permission to conduct a procurement process by alternative means must be obtained from the Corporate Procurement Manager using the relevant exemption form. This can be found in the Advice Centre. This exemption must be sought before requesting quotations or tenders.

11. SHORTLISTING

11.1 Any shortlisting (i.e. Pre-Qualification Questionnaire (PQQ)) must have regard to the economic, financial and technical standards relevant to the contract and the Evaluation Criteria. Special rules apply to contracts covered by the Public Contracts Regulations (2015). Officers should refer to any further guidance contained in the Advice Centre.

11.2 Where the likely value of the procurement is less than the OJEU threshold for goods and services (even where the contract is not for goods or services), no shortlisting phase or PQQ may be used.

11.3 Where applying financial turnover threshold as a shortlisting criteria, the threshold used must be no more than two times the estimated total value of the proposed contract.

11.4 When shortlisting as part of a restricted tender process, a minimum of five bidding organisations should be shortlisted to tender, except in cases where fewer than five compliant PQQ responses are received.

12. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS

12.1 Tenders

12.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where the Public Contract Regulations (2015) apply, Chapter 2 of the Regulations lays down specific minimum time periods for tenders.

12.1.2 As in Rule 10 (above) tenders, except those which have been approved as exempt from electronic tendering, must be submitted electronically via the e-tendering system. Tenders submitted by any other means must not be accepted.

12.2 Quotations

12.2.1 As in Rule 10 (above), responses to Requests for Quotation and Quick Quotes must be submitted electronically via the e-tendering system, except where specifically exempt under Rule 10.3. Quotations submitted by any other means must not be accepted.

12.3 Electronic Arrangements

12.3.1 Quotations, Further Competition bids and Pre-Qualification Questionnaires which are received electronically via the e-tendering system will be opened by the Procurement Officer. The system will not allow any quotations to be opened until the allocated return date / time has passed.

12.3.2 Tenders which are received electronically via the e-tendering system will be opened by a representative from Legal & Democratic Services.

12.4 Hard Copy Arrangements

12.4.1 In the event that 'hard copy' tenders are to be accepted (see Rule 10 and Rule 12.1.2 of these CPRs for guidance) these must be submitted, sealed, in the envelope provided with the procurement documents and sent by recorded delivery, addressed to the Head of Legal & Democratic Services at the Council's registered business address, without any mark revealing the bidding organisation's identity. Hard copy tenders submitted by any other means will not be accepted.

12.4.2 All hard copy tenders will be held by the Head of Legal & Democratic Services until the tender opening date/time has been reached.

12.4.3 All hard copy tenders for the same contract will be opened at the same time by a representative of the Chief Officer who invited the tenders and a representative from Legal & Democratic Services. A register of tenders received will be kept by Legal & Democratic Services and will be initialled on each occasion by the officers who are present at the opening of the tenders.

12.4.4 In the event that hard copy quotations are to be accepted (see Rule 10 and Rule 12.2.1 of these CPRs for guidance) these must be submitted in a plain envelope marked 'Quotation for....' followed by a description of the goods, works or services being procured.

12.4.5 Hard copy quotations will be received directly by Service staff. All quotations must be opened together once the official return date / time has been passed.

13. EVALUATION CRITERIA AND STANDARDS

13.1 Evaluation Criteria

13.1.1 In any procurement exercise the successful bid should be the one which either:

- Offers the lowest price, or:
- Offers the most economically advantageous balance between quality and price.

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

13.1.2 Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy, or the use of subcontractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.

13.1.3 These criteria should be assessed through either:

- Essential Criteria – assessed on a pass / fail basis, or:
- Technical Questions – assessed on a scored basis.

13.1.4 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached

to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

13.2 Evaluation Panel

13.2.1 The Procurement Officer should establish an evaluation panel for the assessment of any Technical Questions at shortlisting and/or Invitation To Tender stages. Each element of the evaluation may have its own panel, provided that all of the responses to each Technical Question are evaluated by the same panel members.

13.2.2 The panel should have at least two members. The Procurement Officer should act as moderator, and may also take part in the evaluation.

Officers should refer to any further guidance in the Advice Centre.

13.3 Standards

13.3.1 Relevant British, EU and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included with the contract.

Officers should refer to any further guidance in the Advice Centre.

14. CLARIFICATION PROCEDURES

14.1 The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

14.2 Clarification questions must be raised via the e-tendering system. Bidders must also be asked to respond via the e-tendering system. In cases where an e-tender exemption has been granted under Rule 10.3, the Council should ensure any clarifications are requested in writing, or by e-mail, and bidding organisations asked to respond by the same means.

14.3 When requesting clarification, the Procurement Officer must follow any additional guidance contained in the Advice Centre.

15. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

15.1 Evaluation

15.1.2 The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations. Evaluation should be conducted in line with Rules 13.1 and 13.2 above, and with regard any guidance detailed in the Advice Centre.

15.2 Award of Contract

15.2.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible. These written notifications should be transmitted via the e-tendering system unless a specific exemption has been granted under Rule 10.3.

15.2.2 Where procurement has been subject to the Public Contract Regulations (2015), the Alcatel Standstill (a 10 day standstill period before a contract can be awarded to allow an unsuccessful bidding organisation an opportunity to challenge the proposed contract award) ~~will need to~~ shall be included in the procurement timetable, and observed before the contract can be awarded. Full information regarding the Alcatel Standstill is contained within the Advice Centre.

15.2.3 Decisions on award of contract must be made in accordance with the scheme of delegations in Part 3 of the Constitution.

15.3 Debriefing

~~16.3.1 The debriefing of organisations must be carried out in line with any guidance detailed in the Advice Centre.~~

15.3.1 The written notifications sent to bidders, in accordance with Rule 15.2.1 above, shall include feedback explaining the outcome of the evaluation process, with specific reference to the evaluation criteria, so that bidders can understand why they were, or were not, successful.

15.3.2 The Procurement Officer should follow any additional guidance in the Advice Centre.

16. CONTRACT DOCUMENTS

16.1 Format of Contract Documents

16.1.1 The Council's harmonised procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by Legal Services before being issued. These are available from Corporate Procurement or Service Area procurement staff detailed in the Advice Centre.

16.2 Contract Signature

16.2.1 Contract agreement must:

- (a) Where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in the form of an agreement, either:

- (i) be signed by at least two officers of the Council authorised as required by the Constitution, or:
- (ii) be formalised by the sending of an award letter **and** the subsequent issuing of a purchase order.

The Procurement Officer should also follow any guidance on the use of deeds and agreements to form contracts found in the Advice Centre.

16.3 Legal Services Review of Tenders and Contracts

16.3.1 To ensure the integrity of the procurement process:

- All proposed Invitations to Tender, Requests for Quotation or Quick Quote where they are not in compliance with the County Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by Legal Services.
- Any proposed Invitations to Tender which are subject to the Public Contracts Regulations (2015), or which are deemed to be of high risk, must be reviewed by Legal Services.
- Any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by Legal Services.

17. APPROVED LISTS AND FRAMEWORK AGREEMENTS

17.1 Approved Lists

17.1.1 Approved lists must not be used where they are prohibited under the Public Contracts Regulations (2015).

17.1.2 Approved lists should only be used in accordance with the guidance contained in the Advice Centre.

17.2 Framework Agreements

17.2.1 Framework Agreements are agreements between the Council and one, ~~or three~~ or more suppliers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period.

17.2.2 The term of a Framework Agreement must not exceed four years. ~~and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number.~~

17.2.3 Where Frameworks are awarded to several organisations, contracts based on Framework Agreements may be awarded in one of two ways, as follows:

- Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition, or:
- Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:
 - inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids electronically via the Further Competition step on the e-tendering system, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,
 - awarding each contract to the bidding organisation who has submitted the best bid on the basis of the relevant Award Criteria set out in the Framework Agreement.

18. SUB-CONTRACTORS

18.1 This Rule applies to all contracts:

- (a) for works, where the value is above the OJEU works threshold, or:
- (b) for services, where the value is above the OJEU services threshold, and where the services are to be provided at sites or premises managed by the Council.

18.2 Where this Rule applies, following the decision to award the contract, but before the contract commences, the Procurement Officer must obtain the following details, from the winning supplier(s):

- The names and business addresses of any sub-contractor(s) the supplier intends to utilise in the delivery of any part of the works or services.
- The name and address of the legal representatives of each such sub-contractor.
- Information to verify each sub-contractor's compliance with the mandatory and discretionary grounds for exclusion listed in Regulation 57 of the Public Contracts Regulations 2015.

18.3 Where it is identified, as a result of the above procedure, that a sub-contractor is in breach of any of the mandatory grounds for exclusion, the supplier must be required to dismiss that sub-contractor from any involvement in the contract. The supplier should appoint a replacement sub-contractor, for which the information in 18.2 above must then be obtained and verified.

18.4 Where it is identified that a sub-contractor is in breach of a discretionary ground for exclusion, the Council may, at its discretion, require the sub-contractor to be dismissed and a suitable replacement appointed.

19. RECORDS

19.1 The Public Contracts Regulations (2015) require contracting authorities to maintain the following comprehensive records of procurement activities:

- Any proposed contract details including value
- Selection decision
- Justification for use of the selected procedure
- Names of bidding organisations, both successful and unsuccessful
- Reasons for selection
- Reasons for abandoning a procedure.

19.2 Prior to the contract being formally awarded, and prior to any bidding organisation(s) being notified, the result of any competitive procurement process must be recorded in a Procurement Acceptance Report and submitted to Corporate Procurement. Corporate Procurement will maintain a register of all Procurement Acceptance Reports. Information from Procurement Acceptance Reports will also be used for the tracking of procurement savings, sustainability benefits, and other data.

19.3 Following receipt of the correctly completed Procurement Acceptance Report, Corporate Procurement will issue a notification to the Procurement Officer, and other relevant officers. Only once this notification has been issued should the contract be formally awarded.

19.4 Following the signature of the contract documents, the Procurement Officer shall ensure a copy of the signed contract particulars is retained on the e-tendering system for future reference and audit purposes.

Additional records management advice is contained in the Advice Centre.

20. PREVENTION OF CORRUPTION & DECLARATION OF INTERESTS

20.1 Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

20.2 Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

21. ~~DECLARATION OF INTERESTS~~

21. CONTRACT MANAGEMENT / MONITORING

- 21.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Head of Service must ensure a Contract Manager is designated prior to award.
- 21.2 Contract management, monitoring, evaluation and review must be conducted in line with any guidance detailed in the Advice Centre.

22. INTERNAL PROVIDERS

22.1 Where an in-house provider is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider and external bidding organisations.

~~22.2 Where it is proposed that a procurement process be undertaken for goods, services or works which could also potentially be delivered by an in-house provider, the commissioning Service Area shall consult with the in-house provider before proceeding issuing any Invitation to Tender, Request for Quotation, or Quick Quote.~~

22.2 Where a Service Grouping intends to procure goods, services or works which could potentially be delivered in-house by another Service Grouping, the commissioning service shall consult with that in-house provider before proceeding to issue any Invitation to Tender, Request for Quotation, or Quick Quote.

22.3 If the in-house provider has the capability and capacity to meet the requirement, and can deliver this within the appropriately established budget allocated by the commissioning service, then the in-house service shall be used and no procurement exercise should take place. A procurement exercise via the e-tendering system should only be undertaken if it can be established that the in-house service cannot meet the requirement (or if it has been previously agreed by the appropriate Head of Service that external contractors may be engaged as part of an out-sourcing study or project).

22.4 The Procurement Officer should follow any additional guidance in the Advice Centre.

23. EXTERNAL BODY GRANT FUNDING

23.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement Officer must ensure that any rules or grant conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.

23.2 Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed. Where there is any doubt over which requirement should be followed, the guidance should be sought from Legal & Democratic Services before proceeding.

23.3 Where a procurement process is funded, in whole or part, by grant funding, a Grant Authorisation Form must be completed as detailed in the Advice Centre.

24. REVIEW AND AMENDMENT OF CPRS

These Contract Procedure Rules shall be reviewed and updated on an annual basis as part of the annual review of the Constitution.

Appendix 9: Amendments to Terms of Reference of Audit Committee

Committee	Membership	Functions
Audit Committee	<p>9 Members of the Council excluding Members of the Executive and Executive Support Members</p> <p>2 co-opted non-voting Members</p> <p>A chair of the Overview and Scrutiny Management Board or any other Scrutiny Committee or of the Standards Committee may not chair the Audit Committee.</p>	<p>The Audit Committee approves the Final Accounts and is an advisory committee to the Council and the Executive on audit and governance issues in order to provide independent assurance over the adequacy of the Council's risk management framework and associated control environment. In particular the Audit Committee will:-</p> <p>on audit matters:</p> <ol style="list-style-type: none"> 1. consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements; 2. consider summaries of Internal Audit reports on a quarterly basis; 3. consider reports dealing with the performance of the Internal Audit service; 4. consider a report from Internal Audit on agreed audit recommendations not implemented within a reasonable timescale; 5. consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance; 6. consider specific reports as agreed with the External Auditor; 7. consider the External Audit plan, comment on the scope and depth of external audit work, and to ensure it gives value for money; 8. review the appointment of the Council's External Auditor; 9. within available resources be able to request work from Internal and External Audit. <p>on governance issues:</p> <ol style="list-style-type: none"> 10. maintain an overview of the Council's Constitution in respect of changes to contract procedure rules and financial procedure rules; 11. review any issue referred to it by the Chief Executive or a chief officer, or any Council body; 12. monitor the effective development and operation of risk management and overall corporate governance in the Council;

Committee	Membership	Functions
Audit Committee (Cont'd)		<p>13. monitor the operation of the Council's anti-fraud and anti-corruption policies and strategy;</p> <p>14. approval and adoption of the Council's Annual Governance Statement; and recommend its adoption;</p> <p>15. consider the Council's arrangements for corporate governance and recommend actions to ensure compliance with best practices;</p> <p>on annual accounts matters:</p> <p>16. approve the annual statement of accounts;</p> <p>17. to comment on the External Auditor's report to those charged with governance on issues arising from the audit of the accounts;</p> <p>18. overview of probity aspects of internal and external audit;</p> <p>19. overview of the Council's Confidential Reporting Code.</p>

Appendix 10: Amendments to Officer Delegations

Schedule 1

C. OFFICER SCHEME OF DELEGATIONS

Table 1

General Delegations to all Chief Officers

1. The Chief Officers referred to in this scheme of delegations are those set out in Article 11 of this Constitution.
2. Chief Officers are empowered to carry out those specific functions of the Council delegated to them in the scheme of delegation. In doing so Chief Officers are expected to follow principles of decision making in Article 12 of the Constitution.
3. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
4. In exercising their delegated powers Chief Officers may:-
 - (a) Incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council.
 - (b) In consultation, where appropriate, with the relevant Cabinet Portfolio Member, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval.
 - (c) deal with the following employment issues in accordance with the Council's procedures:
 - (i) engage, suspend, dismiss and deploy staff up to and including Head of Service level;
 - (ii) take disciplinary action against staff up to but excluding appeals against dismissal;
 - (iii) apply conditions of service in accordance with the Council's policies;
 - (iv) permanently regrade posts up to and including Head of Service level with the approval of the Corporate Director Resources.

- (v) make establishment changes up to and including Head of Service level;
 - (vi) deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter
- (d) Deploy other resources within their control.
 - (e) Within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules.
 - (f) Terminate contractual and other commissioning arrangements.
 - (g) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council.
 - (h) Exercise virement within the financial limits contained in the Financial Procedure Rules.
 - (i) Provide services to other local authorities and organisations.
 - (j) Respond to consultations from Government departments and other public bodies.
 - (k) Request the Head of Legal and Democratic Services to enforce any bye-laws relevant to their service area.
5. In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.
6. In exercising their delegated powers the Chief Officers will:-
- (a) Follow the procedures and guidance set out in the Guidance on the Exercising and Recording of Delegated Powers issued by the Monitoring Officer.
 - (b) Consult the relevant Cabinet Portfolio Member as appropriate.
 - (c) Consult any appropriate Chief Officer or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision.
 - (d) Make the record available to:-

- (i) the public, provided this does not mean the release of confidential or exempt information; and
- (ii) any Member of the Council provided this does not involve the release of confidential or exempt information to which the Member is not entitled.
- (iii) the Chief Executive and Head of Legal and Democratic Services.

7. Each Chief Officer shall act as the designated Proper Officer for the Government Act 1972:-
 - (a) To identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100(d)(v)(a) of the Act).
 - (b) To prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100(d)(i)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).
8. Chief Officers and Heads of Service may authorise officers within their Service area to exercise powers delegated to them. Chief Officers must maintain proper records of such authorisation. The Chief Officer shall remain accountable for any action or decisions taken under that authority.
9. For the avoidance of doubt, any authorisations made by Chief Officers to officers in force immediately prior to the adoption of this Constitution shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by either further such delegation or authorisation, or any action taken pursuant to later delegation.
10. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Heads of Service so far as permitted by law.
11. Where this Constitution permits the exercise of delegated powers by Heads of Service, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.
12. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Executive or some other Council body.

Schedule 2

Table 4

Delegations to the Corporate Director, Regeneration and Economic Development

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director, Regeneration and Economic Development is authorised to discharge any function of the Executive in relation to:-

- Spatial Planning, Regeneration and Economic Policy
- Housing
- Transport Strategy
- Highways and Local Transport Planning
- Traffic Management, in consultation, where required with the Highways Committee, in relation to functions under the Road Traffic Regulation Act 1984 and 1988
- Network Management and Street Works in relation to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 including enforcement
- Strategic Tourism
- Conservation and Archaeology
- Town Twinning
- Public Rights of Way
- Management of the Council's Land and Property Assets
- The transport functions delegated to the Council by the Combined Authority formed by the Durham, Gateshead, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (the Combined Authority)

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and non-executive delegations

1. To give consent on behalf of the Council to the County Durham Development Company Limited incurring expenditure of money provided by the Council.
2. To review decisions made by the Head of Planning and Assets relating to the list of assets of community value.
3. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within the Appendix to this Table to reflect new or modified statutory provisions.
4. The exercise of the Council's enforcement powers under legislation listed in the Appendix to Table 4 in relation to Common Land and Town and Village Greens.

The following matters are, in addition, delegated to the Head of Transport and Contract Services:

5. To exercise all of the Council's functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations except matters reserved to the Highways Committee.
6. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
7. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to
 - a) issue a penalty charge notice in connection with parking offences and part of the civil parking regime
 - b) allow exceptions to normal civil parking enforcement practices where appropriate
8. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
9. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.
10. Provision and operation of closed circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.

11. To discharge the regulatory and enforcement functions of the Council under the legislation set out in the Appendix to this Table.
12. To enter into Section 38 of the Highways Act 1980 agreements to adopt and thereafter maintain highways at the public expense.
13. To enter into Section 278 of the Highways Act 1980 agreements to modify existing highways.

The following matters are, in addition, delegated to the Head of Spatial Policy, Planning and Assets:

14. Determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 or under any related principal or secondary legislation, except the following –
 - (a) those applications for planning permission, applications for approval of reserved matters or other notifications which have a relevant timescale of more than 28 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Spatial Policy, Planning and Assets specifying material planning grounds on which the request is made and received by the Head of Spatial Policy, Planning and Assets within 21 days of publication on the weekly list);
 - (b) those applications for planning permission, applications for approval of reserved matters or other notifications which have a relevant timescale of more than 28 days where a Member of the Council or an officer of the Planning Development Service or their spouse/partner or children has an interest in the property or land which is the subject of the application or notification and where there is an objection to the application or notification;
 - (c) those applications for planning permission, applications for approval of reserved matters or other notifications which have a relevant timescale of more than 28 days where despite a Town or Parish Council having expressed objection or support on material planning grounds the officer is minded to recommend the application or notification contrary to the Town or Parish Council wishes and the Town or Parish Council have made a specific request in writing for the application or notification to go before a planning committee which is received by the Head of Planning and Assets within 21 days of publication on the weekly list;
 - (d) Major developments (but not including Reserved Matters, applications for extension of time or applications for a material minor amendment) comprising –

- (i) ten or more dwellings (detailed and outline applications) except where the application is for a substitution of house types on a scheme already benefiting from an extant planning permission;
 - (ii) industrial floor space of 5000 m² or more comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution); or
 - (iii) all other developments not falling within use classes C3, C4, B1, B2 or B8 where the floor space is 1000 m² (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
- (e) those applications for planning permission or notifications which have a relevant timescale of more than 28 days which in the opinion of the Head of Planning and Assets ought to be determined by Committee due to their controversial nature;
- (f) those applications for planning permission or notifications which have a relevant timescale of more than 28 days recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
- (g) those applications for planning permission or notifications which have a relevant timescale of more than 28 days where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State;
15. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.
16. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned at paragraph 15 above.
17. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
18. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.
19. To authorise the making and confirmation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
20. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements and to authorise the giving of any approval or consent required pursuant to a S106 Planning Obligation, S106A Deed of Variation or Section 52 Planning Agreement.

21. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
22. Authorise the taking of prosecution action applications for injunctions and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the enforcement of legislation referred to in the Appendix to this Table.
23. To administer simple and conditional cautions to persons guilty of criminal offences under the legislation referred to in the Appendix to this Table and in accordance with PACE and Home Office guidance.
24. Authorise the taking of default action under Sections 178 & 219 of the Town and Country Planning Act 1990.
25. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
26. To apply to the Secretary of State for an order under Section 249 of the Town and Country Planning Act 1990.
27. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 & Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
28. Authorise the making, confirmation, revocation and variations of Tree Preservations Orders.
29. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).
30. Authorise individual named officers to exercise powers of entry contained in the following:

The Hedgerow Regulations 1997
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Hazardous Substances) Act 1990
Building Act 1984
Fire Safety and Safety of Places of Sport Act 1987
Safety of Sport Grounds Act 1975
Local Government (Miscellaneous Provisions) Act 1982
Party Wall etc Act 1996

Planning Act 2008

or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority;

31. To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.
32. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
33. Act under and in respect of –
 - (a) Sections 16, 18 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
 - (b) Sections 74-77 to 73 78 and 77 80 to 83, Building Act 1984;
 - (c) Building Regulation 14 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings
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 - (d) Sections 29-32, Local Government (Miscellaneous Provisions) Act 1982;
 - (e) Party Wall Act etc 1996;
34. Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with the Safety of Sports Grounds Act 1975 and Part III, Fire Safety and Safety of Places of Sport Act 1987;
35. To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.
36. In consultation with the Local Members and the relevant Cabinet Portfolio Member, to sell or lease any property which is surplus to the requirements of the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.
37. To approve the principle of acquiring property at a price not exceeding £60,000.
38. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council and to settle any dilapidation claim at the end of any lease acquired.

39. To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property.
40. To accept the dedication or transfer of land to be maintained as public open space subject to satisfactory terms being negotiated for contribution to the cost of maintenance.
41. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.
42. To approve the granting of an option over Council land or the acquiring by the Council of an option over land and to approve the extension of any option granted or acquired.
43. To authorise the use of Council land as a permissive right of way and/or to dedicate Council land as a public right of way.
44. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
45. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
46. To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.
47. To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.
48. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance.
49. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
50. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
51. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
52. To approve disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 subject to seeking guidance

from the Highways Committee in the event of unresolved objections being received.

53. To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.
54. All duties arising out of the establishment of the Business Improvement Districts.
55. To designate any areas to be of special architectural or historical interest as conservation areas; to review and amend the boundaries and conclude Character appraisals and to formulate and prepare proposals for the preservation and enhancement of those areas.

The following matters are, in addition, delegated to the Head of Economic Development and Housing

56. To exercise the Council's function in relation to housing including:-
 - (a) determining the conditions to be included in tenancy agreements;
 - (b) making any decisions necessary to comply with the Council's obligations to secure tenants in compliance with the legislation referred to in the Appendix to Table 4;
 - (c) the determination of any applications for grant assistance pursuant to the legislation listed in the Appendix at Table 4;
 - (d) the allocation of tenancies in accordance with policies approved by the Council;
 - (e) to determine all requests for consents required by the terms of tenancy agreements;
 - (f) to authorise action to enforce a breach of condition in tenancy agreements, including in consultation with the Head of Legal and Democratic Services where necessary, the institution of legal proceedings;
 - (g) the exercise of the Council's enforcement powers under the legislation listed in the Appendix to Table 4 in relation to private sector housing;
 - (h) to authorise the implementation of any action necessary to recover monies due to the Council as a result of its exercise of

the powers contained in legislation listed in the Appendix at Table 4;

- (i) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness in the legislation described in the Appendix at Table 4:
- (j) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
- (k) To amend agreements entered with Arms Length Management organisations;
- (l) To respond on the Council's behalf to requests for consent to alterations to the Articles of Association of Large Scale Voluntary Transfer companies and Arms Length Management Organisations.

57. To carry out the Council's functions in relation to permanent gypsy, roma and traveller sites under the legislation listed in the Appendix at Table 4, including allocation of sites, site management, rent recovery and tenant support.

Appendix to Table 4

Acquisition of Land Act 1981
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Building Act 1984
Chronically Sick and Disabled Persons Act 1970
Commons Act 1876
Commons Act 2006
Commons Registration Act 1965
Countryside and Rights of Way Act 2000
Criminal Justice and Public Order Act 1994
Durham City Council Act 1985
Electricity at Work Act 1989
Environmental Protection Act 1990
Environment Act 1995
Fire Safety and Places of Sport Act 1987
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Growth and Infrastructure Act 2013
The Hedgerows Regulations 1997
Highways Act 1980
Home Energy Conservation Act 1997
Homelessness Act 2002
Housing Act 1985
Housing Act 1988
Housing Act 1996
Housing Act 2004
Housing and Regeneration Act 2008
Housing Grants Construction and Regeneration Act 1996
Inclosure Act 1857
Land Compensation Act 1973
Landlord and Tenant Act 1985
Leasehold Reform Housing and Urban Development Act 1993
Local Democracy, Economic Development and Construction Act 2009
Local Government, Planning and Land Act 1980
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Miscellaneous Provisions) Act 1976
Local Government Act 1972
Local Government Act 2003
Local Government and Housing Act 1989
Localism Act 2011
Local Transport Act 2008
Mobile Homes Act 2013
National Parks and Access to the Countryside Act 1949
Natural Environment and Rural Communities Act 2006
New Roads and Street Works Act 1991
Open Spaces Act 1906
Party Wall etc. Act 1996
Planning and Compulsory Purchase Act 2004

Planning (Hazardous Substances) Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Act 2008
Private Security Industry Act 2001
Proceeds of Crime Act 2002
Protection from Eviction Act 1977
Railway Clauses Consolidation Act 1985
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Road Traffic Regulation Act 1984
Safety of Sports Grounds Act 1975
The Conservation of Habitats and Species Regulations 2010
Town and Country Planning (Use Classes Order) 1987
Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Town and Country Planning (Environmental Impact Assessment) Regulations 2011
Town and Country Planning (General Permitted Development) Order 1995
Town and Country Planning (Development Management Procedure) (England) Order 2010
Town and Country Planning (Local Planning) (England) Regulations 2012
Town Police Clauses Act 1847
Traffic Management Act 1984
Traffic Management Act 2004
Transport Act 1985
Transport Act 2000
Warm Homes and Energy Conservation Act 2003
Wildlife and Countryside Act 1981

Schedule 3 – Current delegations to the Corporate Director, Neighbourhood Services

Table 5

Delegations to the Corporate Director, Neighbourhood Services

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director, Neighbourhood Services is authorised to discharge any function of the Executive in relation to:-

- Highway design and maintenance
- Highway speed management
- Clean Neighbourhoods and Environment
- Open Spaces
- Leisure and Recreation
- Public Health and Pest Control
- Waste Management and Recycling
- Street Cleansing
- Building and Technical Services
- Allotments
- Building Compliance and Repairs
- Construction Compliance
- Traffic Management, in consultation, where required, with the Highways Committee in relation to functions under the Road Traffic Regulation Act 1984.
- Network Management and Street Works in relation to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 including enforcement
- Community Safety
- The Waste Solution Programme
- Private Sector Housing Enforcement

- Animal Welfare/Infectious Disease Control
- Stray Dogs
- Trading Standards and Consumer Protection
- Burial and Cremation
- Fleet Management
- Vehicle Testing
- Response to unauthorised Gypsy, Roma and Traveller Encampments
- Facilities Management
- Catering Management
- Tree Management
- Customer Services
- Street Naming and Numbering
- Culture and Sport Activities including the provision of facilities and venues
- Countryside Estate Management
- Provision, operation and commissioning of public libraries, museums, art galleries, theatres, arts development, heritage facilities

Specific and Non-Executive Delegations

1. To exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the 2000 Regulations:
 - (a) performances of hypnotism;
 - (b) premises for acupuncture, tattooing, ear piercing and electrolysis;
 - (c) pleasure boats and pleasure vessels;
 - (d) night cafes and take-away food shops;
 - (e) sale of non-medicinal poisons;
 - (f) premises for the preparation of food including registration;
 - (g) scrap yards;
 - (h) pet shops and the breeding and boarding of dogs or other animals;
 - (i) animal trainers;
 - (j) knackers' yards;
 - (k) charitable collections;
 - (l) operation of loudspeakers;
 - (m) street works licences;
 - (n) movement and sale of cattle and pigs;
 - (o) all the provisions of the Highways Act 1980;
 - (p) storage of celluloid;
 - (q) meat, fish, dairy and egg product establishments and butchers' shops;
 - (r) motor salvage operations;
 - (s) health and safety at work;
 - (t) smoke-free premises;
 - (u) caravan and camping sites and moveable dwellings.

2. To exercise the Council's functions in relation to:
 - (a) the control of pollution and the management of air quality;
 - (b) statutory nuisances, as referred to in Schedule 2 to the 2000 Regulations;
 - (c) contaminated land;
 - (d) port health;

The matters set out in paragraphs 3 to 15 below are, in addition, delegated to the Head of Environment, Health and Consumer Protection:

3. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under legislation set out in Appendix 1 to this Table and all associated secondary legislation as amended from time to time.
4. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.
5. Subject to Appendices 2, 3 and 4 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation set out in the Appendix 1 to this Table including all relevant statutory provisions.
6. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in paragraph 3 above and in accordance with PACE and the Home Office Guidance.
7. To authorise suitably qualified and competent staff within the Environment, Health and Consumer Protection Division and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in paragraph 3 above.
8. To authorise another local authority to institute legal proceedings in respect of a contravention of the legislation set out in Appendix 1 to this Table where related contraventions are being investigated by that authority.
9. To grant authorisations in relation to illegal money lending and unfair trading practices.
10. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.

11. Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.
12. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
13. To authorise Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local government Act 1972 or to be represented by a duly instructed solicitor.
14. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 2, 3 and 4 to this Table.
15. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

The matters set out in paragraphs 16 to 23 below are, in addition, delegated to the **Head of Direct Services and Head of Technical Services:**

16. To exercise, in consultation with the Head of Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under legislation set out in Appendix 5 to this Table and all associated secondary legislation, as amended from time to time.
17. To authorise suitably qualified and competent staff within Neighbourhood Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 5 to this Table.
18. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
19. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in Appendix 5 to this Table and in accordance with PACE and the Home Office Guidance.
20. To discharge the regulatory and enforcement functions of the Council under the legislation set out in Appendix 5 to the Table.
21. The determination of applications for approval of drainage systems submitted pursuant to Schedule 3 of the Flood and Water Management Act 2010
22. To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths.

23. (a) To grant street-works licenses under Section 50 of the New Roads and Streetworks Act 1991 (the 1991 Act)
- (b) To issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network.

The matter set out in paragraph 24 below is, in addition, delegated to the Head of Culture and Sport

24. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.

Appendix 1 to Table 5

Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agricultural Produce (Grading and Marking) Acts 1928 and 1931
Animal Boarding Establishments Act 1963
Animal By Products (Enforcement) (England) Regulations 2013
Animal Feed (England) Regulations 2010
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985 and 2006
Consumer Contracts (information, Cancellation and Additional Charges) Regulations 2013
Consumer Credit Act 1974
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Copyright, Design and Patents Act 1988
Crime and Disorder Act 1998
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Courts and Legal Services Act 1990
Dangerous Substances and Explosive Atmospheres Regulations 2002
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Education Reform Act 1988
Employment of Women, Young Persons and Children Act 1920
Energy Act 1976
Enterprise Act 2002
Environmental Damage (Prevention and Remediation) (Regulations) 2009
Environmental Protection Act 1990
Environment Act 1995

Estate Agents Act 1979
European Communities Act 1972
Explosives Act
Explosives (Age of Purchase etc) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Feed (Hygiene and Enforcement) (England) Regulations 2005
Food Act 1984
Food Safety and Hygiene (England) Regulations 2013
Food and Environment Protection Act 1985
Food Safety Act 1990
Fraud Act 2006
Gambling Act 2005
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Highways Act 1980
House to House Collections Act 1939
Housing Act 2004
Hypnotism Act 1952
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1985
Land Drainage Act 1976
Land Drainage Act 1991
Land Drainage Act 1994
Licensing Act 2003
Local Authorities Goods and Services Act 1970
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Localism Act 2011
Medicines Act 1968
Mobile Homes Act 2013
Motor Salvage Operators Regulations 2002
National Assistance Act 1948
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Official Feed and Food Controls (England) (Amendment) Regulations 2011
Performing Animals (Regulation) Act 1925
Pesticides Act 1998
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Act 1951
Pet Animals Act 1951 Amendment Act 1983
Petroleum Consolidation Act 1928
Poisons Act 1972
Police, Factories etc. (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974
Proceeds of Crime Act 2002

Protection of Animals Act 1911
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Public Health (Ships) Regulations 1979
Public Health (Ships) (Amendment) (England) Regulations 2007
Public Health Acts Amendment Act 1907
Riding Establishments Acts 1964 and 1970
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Road Traffic (Consequential Provisions) Act 1988
Scrap Metal Dealers Act 2013
Slaughter of Poultry Act 1967
Slaughterhouse Act 1974
Solicitors Act 1974
Sunbeds (Regulations) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
Tobacco Advertising and Promotion Act 2002
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Trade Descriptions Acts 1968
Trade Marks Act 1994
Trading Stamps Act 1964
Traffic Management Act 2004
Unsolicited Goods and Services Acts 1971
Unsolicited Goods and Services Amendment Act 1975
Video Recordings Acts 1984, 1993 and 2010
Water Industries Act 1991
Weights and Measures Act 1985
Zoo Licensing Act 1981

Appendix 2 to Table 5 - Delegation of Licensing Act 2003 responsibilities

Matter to be dealt with	(1) Full Committee	(2) Sub-Committee	(3) Officers
Application for Personal Licence		If a Police objection is made	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for interim authorities		If a Police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.			All cases, in consultation with the Chair or Vice Chair of the Statutory Licensing Committee
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	

Appendix 3 to Table 5 - Gambling Act 2005 – Scheme of Delegations

Gambling Act 2005	Functions	Delegation
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with Chairman or Vice-Chairman at the Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee

Gambling Act 2005	Functions	Delegation
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Hearing in relation to a Temporary Use Notice or to agree with other parties in the event of an objection that a hearing is unnecessary	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in his absence the Central Services Manager) (Refusal to be exercised only in consultation with Chairman or Vice-Chairman of the Licensing Committee)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Schedule 11 Paragraph 44 Paragraph 48	Registration of society for small society lottery Refusal of application for registration of society for small society lottery	Officers Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers

Gambling Act 2005	Functions	Delegation
Schedule 12 Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
Paragraph 15	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	Officers
Paragraph 21	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)	Licensing Sub-Committee
Paragraph 22	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received	Officers
Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13 Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Chairman or Vice-Chairman of the Licensing Committee)
Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Licensing Sub-Committee
Paragraph 17	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received	Officers
Paragraph 17	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers
Schedule 14 Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with Chairman or Vice-Chairman of Licensing Committee)
Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

Appendix 4 to Table 5 - Hackney Carriage and Private Hire Licensing

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Application for a Drivers Licence where there are no concerns over their fitness and propriety			X
Application for a Drivers Licence where doubts on fitness and propriety are minor traffic offences			X
Application for a Drivers Licence where there is a lapse of time or circumstances for convictions fall outside of the Policy		X	
Application for a Drivers Licence where there is any other doubt on suitability		X	
Revocation of Driver or Operator Licence		X	
Revocation of Vehicle Licence			X
Suspension of Licences			X

Appendix 5 to Table 5

Administration of Justice Act 1970
Allotments Act 1922, 1925 and 1950
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Burial Act 1853
Burial Act 1857
Civic Amenities Act 1967
Clean Neighbourhoods and Environment Act 2005
Coast Protection Act 1949
Conservation of Habitats and Species Regulations 2010
Construction, Design and Management Regulations 2007
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright, Designs and Patents Act 1988
Countryside Act 1968
Countryside and Rights of Way Act 2000
Cremation Act 1902 and 1952
Criminal Damage and Police Act 2001
Criminal Justice and Public Order Act 1994
Criminal Damage Act 1971
Crime and Disorder Act 1998
Dangerous Dogs Act 1991
Disability Discrimination Act 2005
Durham City Council Act 1985
Electricity at Work Act 1989
Environment Act 1995
Environmental Protection Act 1990
Firearms Act 1968
Flood and Water Management Act 2010
Hazardous Waste (England and Wales) Regulations 2005
Health and Safety at Work Act 1974
Highways Act 1980
Household Waste Recycling Act 2003
Housing Grants, Construction and Regeneration Act 1996
Land Drainage Act 1991 and 1994
Landfill (England and Wales) Regulations 2002
Local Democracy, Economic Development and Construction Act 2009
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Localism Act 2011
Local Authorities' Cemeteries Order 1977
Local Transport Act 2008
Management of Health and Safety at Work Act Regulations 1999
Museums and Galleries Act 1992
National Parks and Access to the Countryside Act 1949
Natural Environment and Rural Communities Act 2006

New Roads and Street Works Act 1991
Occupiers Liability Act 1984
Offender Management Act 2007
Open Spaces Act 1906
Parochial Registers and Records Measure 1978
Police Reform Act 2002
Public Health Act 1925
Public Health Act 1936
Public Health Act 1961
Public Health Acts Amendment Act 1907
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic Act 1988
Road Traffic Regulation Act 1984
Road Traffic (Temporary Restrictions) Act 1991
Road Traffic Regulation (Special Events) Act 1994
Safety Sports Ground Act 1975
Small Holdings and Allotments Act 1908
Sporting Events (Control of Alcohol etc) Act 1985
Theatres Act 1968
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847
Town Police Clauses Act 1847
Traffic Calming Act 1992
Traffic Management Act 2004
Transport Act 1968, 1981, 1985 and 2000
Waste Minimisation Act 1998
Waste Batteries and Accumulators Regulations 2009
Waste Electrical and Electronic Equipment Regulations 2013
Waste (England and Wales) Regulations 2011
Weeds Act 1959
Wildlife and Countryside Act 1981

Schedule 4 – Proposed delegations to the Corporate Director, Neighbourhood Services

Table 5

Delegations to the Corporate Director, Neighbourhood Services

1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director, Neighbourhood Services is authorised to discharge any function of the Executive in relation to:-

- Buildings and Facilities Management
- Building Services
- Business Services
- Street Cleansing and Grounds Maintenance
- Construction Programme and Project Management Unit
- Consumer Protection
- County Fleet
- Culture and Sport Localities
- Culture and Sport Improvement and Development
- Culture and Sport Growing and Learning
- Culture and Sport Wellbeing
- Culture and Sport Place and Experience
- Customer Services
- Environment Protection
- Health Protection
- Management and Maintenance of Highways
- Neighbourhood Protection
- Neighbourhood Services Learning and Development
- Parks and Grounds
- Policy, Performance and Communications
- Projects and Programme Management
- Waste Collections and Waste Transfer Sites
- Waste Management
- School Capital Projects

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and Non-Executive Delegations

The following matters are, in addition delegated to the Head of Culture and Sport

2. To authorise suitably qualified and competent staff within Culture and Sport and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the relevant legislation referred to in Appendix 5 to this Table
3. In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
4. To exercise functions as Library Authority under relevant legislation referred to in Appendix 5 to this table
5. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums
6. To approve agency agreements where financial transactions are not required.

The following matters are, in addition delegated to the Head of Direct Services

7. To exercise the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations
8. To authorise suitably qualified and competent staff within Direct Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the relevant legislation referred to in Appendix 5 to this Table
9. In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
10. To authorise suitably qualified and competent staff within Direct Services to discharge the regulatory and enforcement functions of the Council under the relevant legislation set out in Appendix 5 to this Table
11. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions including the institution of legal proceedings under relevant legislation set out in Appendix 5 to this Table and all associated secondary legislation as amended from time to time
12. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in Appendix 5 to this Table and in accordance with PACE and the Home Office Guidance

13. To exercise functions as Waste Collection Authority under relevant legislation referred to in Appendix 5 to this table
14. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation referred to in Appendix 5 to this Table.

The following matters are, in addition delegated to the Head of Environment, Health and Consumer Protection

15. To exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations:

- a. Performances of hypnotism;
- b. Premises for acupuncture, tattooing, ear piercing and electrolysis;
- c. Pleasure boats and pleasure vessels;
- d. Night cafes and take-away food shops;
- e. Sale of non-medicinal poisons;
- f. Premises for the preparation of food including registration;
- g. Scrap yards;
- h. Pet shops and the breeding and boarding of dogs or other animals;
- i. Animal trainers;
- j. Knackers' yards;
- k. Charitable collections;
- l. Operation of loudspeakers;
- m. Street works licences;
- n. Movement and sale of cattle and pigs;
- o. Storage of celluloid;
- p. Meat, fish, dairy and egg product establishments and butchers' shops;
- q. Motor salvage operations;
- r. Health and safety at work;
- s. Smoke-free premises;
- t. Caravan and camping sites and moveable dwellings

16. To exercise the Council's functions in relation to:

- a. The control of pollution and the management of air quality;
- b. Statutory nuisances, as referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations;
- c. Contaminated land;
- d. Port health;

17. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under legislation set out in Appendix

1 to this Table and all associated secondary legislation as amended from time to time.

18. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.
19. Subject to Appendices 2, 3 and 4 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation set out in the Appendix 1 to this Table including all relevant statutory provisions.
20. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in paragraph 17 above and in accordance with PACE and the Home Office Guidance.
21. To authorise suitably qualified and competent staff within the Environment, Health and Consumer Protection Division and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in paragraph 20 above.
22. To authorise another local authority to institute legal proceedings in respect of a contravention of the legislation set out in Appendix 1 to this Table where related contraventions are being investigated by that authority.
23. To grant authorisations in relation to illegal money lending and unfair trading practices.
24. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
25. Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.
26. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
27. To authorise Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local government Act 1972 or to be represented by a duly instructed solicitor.
28. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 2, 3 and 4 to this Table.
29. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

The following matters are, in addition delegated to the Head of Projects and Business Services

30. To authorise suitably qualified and competent staff within Projects and Business Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the relevant legislation referred to in Appendix 5 to this Table
31. In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
32. To exercise functions as Waste Disposal Authority under relevant legislation referred to in Appendix 5 to this table

The following matters are, in addition delegated to the Head of Technical Services

33. To exercise all the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.
34. To authorise suitably qualified and competent staff within Technical Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the relevant legislation referred to in Appendix 5 to this Table.
35. In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
36. To authorise suitably qualified staff within Technical Services to discharge the regulatory and enforcement functions of the Council under the relevant legislation set out in Appendix 5 to this Table.
37. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under legislation set out in Appendix 5 to this Table and all associated secondary legislation as amended from time to time
38. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation referred to in Appendix 5 to this Table.
39. To exercise the functions as a Lead Local Flood Authority under the relevant legislation referred to in Appendix 5 to this table.
40. To exercise functions as Highway Authority under relevant legislation referred to in Appendix 5 to this table, including the following:

- (i) Power to enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980
- (ii) To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths.
- (iii) To grant street works license under section 50 of the New Roads and Street Works Act 1991
- (iv) To issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network.

Appendix 1 to Table 5

Administration of Justice Act 1970
Agricultural Produce (Grading and Marking) Acts 1928 and 1931
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Act 1970
Animal Boarding Establishments Acts 1963
Animal By Products (Enforcement) (England) Regulations 2013
Animal Feed (England) Regulations 2010
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding and Sale of Dogs (Welfare) Act 1999
Breeding of Dogs Act 1973, 1991
Building Act 1984
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Cattle Identification Regulations 1998 (Amended)
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985 and 2006
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
Consumer Credit Act 1974
Consumer Protection (Distance Selling) Regulations 2000
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Copyright, Design and Patents Act 1988
Courts and Legal Services Act 1990
Criminal Justice Act 1988
Crime and Disorder Act 1998
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Substances and Explosive Atmospheres Regulations 2002
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Education Reform Act 1988
Employment of Women, Young Persons and Children Act 1920
Energy Act 1976
Enterprise Act 2002
Environment Act 1995

Appendix 1 to Table 5

Environmental Damage (Prevention and Remediation) Regulations 2009
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosive Act 1875
Explosives (Age of Purchase etc.) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Feed (Hygiene and Enforcement) (England) Regulations 2005
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Food Safety and Hygiene (England) Regulations 2013
Fraud Act 2006
Gambling Act 2005
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Highways Act 1980
House to House Collections Act 1939
Housing Act 2004
Housing Grants, Construction and Regeneration Act 1996
Hypnotism Act 1952
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1985
Land Drainage Act 1976
Land Drainage Act 1991
Land Drainage Act 1994
Legislative and Regulatory Reform Act 2006
Licensing Act 2003
Local Authorities Goods and Services Act 1970
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government Act 1972
Localism Act 2011
Medicines Act 1968
Mobile Homes Act 2013
Motor Cycle Noise Act 1987
Motor Salvage Operators Regulations 2002
National Assistance Act 1948
Noise Act 1996
Noise and Statutory Nuisance Act 1993
The Official Feed and Food Controls (England) (Amendment) Regulations 2011
Performing Animals (Regulation) Act 1925

Appendix 1 to Table 5

Petroleum (Consolidation) Regulations 2014 ~~Act 1928~~
Pesticides (Fees and Enforcement) Act 1989
Pesticides Act 1998
Pet Animals Act 1951
Pet Animals Act 1951 (Amendment) Act 1983
Pigs (Records, Identification and Movement) Order 1995
Poisons Act 1972
Police, Factories and etc. (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Pollution Prevention and Control (England and Wales) Regulations 2000
Prevention of Damage by Pests Act 1949
Prices Acts 1974
Proceeds of Crime Act 2002
Protection of Animals Act 1911
Public Health Act 1936
Public Health Act 1961
Public Health Acts Amendment Act 1907
Public Health (Control of Diseases) Act 1984
Public Health (Ships) Regulations 1979
Public Health (Ships)(Amendment)(England) Regulations 2007
Riding Establishments Acts 1964 and 1970
Road Traffic (Consequential Provisions) Act 1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Scrap Metal Dealers Act 2013
Sheep Scab Order 1997
Slaughter of Poultry Act 1967
Slaughterhouse Act 1974
Solicitors Act 1974
Sunbeds (Regulations) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
Tobacco Advertising and Promotion Act 2002
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Trade Descriptions Acts 1968
Trade Marks Act 1994
Trading Stamps Act 1964
Traffic Management Act 2004
Unsolicited Goods and Services Acts 1971
Unsolicited Goods and Services Amendment Act 1975
Video Recordings Acts 1984,1993 and 2010

Appendix 1 to Table 5

Water Industries Act 1991

Weights and Measures Act 1985

Zoo Licensing Act 1981

Appendix 2 to Table 5 – Delegation of Licensing Act 2003 Responsibilities

Matter to be dealt with	Licensing Sub Committee	Authorised Officers
Application for Personal Licence	If police objection made	If no police objection made
Application for Personal Licence with unspent convictions	All cases	-
Application for Premises Licence/Club Premises Certificate	If relevant representation is made	If no relevant representation is made
Application for provisional statement	If relevant representation is made	If no relevant representation is made
Application to vary Premises Licence /Club Premises Certificate	If relevant representation is made	If no relevant representation is made
Application to vary designated Premises Supervisor	If police objection made	All other cases
Request to be removed as designated Premises Supervisor	-	All cases
Application for transfer of Premises Licence	If police objection made	All other cases
Application for interim authorities	If police objection made	All other cases
Application to review Premises Licence /Club Premises Certificate	All cases	-
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.	-	All cases in consultation with the Chair or Vice Chair of the Statutory Licensing Committee
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	-
Determination of a police representation to a temporary event notice	All cases	-

Appendix 3 to Table 5 – Delegation of Gambling Act 2005 Responsibilities

Section of Gambling Act 2005	Matter to be dealt with	Delegated to
s162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
s163	Determination of application for Premises Licence where no relevant representations received	Authorised Officer
	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
s187	Determination of application to vary Premises Licence in respect of which no representation received	Authorised Officer
	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
s188	Determination of application for transfer of Premises Licence where no representations received	Authorised Officer
	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn)	Licensing Sub-Committee
s193	Revocation of Premises Licence for failure to pay annual fee	Authorised Officer
s194	Determination that a Premises Licence has lapsed	Authorised Officer
s195	Reinstatement of lapsed Premises Licence where no representation is received	Authorised Officer
	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
s198	Rejection of application for review of Premises Licence on various grounds	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
s200	Initiation of review of Premises Licence	Authorised Officer

Appendix 3 to Table 5 – Delegation of Gambling Act 2005 Responsibilities

Section of Gambling Act 2005	Matter to be dealt with	Delegated to
s201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
s202	Determination of action following review of Premises Licence	Licensing Sub-Committee
s204	Determination of application for provisional statement in respect of which no representations received	Authorised Officer
	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn)	Licensing Sub-Committee
s205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
s218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Authorised Officer
s221	Objection to Temporary Use Notice	Authorised Officer
s222	Hearing in relation to a Temporary Use Notice or to agree with other parties in the event of an objection that a hearing is unnecessary	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
s284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
s346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Schedule 10, Para 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in their absence the Central Services Manager) (Refusal to be exercised only in consultation with Chairman or Vice-Chairman of the Licensing Committee)
Schedule 10, Para 14,15	Notification of lapse of Family Entertainment Centre Gaming Permit	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Schedule 11, Para 44	Registration of society for small society Lottery	Authorised Officer
Schedule 11, Para 48	Refusal of application for registration of society for small society lottery	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee

Appendix 3 to Table 5 – Delegation of Gambling Act 2005 Responsibilities

Section of Gambling Act 2005	Matter to be dealt with	Delegated to
Schedule 11, Para 50	Revocation of registration of society for small society lottery	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Schedule 11, Para 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Authorised Officer
Schedule 12, Para 5,10,24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	Authorised Officer
	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
Schedule 12, Para 15	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received	Authorised Officer
	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)	Licensing Sub-Committee
Schedule 12, Para 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
Schedule 12, Para 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Authorised Officer
Schedule 13, Para 4,15,19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Authorised Officer (Refusal and limitation on number of machines only in consultation with Chair or Vice Chair of the Licensing Committee)
Schedule 13, Para 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines	Licensing Sub-Committee
Schedule 13, Para 17	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received	Authorised Officer
	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Authorised Officer

Appendix 3 to Table 5 – Delegation of Gambling Act 2005 Responsibilities

Section of Gambling Act 2005	Matter to be dealt with	Delegated to
Schedule 14, Para 9, 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Authorised Officer (Refusal only in consultation with Chair or Vice-Chair of Licensing Committee)
Schedule 14, Para 15	Determination that Prize Gaming Permit has lapsed	Authorised Officer

Appendix 4 to Table 5 - Hackney Carriage and Private Hire Licensing Responsibilities

Matter to be dealt with	Delegated to
Application for a Drivers Licence - No concerns over fitness and propriety	Authorised Officer
Application for a Drivers Licence - Doubts on fitness and propriety are minor traffic offences	Authorised Officer
Application for a Drivers Licence - Lapse of time or circumstances for convictions fall outside of the Policy	Licensing Sub-Committee
Application for a Drivers Licence - There is any other doubt on suitability	Licensing Sub-Committee
Revocation of Driver or Operator Licence	Licensing Sub-Committee
Revocation of Vehicle Licence	Authorised Officer
Suspension of Licence	Authorised Officer

Appendix 5 to Table 5

Administration of Justice Act 1970
Allotments Act 1922, 1925, 1950
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Burial Act 1853
Burial Act 1857
Civic Amenities Act 1967
Clean Neighbourhoods and Environment Act 2005
Coast Protection Act 1949
Conservation of Habitats and Species Regulations 2010
Construction Design and Management (CDM) Regulations 2007¹⁵
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Copyright, Designs and Patents Act 1988
Countryside Act 1968
Countryside and Rights of Way Act 2000
Cremation Act 1902, 1952
Crime and Disorder Act 1998
Criminal Damage Act 1971
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Disability Discrimination Act 2005
Durham City Council Act 1985
Electricity At Work Act 1989
Environment Act 1995
Environmental Protection Act 1990
Firearms Act 1968
Flood and Water Management Act 2010
Hazardous Waste (England and Wales) Regulations 2005
Health and Safety at Work Act 1974
Highways Act 1980
Household Waste Recycling Act 2003
Housing Grants, Construction and Regeneration Act 1996
Land Drainage Act 1991 and 1994
Landfill (England and Wales) Regulations 2002
Local Authorities' Cemeteries Order 1977
Local Democracy, Economic Development and Construction Act 2009
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982

Appendix 5 to Table 5

Local Transport Act 2008
Localism Act 2011
Management of Health and Safety at Work Regulations 1999
Museums and Galleries Act 1992
National Parks and Access to the Countryside Act 1949
Natural Environment and Rural Communities Act 2006
New Roads and Street Works Act 1991
Occupiers Liability Act 1984
Offender Management Act 2007
Open Spaces Act 1906
Parochial Registers and Records Measure 1978
Police Reform Act 2002
Public Health Acts Amendment Act 1907
Public Health Act 1925
Public Health Act 1936
Public Health Act 1961
Public Libraries and Museums Act 1964
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic Act 1988
Road Traffic Regulations Act 1984
Road Traffic (Temporary Restrictions) Act 1991
Road Traffic Regulation (Special Events) Act 1994
Safety Sports Ground Act 1975
Small Holdings and Allotments Act 1908
Sporting Events (Control of Alcohol etc) Act 1985
Theatres Act 1968
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847
Town Police Clauses Act 1847
Traffic Calming Act 1992
Traffic Management Act 2004
Transport Act 1968, 1981, 1985, 2000
Waste Minimisation Act 1998
Waste Batteries and Accumulators Regulations 2009
Waste Electrical and Electronic Equipment Regulations 2013
Waste (England and Wales) Regulations 2011
Weeds Act 1959
Wildlife and Countryside Act 1981

Schedule 5

Table 6

Delegations to the Corporate Director, Resources

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director, Resources is authorised to discharge any function of the Executive in relation to:-

- The proper administration of the Council's financial affairs
- The provision of Legal and Democratic Services to the Council
- Human Resources and Organisational Development Services
- ICT Services
- Coroners
- Land charges
- The Registration of Births, Deaths and Marriages

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

Specific and Non-Executive Delegations

Finance and Corporate Services

1. To establish an appropriate Debt Management Strategy and Policy and to implement appropriate action to ensure the collection of revenue, council tax and business rates.
2. The administration of housing benefits, including Discretionary Housing Payments and the administration of the Local Council Tax Support Scheme (from 1 April 2013).
3. The provision, operation and commissioning of a Welfare Rights and Citizens Advisory Service.
4. To exercise the budgetary control functions referred to the Corporate Director under the Council's Financial Procedure Rules.
5. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
6. To maintain an effective internal audit service.
7. To act as lead officer for the Audit Committee.

8. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
9. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement
10. To make appropriate banking arrangements on behalf of the Council.
11. To insure against risks where this is considered appropriate.
12. The operation of the Council's accounting systems and payroll.
13. ~~In consultation with the Leader and Deputy Leader,~~ To authorise the release of funds from contingencies as set out in the Revenue Budget and to forecast and to manage the Council's Collection Funds, making adjustments to payments to principal precepting bodies as appropriate.
14. To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
15. To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:
 - (a) Section 115(2) (Accountability of Officers);
 - (b) Section 146 (Transfer of Securities on Alteration of Area Etc.)
16. ~~In relation to the Pension Fund:~~
 - (a) ~~To exercise the County Council's function as administering authority relating to the Local Government Pension Scheme.~~
 - (b) ~~To exercise discretions the Council has under the regulations governing the Local Government Pension Scheme;~~
 - (c) ~~To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund this is necessary in order to protect the interests of the Fund.~~
 - (d) ~~To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.~~
 - (e) ~~To maintain all necessary accounts and records in relation to the Pension Fund, including the calculation of and payment of benefits, reconciliation and investment of contributions, preparation of the Annual Accounts and preparation of membership data for actuarial valuation purposes.~~
 - (f) ~~To maintain the system of internal control.~~

- (g) To manage the triennial valuation of the Pension Fund.
- (h) To accept for admission into the Pension Fund employees of authorities and bodies as prescribed in Regulations including transferee and community Admissions which are considered as 'exceptional circumstances', subject to an approved Admission Agreement, and subject to any necessary indemnities as appropriate
- (i) To be the local referee for disputes under the Local Government Pension Scheme
- (j) To set the appropriate funding target for the Fund under the rules of the Local Government Pension Scheme.
- (k) To carry out, in consultation with the Pension Fund Committee, the requirement to monitor and review the investments made by the Fund Managers and report to each meeting of the Pension Fund Committee on the exercise of this delegation.
- (l) To manage cash flow, allocate funds between investment managers in order to ensure that the Fund's asset allocation is maintained and invest the residual cash balances.
- (m) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee.
- (n) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement.
- (o) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Statement of Investment Principles.
- (p) To produce as part of the Funding Strategy Statement, an assessment of all the specific risks that can be identified in relation to the management of the Pension Fund.

16. To write off debts.
17. To deal with the payment of Coroner's remuneration and expenses.
18. To ensure appropriate financial arrangements across the Council.
19. To approve premises for the solemnization of marriages and the registration of civil partnerships.

20. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
21. To authorise expenditure within the approved budget for civic hospitality.
22. To agree the terms of loans permitted under law.
23. To make a statutory declaration of local authority mortgage interest.
24. To respond to notices in relation to EU financial sanctions.
25. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
26. To forecast yield from Business Rates including the completion and submission to Government of the NNDR 1 and NNDR 3 returns, factoring the implications of the Business Rate Retention Scheme (from 1 April 2013) into the Medium Term Financial Plan and maintaining a Collection Fund in accordance with proper accounting practice.
27. To establish a Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.
28. To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant allocations.
29. In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme including, but not restricted to, the following:
 - (a) To ensure that Pension Fund complies with the Local Government Pension Scheme Regulations and all other legislation that governs the administration of the Pension Fund.
 - (b) To exercise discretions the Council as administering authority has, under the regulations governing the Local Government Pension;
 - (c) To administer the financial affairs of the Pension Fund;
 - (d) To agree the write-off of bad debts;
 - (e) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
 - (f) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund that is necessary in order to protect the interests of the Fund.

- (g) To maintain all necessary accounts and records in relation to the Pension Fund, including the preparation of the Annual Accounts;
- (h) To ensure that appropriate arrangements for the administration of benefits are in place, including the calculation of and payment of benefits, and collection of contributions;
- (i) To manage the triennial valuation of the Pension Fund including the preparation of membership data for actuarial valuation purposes.
- (j) To ensure appropriate Additional Voluntary Contribution arrangements are in place;
- (k) To pay death grants in accordance with the agreed Death Grant Procedures
- (l) To approve the payment of Dependents' Pensions in accordance with the agreed procedures
- (m) To maintain the system of internal control.
- (n) To accept for admission into the Pension Fund employees of authorities and bodies as prescribed in Regulations;
- (o) To deal with stage 2 appeals under the dispute procedure for the Local Government Pension Scheme.
- (p) To set the appropriate investment objectives and the strategic asset allocation taking into consideration the Pension Fund's liabilities as calculated by the Pension Fund's Actuary;
- (q) To monitor and review the investments made by the investment managers and to review their performance against established benchmarks. To report on the Investment Managers' performance to each meeting of the Pension Fund Committee;
- (r) To manage the Pension Fund's cash flow and allocate funds between investment managers in order to ensure that the Pension Fund's strategic asset allocation is maintained and invest the residual cash balances.
- (s) To manage the cash balances not allocated to Investment Managers in accordance with the Treasury Management Strategy and Policy approved by the Pension Fund Committee;
- (t) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee.
- (u) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of

those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement

- (v) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Statement of Investment Principles.
- (w) To review the policy on social, environmental and ethical matters on the exercise of rights, including voting rights;
- (x) To produce as part of the Funding Strategy Statement, an assessment of all the specific risks that can be identified in relation to the management of the Pension Fund.

Human Resources and Organisational Development

- 30. To implement the Council's decisions in relation to Single Status and Job Evaluation.
- 31. To approve the regrading of posts up to and including Head of Service level.
- 32. To offer alternative employment to any permanent employee who becomes surplus to the requirements of the Service or whose employment is at risk through reasons of ill health or other incapacity.
- 33. To determine applications for the extension of sick pay.
- 34. To approve applications for leave of absence in cases not covered by the Council's policies.
- 35. To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
- 36. To approve overtime payments for employees above spinal column point 28.
- 37. To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance.
- 38. To coordinate the Member Training and Development Programme including:
 - (a) management of the approved Member Training and Development Budget and
 - (b) authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader and the Head of Legal and Democratic Services.

39. To decide, taking into account the opinion of an independent registered medical practitioner, whether under the Local Government Pension Scheme Regulations, a member is eligible for an ill health pension and if eligible, what level of ill health pension the scheme member should be awarded.
40. To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.

Legal and Democratic Services

The following matters are delegated to the Head of Legal and Democratic Services:

41. To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director, Resources in connection with the administration of the Council's financial affairs. This delegation shall not derogate from the general delegation under Table 1 paragraph 8.
42. (a) To act as Returning Officer for County Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).

(b) To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.
43. To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act, 1985.
44. To act as Proper Officer for the Registration of Births, Deaths and Marriages Service pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.
45. To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.
46. (a) To prepare, negotiate and agree all legal documentation in relation to all land and property in the Council's ownership or for the acquisition of land and property by the Council.

(b) To prepare, negotiate and agree all legal documentation other than those contained in sub-paragraph (a) relating to or affecting the functions of the Council.

(c) To sign or attest the Council's seal in all legal documents referred to in sub-paragraphs (a) and (b) and all other legal documentation intended to give effect to decisions of the Council.
47. (a) To prepare, negotiate and agree all legal documentation in relation to all land and property held by the Council as a trustee.

- (b) To sign or attest the Council's seal to all documents referred to in subparagraph (a)
- 48. To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.
- 49.
 - (a) Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.
 - (b) To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
- 50. To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation first with the Corporate Director, Resources as s151 Officer and then with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.
- 51. To settle claims from staff for damage to personal property in accordance with the Council's policies.
- 52. In consultation with the Chairman of the Standards Committee, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).
- 53. To:
 - (a) appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and
 - (b) give consent to written resolutions of any company of which the Council is a shareholder.
- 54. In consultation with the Chief Executive, to make appointments of Members to local and other outside bodies which are not the subject of report to the Council or the Executive, in consultation with the respective political group leaders.
- 55. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
- 56. To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
- 57. To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).

58. To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).
59. In consultation with the Corporate Director, Neighbourhood Services and the Chairman and Vice-Chairman of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.
60. To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.
61. To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.
62. To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.
63. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.