

COUNCIL

Friday,

25 November 2005

11.00 a.m.

Council Chamber
Council Offices
Spennymoor

AGENDA and REPORTS

AGENDA

1. APOLOGIES

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on (Pages 1 - 6)

3. MAYOR'S ANNOUNCEMENTS

4. PROPOSED CORPORATE BRAND IDENTITY

Report of Chief Executive Officer (Pages 7 - 20)

5. ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

Report of Chief Executive Officer (Pages 21 - 82)

N. Vaulks
Chief Executive Officer

Council Offices
SPENNYMOOR

Councillor J.K. Piggott (Mayor) and

All other Members of the Council

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Liz North 01388 816166 ext 4237

Item 2

SEDGEFIELD BOROUGH COUNCIL

Council Chamber,
Council Offices,
Spennymoor

Friday,
30 September 2005

Time: 11.00 a.m.

Present: Councillor J.K. Piggott (Mayor) and

Councillors Mrs. A.M. Armstrong, W.M. Blenkinsopp, D.R. Brown, Mrs. B.A. Clare, Mrs. K. Conroy, Mrs. J. Croft, V. Crosby, Mrs. A.M. Fleming, R.S. Fleming, T.F. Forrest, Mrs. B. Graham, A. Gray, G.C. Gray, Mrs. J. Gray, B. Hall, K. Henderson, J.E. Higgin, A. Hodgson, Mrs. L. Hovvels, J.G. Huntington, M. Iveson, M.T.B. Jones, J.M. Khan, B. Meek, G. Morgan, D.A. Newell, K. Noble, B.M. Ord, R.A. Patchett, Mrs. E.M. Paylor, Ms. M. Predki, G.W. Scott, A. Smith, J.M. Smith, Mrs. I. Jackson Smith, Mrs. C. Sproat, T. Ward, W. Waters and J. Wayman J.P

Apologies: Councillors B.F. Avery J.P, J. Burton, M.A. Dalton, D.M. Hancock, G.M.R. Howe, J.P. Moran, Mrs. C. Potts, J. Robinson J.P, Mrs. L. Smith and K. Thompson

C.42/05 DECLARATIONS OF INTEREST
No declarations of interest were submitted.

C.43/05 MINUTES
The Minutes of the meeting held on the 29th July 2005 were confirmed as a correct record and signed by the Mayor.

C.44/05 MAYOR'S ANNOUNCEMENTS
The Mayor reported that since the last meeting he had attended 26 functions and events including the opening of a National Play Day event at Trimdon Grange, Billingham Folklore Festival Civic Evening, a Charity Fun Day at Silverdale House Newton Aycliffe, Great Aycliffe Show and the opening of Durham and Northumberland Fuschia Society Annual Show at Spennymoor Leisure Centre.

He also reported that he had attended the annual Charity Golf Tournament at Knotty Hill Golf Course, a basket ball match between Durham Wild Cats and Bradford Dragons at Spennymoor Leisure Centre, the Seve Trophy Golf Event at Wynyard Golf Club and Durham Constabulary Brass Band Concert at Shildon Civic Hall.

In addition the Mayor had attended a number of Civic Services, as well as Golden, Diamond and 65th wedding anniversaries and a hundreth birthday celebration.

The Mayor then reported that PC's Andrew Wells, Tina Smith and John Lamb were present at the meeting to be presented with framed certificates to recognise the heroic actions of those officers in attempting to save lives in dangerous circumstances and without concern for their own safety. Chief Superintendent Trounson read citations in relation to the incidents which had led to the awards. PC Andrew Wells, and PC Tina Smith were presented with St John's Ambulance Certificates. They also accepted certificates on behalf of their colleagues PC Richard Gatland and PC Helen Naylor who were unable to attend the meeting .

PC John Lamb was presented with a certificate from the Society for the Protection of Life from Fire .

C.45/05

REVIEW OF THE LOCAL CODE OF TREASURY MANAGEMENT PRACTICE

Consideration was given to a report from the Director of Resources (For copy see File of Minutes) reviewing the Code of Practice for Treasury Management Activities which had originally been approved by Council in December 2002, and incorporating the necessary changes to the original Code to reflect developments which had taken place, impacting on current Treasury Management Activities, since that time.

It was explained that the main developments, which had occurred since the Treasury Management Practice was first adopted in December 2002, included the introduction of the Prudential Framework for Capital Finance which set out a framework of self regulation of capital spending and required Councils to set and monitor Prudential Indicators.

The Office of the Deputy Prime Minister had also issued new Guidance for local government investments under Section 15 (1)(a) of the Local Government Act 2003. The Code had been revised to reflect that new guidance.

It was explained that the Code had also been amended to provide the required flexibility to review the Council's investment strategy and ensure that maximum benefits were achieved from additional land sale resources.

The Council's statutory responsibility under the Money Laundering Regulations 2003 to maintain procedures relating to its Treasury Activities for verifying and recording the identity of counterparties and reporting suspicions in relation to money laundering was also reflected in the revised Code.

RESOLVED: That the revised code of Treasury Management Practice be adopted.

C.46/05

TREASURY MANAGEMENT ANNUAL REVIEW 2004/5

Consideration was given to a report of the Director of Resources (For copy see File of Minutes) the purpose of which was to review the performance of the Council's Treasury Management Activities during the 2004/2005 financial year.

The report set out details of the Councils performance and compliance with the strategy approved by the Council in February 2004 and detailed the effects of decisions taken and the transactions executed in the past year. The report also confirmed that the Council had fully complied with its approved strategy, Treasury Management Practices and Local Code in 2004/5.

RESOLVED: That the content of the Annual Review of Treasury Management be accepted.

C.47/05

SEDGEFIELD BOROUGH COUNCIL LOCAL DEVELOPMENT FRAMEWORK - SUBMISSION DRAFT STATEMENT OF COMMUNITY INVOLVEMENT

Consideration was given to a report by the Director of Neighbourhood Services (For copy see File of Minutes) seeking approval to publish the Draft Statement of Community Involvement for consultation.

It was explained that the Draft Statement of Community Involvement detailed how the Council intended to engage with those who had an interest in matters relating to development in their area and the preparation of local development documents. The Statement was seen by the Government as very important in its aim of developing a more inclusive planning system.

It was pointed out that the Statement of Community Involvement would be published for a statutory 6 week consultation period and would undergo a public examination if any objections were received to suggest that the statement failed the tests of soundness.

It was noted that Cabinet at its meeting on 15th September 2005 had recommended the publishing of the Draft Statement of Community Involvement for the statutory period for public consultation.

RESOLVED: That Council endorses the Cabinet recommendation to publish the Draft Statement of Community Involvement.

C.48/05

SEDGEFIELD BOROUGH LOCAL DEVELOPMENT FRAMEWORK - DRAFT RESIDENTIAL EXTENSIONS SUPPLEMENTARY PLANNING DOCUMENT

Consideration was given to a report of the Director of Neighbourhood Services seeking approval of the Draft Residential Extensions Supplementary Planning Document for consultation (For copy see File of Minutes).

It was explained that Sedgefield Borough had experienced a significant increase in residential extension applications over the past years and there was clear evidence that the Councils existing Supplementary Planning Guidance Note 4, adopted in 2000 had become out of date and required review. Final Year students from the University of Newcastle had been commissioned to identify national best practice and make

recommendations to help the Borough to develop Supplementary Planning Documents. Council officers had subsequently refined the work to suit local circumstances.

The Draft Residential Extensions Supplementary Planning Document provided detailed advice on general design principles and material consideration.

It was pointed out that the draft document was to be published for a statutory period of 6 weeks however it would not be subject to an independent examination.

It was explained that Cabinet at its meeting on 15th September 2005 had recommended the publishing of the Draft Residential Extensions Supplementary Planning Document for the statutory period for consultation.

- RESOLVED:**
- 1. That the Council endorses Cabinet recommendations to publish the Residential Extensions Supplementary Planning Document.*
 - 2. That a further report detailing responses received during the consultation exercise together with information on the next steps to be taken be submitted to a future meeting.*

C.49/05

ANNUAL SCRUTINY REPORT

Consideration was given to a report of the Chief Executive Officer presenting an Annual Overview and Scrutiny report for Members approval (For copy see File of Minutes).

In accordance with paragraph 6.03(C) of Part 2 of the Council's Constitution each of the Overview and Scrutiny Committee had to report annually to Council detailing their work over the previous year together with future programmes and working methods.

The report set out the Committees achievements to date, the Work Programmes for 2005 and proposed future developments and objectives.

- RESOLVED:** *That the Annual Overview and Scrutiny Report be approved.*

EXCLUSION OF PRESS AND PUBLIC

- RESOLVED:** *That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12a of the Act.*

C.50/05

REQUEST FOR EARLY RETIREMENT

Consideration was given to a report which had been prepared by SOLACE Enterprises Ltd and the Minutes of the meeting of the Employment Issues Panel held on the 9th September 2005 in relation to a request for early retirement.(For copies see file of Minutes)

RESOLVED: That the request detailed in the report be approved.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Liz North 01388 816166 ext4237

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Item 4

REPORT TO COUNCIL

25TH NOVEMBER 2005

REPORT OF THE CHIEF EXECUTIVE OFFICER

Portfolio: WELFARE AND COMMUNICATION

PROPOSED CORPORATE BRAND IDENTITY

1 SUMMARY

- 1.1 This report proposes changes to the existing Council logo as part of a Corporate Brand Identity and the introduction of a Brand Control Guide.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 The Council approve the new Corporate Brand Identity and its use from 1st January 2006.
- 2.2 A Brand Control Guide be prepared by the Corporate Communication Task Group to provide a clear statement of how the Brand Identity will be used to provide consistency and the promotion of one corporate logo for all council services.
- 2.3 In 2005/06 the expenditure of £39,240 be met from contingencies and that appropriate provision be made in the 2006/07 budget to meet the balance of the costs.

3. DETAIL

Background Information

- 3.1 The Council believes that effective communication with stakeholders is necessary to ensure that its community leadership role is properly carried out. This has been demonstrated through the ongoing implementation of the External and Employee Communication Strategies. Both strategies are being developed to address the results of external assessments of the Council (IDeA Fit for Purpose Assessment, SOLACE Peer Challenge, Investors in People Re-assessment, CPA), which identified communications as an issue in need of improvement.

However, communication with stakeholders is not coordinated or consistent across the authority. Most departments have developed and are continuing to develop independent marketing identities. A

recent brand audit identified 13 logos, some of which are used independently of the Council's corporate logo.

- 3.2 Research suggests a clear Brand Identity reinforces the way in which councils communicate with stakeholders in terms of raising the awareness of the services councils provide and their community leadership role. The Local Government Association (LGA) believes that local authorities with a strong corporate brand will receive improved satisfaction from the public: "The visual expression of the brand, your livery, logos and staff uniforms, are key to how people see your council. Having a consistent visual identity helps people to understand what services you offer and the value they get from paying their council tax." Moreover, the LGA argue: "If people like what you do and know that you are responsible, they will form a good relationship with you."

Proposed Corporate Brand Identity

- 3.3 The proposed Corporate Brand Identity was developed by a task group including marketing and design specialists from the Chief Executives, Resources and Leisure Services departments in consultation with the Corporate Communications Working Group and the Cabinet member for Welfare and Communications. It addresses the findings of:
- the various external assessments, which indicated that communication with the community could be strengthened.
 - the requirements of the External and Employees Communication Strategies to communicate to staff, the public and other stakeholders the changes, developments and initiatives that are shaping the Council and its services.
 - the current LGA and IDeA initiative to improve the image of local government through better communication.
- 3.4 The design of the proposed Corporate Brand Identity represents those key ambitions (to build a healthy, attractive and prosperous Borough with strong communities) set out in the Community Strategy, which underpin the Corporate Plan.
- 3.5 The proposed Brand will include a logo, a range of colours, typography, a writing style and photography. When used together these elements will allow stakeholders to identify the Councils key aims through the association of design and colour contained in the logo to be displayed at the meeting.

The Corporate Logo

- 3.6 The logo, focuses on the name – Sedgefield Borough Council, which is the most powerful element of the Corporate Brand Identity.

Some logos do carry a slogan, but many don't. For example when examining the logos of the other six Durham District Councils, only one logo has a slogan attached, five of the logos concentrate on the name of the council alone.

Members are asked to consider the two examples of the logo displayed and agree their preferred option.

- 3.7 The symbol of four hoops conveys the essence of the Community Strategy to work in partnership to achieve the key aims for the Borough over the next ten years. The upward angle of the hoops also gives an abstract representation of the positive action the Council will take to achieve the vision.

- 3.8 The colours of the hoops within the logo symbolise the characteristics of the four aims, whereby:

- red conjures up the energy and vitality of the strong priority
- orange inspires bright optimism for the healthy priority
- purple links the contemporary optimism and development of the prosperous priority
- green is a universal colour synonymous with the environmental objectives of the attractive priority.

The retention of the existing corporate blue and its rich heritage is an important aspect within the design.

The addition of the circles 'orbiting' in the lines of the four hoops reflect the circles within the NetPark logo, which communicate the innovative and hi-tech aspirations of the development, which are key to the economic regeneration of the Borough.

Coat of Arms

- 3.9 The Borough Council's coat of arms will be used as an emblem only for civic functions.

4. CONSULTATIONS

- 4.1 The consultation phase of the corporate re-branding was extended to include the Employee Focus Group, Elected Members, the Council Tax Consultation Group, the Community Empowerment Network (CEN), the Residents Federation, an under 12's group and a 12 to 18 year olds group from the Ladder Centre, Ferryhill.

- 4.2 Results from questionnaires that were completed at each consultation show that both the concept and content of the brand proposal were appealing to the public, staff and Elected Member groups. Re-occurring concerns from several groups about implementation costs and the effect on Council Tax were noted. However, the fact that the design was developed in-house was seen as a welcome cost saving. The questionnaire results from the CEN group reflect uncertainty about the Brand Identity proposal.

The quantitative and qualitative results from the consultations are included in Appendix 1.

- 4.3 The following groups and organisations have been consulted on the proposals:
- Corporate Communication Working Group
 - Employee Focus Group
 - Elected Members
 - Council Tax Consultation Group
 - Community Empowerment Network
 - Residents Federation
 - Ladder Centre Youth and Film Groups

5. INFORMING MEMBERS AND EMPLOYEES

- 5.1 It is intended that presentations will be given to all departments and Members to promote the Corporate Brand Identity ahead of its official implementation date in January 2006. The presentations will provide a briefing on the Council's brand values and key messages. Presenters will supply a briefing note detailing technical and background information about the new image.
- 5.2 Members, employees and partners will have access to the Corporate Brand Guide, via the Intranet/Internet and CD roms. Guidance to support new employees will be provided at the corporate induction stage.

6. RE-BRANDING AND PARTNERSHIP BRANDING

- 6.1 The Corporate Logo must be used to represent all service areas including Sedgefield Housing, Local Agenda 21 (LA21)/Sustainable Communities, Neighbourhood Wardens, The Western Area of Newton Aycliffe - Neighbourhood Management Project, Street Scene/Civic Pride, Leisure Services – Sedgefield Borough, SBC Training, SBC Catering and Aycliffe, Spennymoor, Shildon and Ferryhill Leisure Centres. The application of the Corporate Logo must be used as specified for letterhead, livery, uniforms and publicity materials.

- 6.2 Publicity produced for specific marketing campaigns/events such as Lifestyle Fitness, Fit for Life, Splash and Airtime must display the Brand Identity. The title of marketing campaigns/events must appear in conjunction with the corporate logo on leaflets, flyers, posters and within the body of any letter.
- 6.3 Partnership logos such as the Local Strategic Partnership, Sure Start, C.A.R.P, Locomotion and Sedgefield Borough Business Service (SBBS) are exempt.

7. PUBLICATIONS AND WEBSITE

- 7.1 The Corporate Brand Guide will be developed to set design guidelines to ensure that all council publications sit together as a 'suite'. Regular monitoring and feedback via the Corporate Communications Task Group will help to define the purpose and audience for publications and vary the corporate style to meet those needs.
- 7.2 The completion of work currently being led by the Council's Procurement Manager to establish a specification for outsourcing design and print work will assist the Council's control over all standards on brand and corporate identity in the future.
- 7.3 The Council's website will incorporate the colour and design elements of the Brand.

8. RESOURCE IMPLICATIONS

- 8.1 The resource implications of adopting a phased implementation of the Corporate Brand Identity across two financial years 2005/06 and 2006/07 are set out in the table in Appendix 2. Expenditure falling in 2005/06 of £39,240 will need to be met from contingencies and a budget provision of £33,500 will be required in 2006/07 to meet the costs in that year.
- 8.2 The normal annual revenue budget provision would cover the cost of stationery and uniforms. In terms of the latter this is achievable because only part uniforms i.e. blouses/shirts/sweaters shirts/fleeces would need to be replaced. In changing these elements we will look to introduce some standardisation of uniforms across the Council.
- 8.3 Signage of buildings will be addressed and costs will be met from normal capital expenditure allocations. For example there is already a programme to re-sign industrial estates from a provision of £10,000 made available in 2005/06.

9. OTHER MATERIAL CONSIDERATIONS

9.1 The proposal takes into account the comments of an independent brand health check from a brand consultant.

10. OVERVIEW AND SCRUTINY IMPLICATIONS

10.1 There are no specific overview and scrutiny implications arising out of these proposals.

11. LIST OF APPENDICES

Appendix 1 - Brand Identity Consultation Results
Appendix 2- Resource Implications

Contact Officer: Rachel Lumsdon
Telephone number: 01388 816166 Ext. 4208
Email address: rlumsdon@sedgefield.gov.uk

Wards: Contents are not ward specific

Key decision validation: Not a key decision - expenditure less than £100,000.

Background papers:

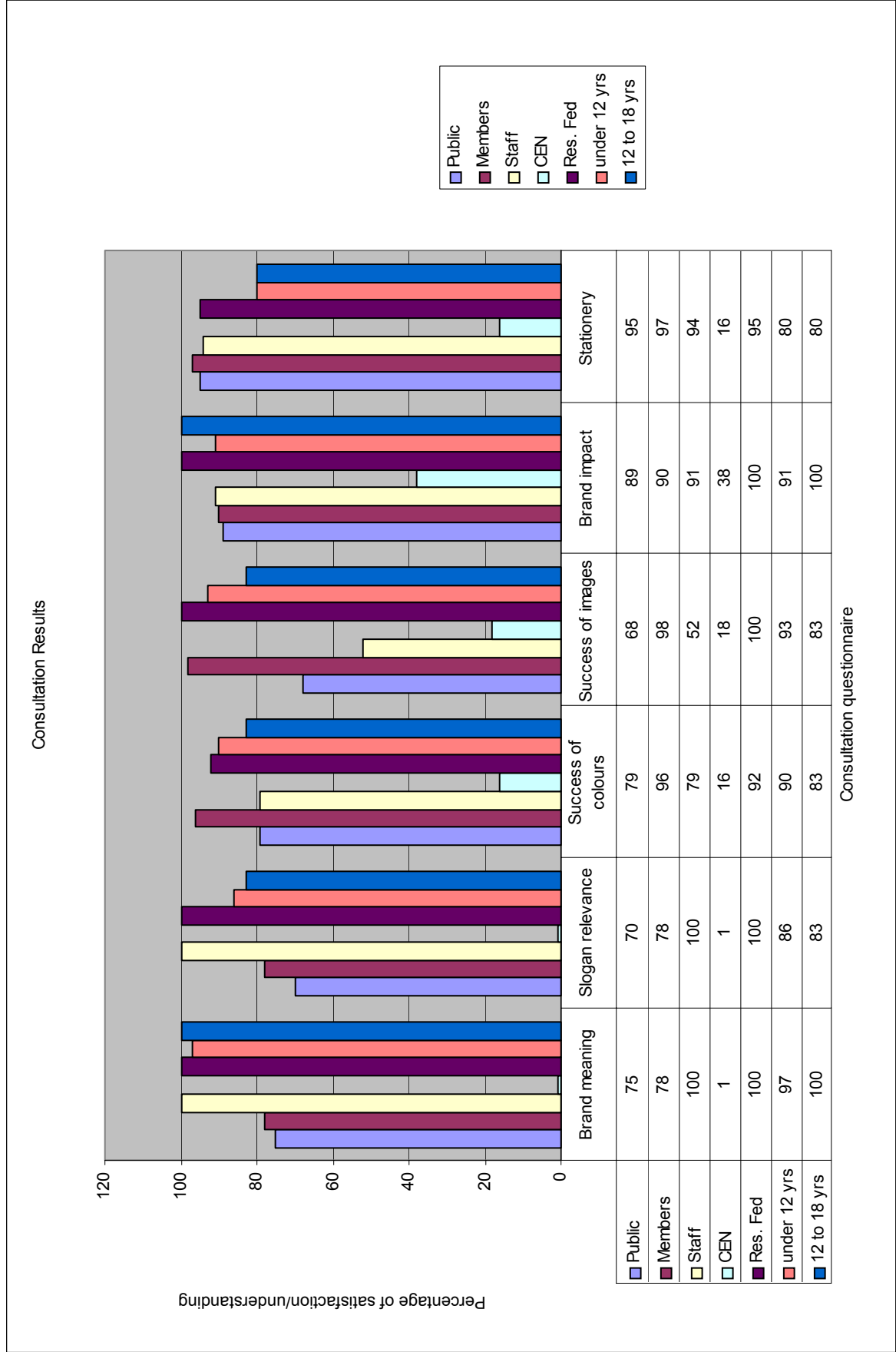
Community Strategy
Corporate Plan 2005/06 – 2007/08
Employee Communication Strategy
External Communication Strategy
Improving the image of local government, Local Government First, issue 257
2 July 2005
Local Government Reputation, LGA, 2005
www.idea-knowledge.gov.uk

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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1. Quantitative Results



2. Qualitative Results

The following comments were recorded during and after the consultations.

Council Tax Consultation Group (Public)

I have to say I think most of your residents would prefer the money to be spent on something they feel is needed. However, if it helps the Council clarify it's thinking it will be a good thing.

As a sceptic I was very surprised at how quickly I warmed to the new brand identity. Very impressed, especially as most of the work was done in house.

Costs need to be monitored

A good idea to refresh the logo/image of the Borough if it will lead to regeneration/better prospects for the community i.e. encourage business, grants etc to come to Sedgefield.

The Brand Identity should give a clear indication on what the Council is aiming to do in each of the different sectors.

The use of colours to identify the various services supplied by the Council is excellent.

The association between the colours and the key aims must be explained to people. The Brand Identity is reasonably appealing. Colourful. Not too complex.

Welcome the development in house. Therefore keeping the cost down. Clever linkages between colours used in the

Community Strategy. What happens next - further consultation on a range of brands?

Elected Members

Only one logo to make decision on

This will be seen as a waste of money by many residents

More information

Clash with '07 elections

Employee Focus Group

I think that more literature needs to be distributed to tenants as confusion could be caused. Picture – items discussed and cleared up.

The meaning of the logo needs to be clearly communicated otherwise the message will be lost.

Modern looking style. Nice bold colours. Generally like the Brand Identity.

Yellow rather than orange for healthy borough. Discussed in the Group – yellow possibly not suitable because of copying quality. Use a darker blue.

I don't think the proposed logo symbolises effectively what the Council is about and also it is not compact, bold or modern enough – it's a 'halfway house'. If a change is to be pursued the first step should be to change the font. Personally I would retain the blue, black and white colour scheme for which Sedgefield is known but experiment with something bolder and blockier. The vans could be in the Sedgefield blue for example.

Community Empowerment Network

Colours difficult to read for some people.

Improve photos.

More people need to be consulted and the final cost needs to be shown.

Please consult. Won't foist decisions already made on unsuspecting taxpayer!

Won't agree whatsoever. More consultation is needed with all residents, not just the chosen few.

I feel a stronger more vibrant colours would give a stronger and more vibrant image e.g. health – pink (in the pink).

Unsure about rings, conveyed nothing before explanation. Colours need to be reviewed.

If you have not seen Community Strategy document how do you know what the colours depict? I cannot see a link as to how images depict healthy, prosperity etc.

Who pays for the changes – the taxpayer – or – who.

I can understand the need for 'one brand' but am not convinced this is the right one. The four colours are LSP colours not Sedgefield Borough. This logo is boring and doesn't give an image of a forward looking authority. Who pays for it all – consultation and changeover.

Under 12s and 12 to 18 year olds groups

I like the colours

This logo is brighter than the Council's logo

I don't know what the Council does

Residents Federation

Feel it will take some time to become familiar.

People need to know what the colours represent to understand the meaning.

I think its forward thinking for the 21st Century.

Quite uplifting.

In addition to the above consultation, the Tenants Housing Services Group has favourably received news of the Council's actions to explore introducing a Corporate Brand Identity during a discussion at a meeting on 7 September 2005

Resource implications for re-branding

Resource	Annual revenue budget provision £	Phased implementation	
		Cost 2005/06 (minus annual budget provision if applicable) £	Cost 2006/07 (minus annual budget provision if applicable) £
Livery	Transfer costs met in Internal hire rates	10,740	10,000
Uniforms	48,160	0	0
Signage	10,000	7,500	7,500
Stationery	0	0	0
Consultation	0	3,000	0
Promotional Items	0	12,000	10,000
TV Displays (x4)	0	6000	6000
		39,240	33,500

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Item 5

REPORT TO COUNCIL

25th NOVEMBER 2005

REPORT OF CHIEF EXECUTIVE OFFICER

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 15 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some immediate changes, viz:
 - (1) Changes arising from new primary and secondary legislation:
 - Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) Regulations 2005, No. 929, relating to Local Development Framework and the Planning and Compulsory Purchase Act 2004.
 - Town and Country Planning (Local Development) (England) Regulations 2004.
 - Local Authorities (Functions and Responsibilities) (Amendment) Regulations 2005 which relates to the high hedges provisions of the Anti-Social Behaviour Act 2003.
 - (2) Request from the Head of Planning Services to make changes to Council functions and the Scheme of Delegations Part 3A/Part 3B/Part 3C, as attached.
 - (3) Request from the Head of Environmental Services to make changes to the Scheme of Delegations Part 3C, as attached.

- (4) Request from the Head of Financial Services to make changes as follows:
- Terms of Reference of Full Council and Overview and Scrutiny Committees following a review of the Comprehensive Performance Assessment (CPA) Key Lines of Enquiries documentation, as attached.
 - Rules of Procedure – F. Financial Regulations and Part G. Contract Procedure Rules, as attached.
- (5) Request from Head of Neighbourhood Services to make changes to the Scheme of Delegation Part 3C, as attached.

2. RECOMMENDATIONS

- 2.1 That the Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
- (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
 - (b) to publish an amended version on the Council's website.

3. BACKGROUND

- 3.1 Work has already begun in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision-taking within the authority.
- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

- 4.1 It is intended that the changes shown in the Appendix shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Cabinet and the Standards Committee have been consulted on this report and their views have been taken into consideration.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.
- 5.3 All approved changes will be forwarded to the Standards Committee and any comments received will be reflected in future constitutional reviews.

5.4 Further reports will follow to explain the implications of the changes to members' roles arising from this report.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

Ward(s)

Key Decision Validation

Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council – 25th February 2005

Regulations/Legislation:

Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) Regulations 2005, No. 929

Local Authorities (Functions and Responsibilities) (Amendment) Regulations 2005

Town and Country Planning (Local Development) (England) Regulations 2004

Section 36 – Freedom of Information Act 2000 (ODPM letter dated 15th December 2004)

The Standards Board for England (Functions) Order 2004

The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2004

The Local Authorities (Functions and Responsibilities) (Amendment) (No. 3) (England) Regulations 2004

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001

The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2001

The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2000

Audit Commission – Comprehensive Performance Assessment – Key Lines of Enquiry

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROPOSED CHANGES FOR COUNCIL APPROVAL – 25TH NOVEMBER 2005*Amendments shown in bold print*

Page Reference and Proposed Amendment	Basis for Change
<p>Part 2 – Articles of the Constitution Article 6 – Overview and Scrutiny Committees</p> <p>Function to add:</p> <p>Pg. 12 - 6.01 – Terms of Reference –add 6.03(b) (vii-viii).</p>	<p>Audit Commission – Key Lines of Enquiry.</p>
<p>Part 3 – Responsibility for Functions A. Council Functions</p> <p>Pgs. 33-46 – Officer Delegation Numbers amended – to incorporate changes made in Part 3C.</p>	<p>Request by Department</p>
<p>Part 3 – Responsibility for Functions A. Council Functions</p> <p>Pg. 35 - added No. 34. Pg. 35 – added new 35</p>	<p>Planning and Compulsory Purchase Act 2004.</p> <p>Audit Commission Key Lines of Enquiry.</p>
<p>Part 3 – Responsibility for Functions A. Council Functions</p> <p>Pg. 38 – Development Control Committee – additional Nos. 31 and 32.</p>	<p>Request by Department</p>
<p>Part 3 – Responsibility for Functions B. Cabinet Functions</p> <p>Function to add:</p> <p>Pg. 53 – add No. 18</p>	<p>Review of corporate governance arrangements.</p>
<p>Part 3 – Responsibility for Functions B. Cabinet Functions</p> <p>Pgs. 54 and 55 - added Nos. 12 and 13.</p> <p>Pg. 54 – Officer Delegation numbers amended – to incorporate changes made in Part 3C.</p>	<p>Planning and Compulsory Purchase Act 2004.</p>

Page Reference and Proposed Amendment	Basis for Change
<p>Part 3 – Responsibility for Functions C. Officer Delegations</p> <p>Head of Planning Services: To amend Officer Delegations as per schedule.</p> <p>Pgs. 67-76</p>	Request by Department
<p>Part 3 – Responsibility for Functions C. Officer Delegations</p> <p>Head of Environmental Services: To amend Officer Delegations as per schedule.</p> <p>Pgs. 76-93</p>	Request by Department
<p>Part 3 – Responsibility for Functions C. Officer Delegations</p> <p>Head of Neighbourhood Services: To amend Officer Delegations as per schedule.</p> <p>Pg. 93</p>	Request by Department
<p>Part 4 – Rules of Procedure F. Financial Regulations</p> <p>Head of Financial Services to amend:</p> <p>Pgs. 140-141 – 4.7 Treasury Management – paras. 4.7.1-4.7.5 – to replace.</p>	Request by Department.
<p>Part 4 – Rules of Procedure G. Contract Procedure Rules</p> <p>Head of Financial Services to amend:</p> <p>Pgs. 160-165 – Guidance Note B – to replace.</p>	Request by Department.

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- (iv) question members of Cabinet and Senior Officers about their views on issues and proposals affecting the area; and
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Overview and Scrutiny Committees may:
- (i) call-in and scrutinise the key decisions made by, and performance of, the Cabinet and Officers both in relation to individual decisions and decisions made over a period of time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas;
 - (iii) question members of the Cabinet and Senior Officers about such decisions;
 - (iv) make recommendations to Cabinet and Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address an Overview and Scrutiny Committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent).
- (vii) review the Statement of Internal Control and consider it separately from the accounts.**
- (viii) review and scrutinise the Council’s audit activities.**
- (c) **Annual report.** Overview and Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Proceedings of Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

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PART 3 - RESPONSIBILITY FOR FUNCTIONS

A. Council Functions

The Council

The Council will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Functions relating to health and safety at work	
1.	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	NS63 (formerly HEH12; NS54)
	Functions relating to elections	
2.	Duty to appoint an electoral registration officer.	
3.	Power to assign Officers in relation to requisitions of the registration officer.	
4.	Functions in relation to parishes and parish councils.	
5.	Power to dissolve small parish councils.	
6.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	
7.	Duty to appoint Returning Officer for local government elections.	
8.	Duty to provide assistance at European Parliamentary elections.	
9.	Duty to divide constituency into polling districts.	
10.	Power to divide electoral divisions into polling districts at local government elections.	
11.	Powers in respect of holding of elections.	

12.	Power to pay expenses properly incurred by electoral registration Officers.	
13.	Power to fill vacancies in the event of insufficient nominations.	
14.	Duty to declare vacancy in office in certain cases.	
15.	Duty to give public notice of a casual vacancy.	
16.	Power to make temporary appointments to parish councils.	
17.	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	CE37 (formerly CE57)
18.	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	
	Functions relating to name and status of areas and individuals	
19.	Power to change the name of the Borough.	
20.	Power to change the name of a parish.	
21.	Power to confer title of honorary alderman.	
22.	Power to make, amend, revoke or re-enact byelaws	
23.	Power to promote or oppose local or personal Bills.	
	Functions relating to pensions etc.	
24.	Functions relating to local government pensions, etc.	
	Miscellaneous functions	
25.	Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	
26.	Power to make standing orders.	
27.	Power to appoint staff.	CE45, CE48 (formerly CE65, CE70)
28.	Power to make standing orders as to contracts.	

29.	Power to make payments or provide other benefits in cases of maladministration etc.	
30.*	The appointment of any individual – (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body,- and the revocation of any such appointment.	
31.	Power to make orders under Section 13 of the Criminal Justice and Police Act 2001.	
32.	Duty to provide staff to a person nominated as Monitoring Officer.	
33.	Responsible for formulating a plan or strategy for the control of the Council's borrowing, investments or capital expenditure.	
	Planning and Compulsory Purchase Act 2004 (Local Development Framework)	
34.	Functions which, according to regulations under the Act of 2004, relating to the submission of a Development Plan document, response to a direction by the Secretary of State and the withdrawal, adoption, revocation, revision of local development documents (including, where applicable, the preparation of joint Local Development Plan documents) shall be exercised by full Council.	
	Other Functions	
35.	To consider and approve the Annual Report on Corporate Governance.	

Development Control Committee

The Development Control Committee, which is made up of all Members of the Council, will carry out the Council's development control function as local planning authority within agreed policy and development plans, except where authority has been delegated to Officers. This will include the enforcement of planning control.

Meetings of the Development Control Committee will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply. In the interests of Human Rights and transparency of decision making, the public are able to address the Committee. The Council's Planning Code of Practice sets out the procedure for this. The Committee shall meet every four weeks in order to assist the need to determine applications within the statutory timescale.

The Development Control Committee will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Functions relating to town and country planning and development control	
1.	Powers and duties relating to local development documents which are development plan documents, where Regulations so require/allow.	
2.	Power to determine applications for planning permission.	NS1 (formerly PT1)
3.	Power to determine applications to develop land without compliance with conditions previously attached.	NS1 (formerly PT1)
4.	Power to grant planning permission for development already carried out.	NS1 (formerly PT1)
5.	Power to decline to determine applications for planning permission.	NS41
6.	Duties relating to the making of determinations of planning applications.	NS1 (formerly PT1)
7.	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	NS1 (formerly PT1)
8.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	NS1 (formerly PT1)

9.	Power to enter into agreements regulating development or use of land.	
10.	Power to issue a certificate of existing or proposed lawful use or development.	NS1 (formerly PT1)
11.	Power to serve a completion notice.	
12.	Power to grant consent for the display of advertisements.	NS1 (formerly PT1)
13.	Power to authorise entry onto land.	NS1 (formerly PT1)
14.	Power to require the discontinuance of a use of land.	
15.	Power to serve a planning contravention notice, breach of condition notice or stop notice, including a temporary stop notice.	NS4, NS8, NS10 (formerly PT4, PT8, PT11; NS11)
16.	Power to issue an enforcement notice.	NS8 (formerly PT8)
17.	Power to apply for an injunction restraining a breach of planning control.	NS42
18.	Power to determine applications for hazardous substances consent, and related powers.	NS1 (formerly PT1)
19.	Power to require proper maintenance of land.	NS43
20.	Power to determine applications for listed building consent, and related powers.	NS1 (formerly PT1)
21.	Power to determine applications for conservation area consent.	NS1 (formerly PT1)
22.	Duties relating to applications for listed building consent and conservation area consent.	NS1 (formerly PT1)
23.	Power to serve a building preservation notice, and related powers.	
24.	Power to issue an enforcement notice in relation to demolition of unlisted building in conservation area.	NS8 (formerly PT8)
25.	Powers to acquire a listed building in need of repair and to serve a repairs notice.	
26.	Power to apply for an injunction in relation to a listed building.	NS44

27.	Power to execute urgent works.	NS45
	Miscellaneous Functions	
28.	Powers relating to the preservation of trees, including revocations.	NS5 (formerly PT5)
29.	Powers relating to the protection of important hedgerows.	NS19, NS20, NS21 (formerly PT20, PT21, PT22; NS20; NS21; NS22)
30.	Power to make a limestone pavement order.	
31.	Power to issue Remedial Notices in relation to high hedges.	NS47
32.	Power to issue a Temporary Stop Notice	NS48

Licensing Committee 1

The Licensing Committee 1, which is made up of 22 members of the Council, will deal with the range of matters for which the Council grants permissions and licences, save where the Licensing Act 2003 applies.

The greater part of the licensing function and its enforcement is delegated to Officers but the Committee shall meet, as and when necessary, to consider any significant applications, objections or other irregular circumstances relating to a licensing matter and to review and amend existing policies and conditions in relation to all licensing matters.

Meetings of Licensing Committee 1 will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply. In the interests of Human Rights and transparency of decision making, the public are able to address the Committee. The following matters will be dealt with at meetings of the Committee:-

1. To review and amend as appropriate existing policies and conditions in relation to all licensing matters.
2. To discharge the Council's functions as a licensing authority (except those functions transferred to Licensing Committee 2), within agreed policy, including enforcement.
3. To take decisions on licensing matters where objections are received to the grant of a licence or irregular circumstances arise.

Licensing Committee 1 will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule, or by the remit of Licensing Committee 2)	
1.	Power to issue licences authorising the use of land as a caravan site ("site licences").	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
2.	Power to licence the use of moveable dwellings and camping sites.	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
3.	Power to licence hackney carriages and private hire vehicles.	NS69, NS72 (formerly CE23, CE26; NS60; NS63)

4.	Power to licence drivers of hackney carriages and private hire vehicles.	NS69, NS72 (formerly CE23, CE26; NS60; NS63)
5.	Power to licence operators of hackney carriages and private hire vehicles.	NS69, NS72 (formerly CE23, CE26; NS60; NS63)
6.	Power to register pool promoters.	
7.	Power to grant track betting licences.	
8.	Power to licence inter-track betting schemes.	
9.	Power to grant permits in respect of premises with amusement machines.	NS79 (formerly CE41; NS78)
10.	Power to register societies wishing to promote lotteries.	NS76 (formerly CE35; NS72)
11.	Power to grant permits in respect of premises where amusements with prizes are provided.	NS79 (formerly CE41; NS78)
12.	Power to licence sex shops and sex cinemas.	
13.	Power to licence performances of hypnotism.	NS75 (formerly CE33; NS70)
14.	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
15.	Power to licence pleasure boats and pleasure vessels.	
16.	Power to licence market and street trading. (Adoptive powers)	
17.	Power to licence night cafes and take-away food shops.	
18.	Power to licence dealers in game and the killing and selling of game.	NS78 (formerly CE38; NS75)

19.	Power to register and licence premises for the preparation of food.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
20.	Power to register scrap yards.	NS54, NS56 (formerly HEH5, HEH6; NS47; NS48)
21.	Power to licence premises for the breeding of dogs.	NS49, NS51 (formerly HEH1, HEH2; NS42; NS44)
22.	Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	NS49, NS51 (formerly HEH1, HEH2; NS42; NS44)
23.	Power to licence zoos.	
24.	Power to licence dangerous wild animals.	NS49, NS51 (formerly HEH1, HEH2; NS42, NS44)
25.	Power to licence persons to collect for charitable and other causes.	NS77 (formerly CE36; NS73) NS109 (formerly NS111)
26.	Power to grant consent for the operation of a loudspeaker.	
27.	Power to approve meat product premises.	NS52, NS53 (formerly HEH3, HEH4; NS45; NS46)
28.	Power to approve premises for the production of minced meat or meat preparations.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
29.	Power to approve dairy establishments.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
30.	Power to approve egg product establishments.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
31.	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)

32.	Power to approve fish products premises.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
33.	Power to approve dispatch or purification centres.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
34.	Duty to keep register of food business premises.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)
35.	Power to register food business premises.	NS60, NS61 (formerly HEH9, HEH10; NS52; NS53)

Licensing Committee 2

The Licensing Committee 2, which is made up of 15 members of the Council will deal with all functions of the Licensing Authority, save for the determination of Policy to be contained in the Licensing Statement in accordance with Section 5 of the Licensing Act 2003.

Licensing Committee 2 may also deal with such other functions of the Authority which relate to a matter referred to Licensing Committee 2 as a licensing function under the Licensing Act 2003 either as are described in the Schedule below or as arranged by the Authority to be discharged by Licensing Committee 2.

The greater part of the licensing functions and its enforcement shall be delegated to its Sub-Committees or Officers but the Committee shall meet as and when necessary to consider any of the licensing functions or other irregular circumstances relating to a licensing matter and to review and make recommendations to Council upon policies in relation to licensing matters and the Licensing Statement.

Meetings of the Licensing Committee will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply. In the interests of Human Rights and transparency of decision making, the public are able to address the Committee. The following matters will be dealt with at meetings of the Committee:-

1. To review and make recommendations to Council upon policies in relation to licensing matters and the Licensing Statement.
2. To discharge the Council's functions as a licensing authority under the Licensing Act 2003, within agreed policy, including enforcement.
3. To establish one or more sub-committees and to arrange for them to discharge any of the functions exercisable by the committee.
4. To arrange for the discharge of any of the licensing functions exercisable by the committee by an officer of the licensing authority subject to the limitations set out in section 10(4) of the Licensing Act 2003.

In addition to the Functions of the Licensing Authority contained in the Licensing Act 2003, the Licensing Committee 2 (and its sub-committees) may be responsible for carrying out the following functions if they relate to a matter before the Committee (or sub-committee) when undertaking its functions under the Licensing Act 2003, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
	Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)	
1.	Power to grant permits in respect of premises with amusement machines.	NS79 (formerly NS76)
2.	Power to licence sex shops and sex cinemas.	
3.	Power to licence performances of hypnotism.	NS75 (formerly CE33; NS70)
4.	Power to licence pleasure boats and pleasure vessels.	
5.	Power to licence market and street trading. (Adoptive powers)	
6.	Power of register and licence premises for the preparation of food.	NS60, NS61 (formerly HEH9; HEH10; NS52; NS53)
7.	Power to grant consent for the operation of a loudspeaker.	

The Licensing Authority functions contained within the Licensing Act 2003:

	Functions	Section of Act	Officer Delegation Reference No.
	Premises		
8.	Grant of Premises Licence	18	
9.	Issue of copy Premises Licence	25	
10.	Determination of application for Provisional Statement	31	
11.	Determination of application to vary Premises Licence	35	

12.	Determination of application to vary Designated Premises Supervisor	39	
13.	Determination of transfer of Premises Licence	44	
14.	Cancellation of interim authority notice	48	
15.	Determination of application for review of Premises Licence	52	
16.	Determination of review of Premises Licence (after closure order)	167	
	Club Premises Certificates		
17.	Determination of application for Club Premises Certificate	72	
18.	Issue of copy of Club Premises Certificate	79	
19.	Determination of application to vary Club Premises Certificate	85	
20.	Determination of application to review Club Premises Certificate	88	
	Temporary Event Activities		
21.	Determination of objection and issue of counter notice	105	
22.	Issue of counter notice when permitted limits exceeded	107	
23.	Issue of copy of Temporary Event Notice	110	
	Personal Licences		
24.	Determination of application for grant of Personal Licence	120	
25.	Determination of application for renewal of Personal Licence	121	
26.	Determination of objection and revocation of Personal Licence	124	
27.	Issue of copy of Personal Licence	126	
	Compliance and Enforcement		
28.	Decision to prosecute any offence under the Licensing Act 2003		
	Transitional Provisions	Schedule 8 paragraph:	
29.	Determination of application for conversion of existing Licence to Premises Licence	4	
30.	Determination of application to vary upon conversion to Premises Licence	7	

31.	Determination of application to convert a Club Registration Certificate to a Club Premises Certificate	16	
32.	Determination of application to vary upon application for conversion to a Club Premises Certificate	19	
33.	Determination of application for Personal Licence	26	

The following matters shall be dealt with at meetings of the Cabinet, which will be held in public unless exemptions referred to in Schedule 12A of the Local Government Act 1972 apply:-

1. Co-ordination of the overall direction of the Council through the formulation and implementation of corporate plans, objectives, priorities and programmes.
2. Review of the effectiveness of all Council policies and activities together with the standards and level of services provided and to identify the need for new services.
3. Development of new policies and consideration of changes to existing policies.
4. To determine necessary action to promote the economic, social and environmental well-being of the local community.
5. Co-ordination of the Council's programme of Service Reviews and preparation of the Best Value Performance Plan.
6. Consideration of proposed capital and revenue expenditure and recommendations as to the making of the budget and setting the Council Tax, taking into account the adequacy of reserves and provisions.
7. Determination of the Council's relationship with, and responses to, consultations from external organisations at local, regional and national level.
8. Utilisation of all resources and the co-ordination of their allocation and management between the Council's functions, activities and specifically all organisational changes such as the law shall permit (save for those where an officer delegation applies) to the Council's establishment, below Chief Officer and Deputy Chief Officer level, as defined in Part 2, Article 12 – Council Employees – Article 12.01, paragraph (e), after having first considered appropriate advice from the Head of the Paid Service.
9. Attendance and representation at conferences, courses and seminars by Members with Officers.
10. To agree to the acquisition, management and disposal of all land and buildings, in accordance with the Council's overall policies, and to confirm terms, save where delegated to the Director of Resources.
11. Establishment of time limited Policy Advisory Panels.
12. Receipt and consideration of reports from Overview and Scrutiny Committees/Area Forums.
13. Development of cross cutting issues for which the Cabinet has principal responsibility.
14. Representation of the authority to the media, community and other groups.
15. Receipt and consideration of tenders in accordance with Financial Procedure Rules and Contract Procedure Rules.
16. To make recommendations to the Council to vary or revoke Procedure Rules.
17. To take decisions on matters which are not within the remit of the Council's other decision-taking bodies.
18. To be charged with the Council's corporate governance responsibilities.

The Cabinet will be responsible for carrying out the following functions, which are identified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Functions marked with an asterisk (*) are Local Choice Functions, which are identified in the same regulations. The table identifies in the right hand column where authority has been delegated to Officers.

	Functions	Officer Delegation Reference No.
1 *	Any function under a local Act other than a function specified as a 'Council Function'.	
2 *	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	
3 *	Any function relating to contaminated land.	
4 *	The discharge of any function relating to the control of pollution or the management of air quality.	NS52, NS53 (formerly HEH3, HEH4; NS45; NS46)
5 *	The service of an abatement notice in respect of a statutory nuisance.	NS52, NS53 (formerly HEH3, HEH4; NS45; NS46)
6 *	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	
7 *	The inspection of the authority's area to detect any statutory nuisance.	NS52, NS53 (formerly HEH3, HEH4; NS45; NS46)
8 *	The investigation of any complaint as to the existence of a statutory nuisance.	NS52, NS53 (formerly HEH3, HEH4; NS45; NS46)
9 *	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	
10 *	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	R44 (formerly F44)
11 *	Contract Procedure Rules Part 3(G) : CPR10 delegation to Cabinet relating to Rule 10 (Purchase/Sale of Land and Property)	CPR10
12 *	Functions relating to the Planning and Compulsory Purchase Act 2004 (Local Development Scheme)	

13*	Functions relating to the preparation and adoption of a Local Development Scheme and/or Statement of Community Involvement shall be a function of the Council's Executive insofar as the same are permitted by Regulations made under the Act of 2004.	
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NEIGHBOURHOOD SERVICES DEPARTMENT

Approved by Council on

No.	Function	Proper/Designated Officer
	Town and Country Planning Act 1990	
NS1 (formerly PT1)	<p>Determination of all matters within the powers and duties of the Committee under the Principal Act and the consolidating Acts as defined by the Planning (Consequential Provisions) Act 1990 together with any Regulations made thereunder other than in relation to an application which:</p> <ol style="list-style-type: none"> 1. Any Member requests in writing, within 21 days of receipt, that an application should be presented to the Development Control Committee; or 2. Is submitted by or on behalf of a Member of the Council, any officer employed in the Neighbourhood Services Department or any other officer who holds a politically restricted post and to which third part representations have been made; or 3. Where the decision would be contrary to any policy of the Borough Local Plan; or 4. Involves development by or on behalf of the Council to which third part representations have been made; or 5. Involve a detailed planning application for more than nine residential units, unless the Council has previously approved the same number of dwellings on the same site; or an outline planning application where the site area is in excess of 0.5 hectares. 6. Involves non-residential development with a gross floor area in excess of 1,000 square metres; or where the site area is in excess of 1 hectare. 7. 8. Any application accompanied by an Environmental Impact Statement 9. Any application where approval would involve a legal agreement under planning legislation 10. Involves the erection of a new telecommunication mast. 	<p>Director of Neighbourhood Services</p> <p>Head of Planning Services</p>

	For clarification this would apply to all planning applications for new mast structures but 'prior notification' submissions for structures under 15 metres in height would remain delegated items because of the reduced timescales involved. The addition of further antennae on the masts already having permission would be a delegated item.	
NS2 (formerly PT2)	Discharge of conditions attached to Approvals.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Senior Development Control Officer Planning Officer
NS3 (formerly PT3)	Issue of Notices of Approval and Refusal	Director of Neighbourhood Services Head of Planning Services Development Control Manager Senior Development Control Officer
NS4 (formerly PT4)	Service of Breach of Condition Notices (in those cases where the relevant condition had previously been agreed by the Committee).	Director of Neighbourhood Services Head of Planning Services Development Control Manager.
NS5 (formerly PT5)	Making, amending, varying and revoking Tree Preservation Order in situations where urgent action is required.	Director of Neighbourhood Services Head of Planning Services Development Control Manager
NS6 (formerly PT6)	Determination of applications to prune trees protected by a Tree Preservation Order	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer

<p>NS7 (formerly PT7)</p>	<p>Determination of notifications to fell or lop trees in Conservation Areas.</p>	<p>Director of Neighbourhood Services Head of Planning Services Landscape Architect Arboriculture Officer</p>
	<p>Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990</p>	
<p>NS8 (formerly PT8)</p>	<p>Service of the following in situations where urgent action is required:- (i) Enforcement Notices (ii) Listed Building Enforcement Notices (iii) Stop Notices</p>	<p>Director of Neighbourhood Services Head of Planning Services Development Control Manager</p>
<p>NS9</p>	<p>Determination that it is not expedient to take formal enforcement action. (Explanation: At present it is unclear whether officers in dealing with alleged breaches of planning control have the ability to close an enforcement case where investigations have revealed that there is a breach but that it is so minor that it is not expedient to take action. The typical example is the fence, which is marginally higher than permitted tolerances. I'm concerned that a complainant who is aggrieved could challenge us that we (officers) have made a decision not to pursue the complaint further.)</p>	<p>Director of Neighbourhood Services Head of Planning Services Development Control Manager Senior Development Control Officer</p>
<p>NS9 (formerly PT10; NS10)</p>	<p>Issue of Notices of Approval and Refusal</p>	<p>Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer</p>

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	Planning and Compensation Act 1991	
NS10 (formerly PT11, NS11)	Service of Planning Contravention Notices.	Director of Neighbourhood Services Head of Planning Services Development Control Manager
	Town and Country Planning and General Development (Amendment) (No. 3) Order	
NS11 (formerly PT12; NS12)	Determination of whether prior approval is required regarding the method of demolition and restoration of buildings.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer
NS12 (formerly PT13; NS13)	Determination of such applications where prior approval is required.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer
	Town and Country Planning and General Development (Amendment) (No. 2) Order	
NS13 (formerly PT14; NS14)	Determination of whether prior approval is required for the siting, design and external appearance of Agricultural and Forestry Buildings.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer

NS14 (formerly PT15; NS15)	Determination of such applications where prior approval is required.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer
	Town and Country Planning (General Regulations) 1992	
NS15 (formerly PT16; NS16)	Issuing Notices for Development under Regulations 3 and 4.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer
	Town and Country Planning Act 1990	
NS16 (formerly PT17; NS17)	Service of Notices requisitioning information.	Director of Neighbourhood Services Head of Planning Services Development Control Manager.
NS17 (formerly PT18; NS18)	Determination of planning applications for alterations to dwellings subject to Article 4 Direction.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer

NS18 (formerly PT19; NS19)	Development by Telecommunications Code Systems Operators:- (i) Determine whether or not prior approval of the siting and appearance of the development is required. (ii) Determine those applications where prior approval is required. (iii) To determine whether prior approval is required for demolition and site restoration.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Forward Planning Manager Senior Development Control Officer
NS19 (formerly PT20; NS20)	Determination of “Hedgerow Removal Notice” applications under the Hedgerow Regulations 1997.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Landscape Officer Arboriculture Officer
NS20 (formerly PT21; NS21)	Service of “Hedgerow Replacement Notices”.	Head of Planning Services Development Control Manager
NS21 (formerly PT22; NS22)	To instigate prosecutions under the Hedgerow Regulations 1997.	Director of Neighbourhood Services Head of Planning Services
	Town and Country Planning (Environmental Impact Amendment) Regulations 1999	
NS22 (formerly PT24; NS23)	(i) Determine, upon receipt of a planning application, whether or not an Environmental Statement is required under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; (ii) Give notification to applicants and their agents on those occasions when an environmental statement is necessary; (iii) Provide a “screening opinion” to prospective applicants as to whether an Environmental Assessment is required under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; and (iv) Provide a “scoping opinion” under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 on what should be included in an Environmental Statement.	Director of Neighbourhood Services Head of Planning Services Development Control Manager Senior Development Control Officer

	Local Government and Housing Act 1989	
NS23 (formerly PT25; NS24)	Determination of applications for House Renovation and Disabled Facilities Grants	Director of Neighbourhood Services Building Control Manager
	Building Act 1984	
NS24 (formerly PT26; NS25)	Service of the following Notices, Directions and Applications:- (i) Requiring removal or alteration of work not carried out carried out in accordance with Approved Plans. (ii) Failure to comply with Regulations or Approved Plans. (iii) Refusal of application for dispensation with or relaxation of Building Regulations. (iv) Direction dispensing with or relaxing requirements of Building Regulations. (v) Requirement on owner to deal with ruinous or dilapidated building. (vi) Requirement on owner to remove rubbish etc. (vii) Application to Magistrates Court for Order to require owner of dangerous building/structure to remedy situation. (viii) Intention to carry out emergency measures to deal with dangerous building/structure. (ix) Method of demolition to be followed. (x) Determination of applications and notices under Building Regulations.	Director of Neighbourhood Services Building Control Manager
	Building Regulations 1991 and 2000	
NS25 (formerly PT27; NS26)	Notice to open up works.	Director of Neighbourhood Services Building Control Manager
	Building (Approved Inspectors etc.) Regulations 1985 and 2000	
NS26 (formerly PT28; NS27)	Service of the following Notices:- (i) Rejection of Initial Notice. (ii) Rejection of Plans Certificate. (iii) Rejection of combined Initial Notice and Plans Certificate. (iv) Rejection of Final Certificate. (v) Rejection of Public Bodies Notice. (vi) Rejection of Public Bodies Plans Certificate (vii) Rejection of Public Bodies Notice and Plans Certificate. (viii) Rejection of Public Bodies Final Certificate. (ix) Cancellation by Local Authority.	Director of Neighbourhood Services Building Control Manager

	The Building (Local Authority Charges) Regulations 1998	
NS27 (formerly PT29; NS28)	Authority to vary the Council's scheme of Building Regulation Charges	Building Control Manager in consultation with the Cabinet Member for Regeneration
NS28 (formerly PT30; NS29)	Authority, where allowed for within the scheme, to vary plan charges for individual applications where work of a repetitive nature or work previously approved or inspected is involved, to a maximum of 30% of the plan charge in accordance with the powers given by the Regulations.	Building Control Manager
	Local Government Act 1972 (S.191)	
NS29 (formerly PT31; NS30)	Functions with respect to Ordnance Survey	Director of Neighbourhood Services Head of Planning Services
	Consultations on Highway Matters	
NS30 (formerly PT34 and CS32; NS31)	Responses to County Council on proposals to divert Footpaths and make Traffic Regulation Orders.	Director of Neighbourhood Services Head of Environmental Services Street Scene Manager Technical Services Manager in consultation with the appropriate Cabinet Member and local Ward Members.
	Other Matters	
NS31 (formerly PT35; NS32)	Lodging of objections to applications for new or variations to existing licences.	Director of Neighbourhood Services Head of Planning Services
NS32 (formerly PT37; NS33)	Authority to confer rights of entry on any Officer of the Council for the purposes of discharging its planning control and enforcement functions under the provisions of Section 196a-c, 214b-d, 324 and 325 of the Town and Country Planning Act 1990; Sections 88, 88a-b of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36, 36a-b of the Planning (Hazardous Substances) Act 1990.	Director of Neighbourhood Services Head of Planning Services
NS33 (formerly PT38; NS34)	Authority to seek (but not to authorise) permission for development on behalf of the Council under the Town and Country Planning General Regulations 1992 (applications by Local Authorities) and the Building Act 1984.	Director of Neighbourhood Services
NS34 (formerly PT39; NS35)	Street naming and numbering	Building Control Manager in consultation with the appropriate Cabinet Member.

NS35 (formerly CS3; NS36)	Environmental Protection Act 1990 - Part IV (Litter) - Authority to take proceedings through the Magistrates Court	Director of Neighbourhood Services; Head of Environmental Services in consultation with the appropriate Cabinet Member.
NS36 (formerly CS4; NS37)	Service of Abatement Notices	Director of Neighbourhood Services; Head of Environmental Services Manager in consultation with the appropriate Cabinet Member.
NS37 (formerly CS5; NS38)	Service of Fixed Penalty Notices	Street Scene Manager Street Scene Controller Street Scene Co-ordinators Street Scene Supervisors Neighbourhood Wardens
NS38 (formerly CS6; NS39)	Service of Litter Control Notices	Director of Neighbourhood Services; Head of Environmental Services in consultation with appropriate Cabinet Member.
NS39 (formerly CS7; NS40)	Signing of Trade Refuse Contracts (including Controlled Waste Transfer Notes)	Director of Neighbourhood Services Street Scene Manager Street Scene Controller
NS40 (formerly CS8; NS41)	Authority to adopt open space in new developments for inclusion in the Council's maintenance programme.	Director of Neighbourhood Services; Head of Environmental Services in consultation with the appropriate Cabinet Member.
NS41	Power to decline to determine applications for planning permission	Director of Neighbourhood Services Head of Planning Services
NS42	Power to apply for an injunction restraining a breach of planning control.	Director of Neighbourhood Services
NS43	Power to require proper maintenance of land.	Director of Neighbourhood Services Head of Planning Services Development Control Manager

NS44	Power to apply for an injunction in relation to a listed building.	Director of Neighbourhood Services
NS45	Power to execute urgent works.	Director of Neighbourhood Services
NS46	Power to issue a Tree Replacement Notice.	Director of Neighbourhood Services Head of Planning Services Development Control Manager
NS47	Power to issue Remedial Notices in relation to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.	Director of Neighbourhood Services Head of Planning Services Development Control Manager
NS48	Power to issue Temporary Stop Notices under Part 4 of the Planning and Compulsory Purchase Act 2004, Sections 171E-171H of the Town and Country Planning Act 1990.	Director of Neighbourhood Services Head of Planning Services Development Control Manager
	Environmental Health	
	Control of Animals Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 and 1991 Dangerous Wild Animals Act 1976 Pet Animals Act 1951 and 1983 Riding Establishments Act 1964 and 1970 Environmental Protection Act 1990 Part IV and VIII Dangerous Dogs Act 1991 Dogs (Fouling of Land) Act 1996 The Breeding and Sale of Dogs (Welfare) Act 1999 Any Regulations, Orders or other relevant statutory provisions made under or incorporated into the above.	

<p>NS49 formerly HEH1; NS42)</p>	<p>Authority to:- Enter and inspect premises for compliance with legal requirements Prepare and serve notices and issue licences and other documentation</p> <p>Carry out all other relevant duties conferred by this legislation. To seize and detain stray and Dangerous Dogs and Dangerous Wild Animals. Issue fines for fouling and litter.</p>	<p>Director of Neighbourhood Services; Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Senior Environmental Health Officers Environmental Control Officer Environmental Control Assistant Environmental Health Officer (Public Health) Environmental Protection Officers Environmental Protection Assistants</p>
<p>NS50 (formerly NS43)</p>	<p>Service of Fixed Penalty Notices (Dogs Fouling of Land act 1996)</p>	<p>Street Scene Manager Street Scene Controller Street Scene Co-ordinators Street Scene Supervisors Neighbourhood Wardens Neighbourhood Warden Co-ordinator Neighbourhood Warden Co-ordinator (StreetSafe)</p>
<p>NS51 (formerly HEH2; NS44)</p>	<p>Authority to :- Sign notices and licences. To instigate legal proceedings</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager</p>

	<p>Environmental Control Environmental Protection Act 1990 Environment Act 1995 Clean Air Act 1993 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Control of Pollution Act 1974 Water Industries Act 1991 Pollution Prevention and Control Act 1999 Clean Neighbourhoods and Environment Act 2005 Any regulations, Orders or other relevant statutory provisions made under or incorporated into the above</p>	
NS52 (formerly HEH3; NS45)	<p>Authority to:-</p> <p>Enter and inspect premises for compliance with legal requirements. Take samples and otherwise monitor. Prepare and serve notices, licences, authorisations, approvals and other documentation. Carry out all relevant duties conferred by this legislation Issue fixed penalty notices</p>	Director of Neighbourhood Services; Head of Environmental Services; Public Health Services Manager Inspection and Licensing Services Manager Senior Environmental Health Officers Environmental Health Officer (Public Health) Environmental Control Officer Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants
NS53 (formerly HEH4; NS46)	<p>Authority to:-</p> <p>Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.</p>	Director of Neighbourhood Services Head of Environmental Services; Public Health Services Manager Inspection and Licensing Services Manager

	<p>General Public Health Public Health Acts 1936 and 1961 Environmental Protection Act 1990 Part II, III and IV Building Act 1984 Caravan Sites and Control of Development Act 1960 Prevention of Damage by Pests Act 1949 Refuse Disposal (Amenity) Act 1978 Clean Neighbourhood and Environment Act 2005 Anti-Social Behaviour Act 2003 Town and Country Planning Act 1990 Public Health (Control of Disease) Act 1984 Scrap Metal Dealers Act 1964 Pesticides Act 1995 Local Government (Miscellaneous Provisions) Act 1976 and 1982 National Assistance Act 1948 and 1951 Criminal Justice and Public Order Act 1994 Control of Pollution Act 1974 Motor Salvage Operators Regulations 2002 Any regulations, orders or other statutory provisions made under the above</p>	
<p>NS54 (formerly HEH5; NS47)</p>	<p>Authority to:- Enter and inspect premises for compliance with legal requirements. Take samples and otherwise monitor Prepare and serve notices, licences and other documentation Carry out all other relevant duties conferred by this legislation</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Housing Strategy Manager Inspection and Licensing Services Manager Environmental Health Officer (Public Health) Environmental Control Officer Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants</p>

NS55	<p>Refuse Disposal (Amenity) Act 1978</p> <p>Authority to:-</p> <p>Enter and inspect premises for compliance with legal requirements. Prepare and serve notices, licences and other documentation Carry out all other relevant duties conferred by this legislation</p>	Neighbourhood Wardens
NS56 (formerly HEH6; NS48)	<p>Authority to:-</p> <p>Sign notices, licences, authorisations, approvals and other documentation.</p> <p>To instigate legal proceedings.</p>	Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Housing Strategy Manager Inspection and Licensing Services Manager
NS57 (formerly NS49)	<p>Sign notices under the provisions of Section 16, Local Government (Miscellaneous Provisions) Act 1976 and Section 29, Local Government (Miscellaneous Provisions) Act 1982 only</p>	Environmental Control Officer; Environmental Control Assistant; Environmental Protection Officer; Environmental Health Officer (Public Health), Housing Strategy Manager; Private Sector Renewals Manager; Home Improvement Agency Manager; Home Improvement Agency Technical Officer

	<p>Private Sector Housing Housing Acts 1985, 1988, 1996 and 2004 Housing Grants, Construction and Regeneration Act 1996 Any regulations, orders or other relevant statutory provisions made under or incorporated into the above.</p>	
<p>NS58 (formerly HEH7; NS50)</p>	<p>Authority to:- Enter and inspect premises for compliance with legal requirements. Prepare and serve notices, licences, authorisations, approvals and other documentation. Carry out all other relevant duties conferred by this legislation.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Environmental Health Officer (Public Health) Environmental Control Officer; Environmental Control Assistant; Environmental Protection Officers; Environmental Protection Assistants Housing Strategy Manager; Private Sector Renewals Manager; Home Improvement Agency Manager; Home Improvement Agency Technical Officer</p>
<p>NS59 (formerly HEH8; NS51)</p>	<p>Authority to:- Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Housing Strategy Manager</p>

	<p>Food Safety Food Safety Act 1990 Food and Environmental Protection Act 1985 European Communities Act 2003 Products of Animal Origin (Third Country Imports) (England) Regulations 2003 Any regulations orders and other relevant statutory provisions made under or incorporated into the above.</p>	
NS60 (formerly HEH9; NS52)	<p>Authority to:-</p> <p>Enter and inspect premises for compliance with legal requirements. Prepare, sign and serve notices, licences, authorisations, approvals and other documentation. Carry out all other relevant duties conferred by this legislation. To instigate legal proceedings.</p>	<p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager</p>
NS61 (formerly HEH10; NS53)	<p>Authority to:-</p> <p>Enter and inspect premises for compliance with legal requirements.</p>	<p>Senior Environmental Health Officers Environmental Health Officer (Public Health)</p>
NS62	<p>Prepare, sign and serve notices Prepare and serve licences, authorisations, approvals and other documentation Carry out all other relevant duties conferred by this legislation To instigate legal proceedings.</p>	<p>Senior Environmental Health Officers</p>

	Health and Safety at Work Health and Safety at Work Act 1974 and its relevant statutory provisions	
NS63 (formerly HEH12; NS54)	Authority to:- Enter and inspect premises for compliance with legal requirements and exercise the powers contained in Sections 20, 21, 22 and 25 Carry out all other relevant duties conferred by the legislation	Glyn Hall Alan Suggett: Neil Smalley, Eric Beevers: Terry Holden Meryl Gregg Donna Toroni Martin Scott as Inspectors
	Young Persons Employment Act 1938 Sunday Trading Act 1994 Any regulations orders and other relevant statutory provisions made under the above.	
NS64 (formerly HEH14; NS55)	Authority to:- Enter and inspect premises for compliance with legal requirements. Prepare and serve notices, licences, authorisations, approvals and other documentation Carry out all other relevant duties conferred by this legislation	Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager Senior Environmental Health Officers Environmental Health Officer (Public Health) Environmental Control Officers Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants
NS65 (formerly HEH15; NS56)	Authority to:- Sign notices, licences, authorisations, approvals and other documentation. To instigate legal proceedings.	Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Inspection and Licensing Services Manager

NS66 (formerly HEH44; NS57)	Public Health (Control of Diseases) Act 1984 Public Health (Infectious Diseases) Regulations 1988 National Assistance Act 1948 and 1951 – Various statutory functions under the above Acts and Regulations re: control of Communicable Disease.	Dr. Roberta Marshall Dr. Deborah Wilson Dr. M. Grandey Dr. A. Lowe Dr. I. Holtby Dr. P. Cresswell
	General	
NS67 (formerly HEH16; NS58)	Authority to authorise staff appropriate to their job specification following changes to personnel and/or job titles.	Director of Neighbourhood Services
	Licensing	
NS68 (formerly NS59)	Authority to instigate or otherwise respond to legal proceedings.	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager (in consultation with the Solicitor to the Council and the Chairman and Vice- Chairman of the relevant Licensing Committee).
NS69 (formerly CE23; NS60)	Town Police Clauses Act 1847 - Issuing Hackney Carriage Vehicle and Driver Licences - to grant but not refuse a licence	Director of Neighbourhood Services Head of Environmental Services Inspection and Licensing Services Manager; Principal Licensing Officer
NS70 (formerly CE24; NS61)	Revocation or suspension of (a) Hackney Carriage Driver and Vehicle Licences and (b) Private Hire Driver, Operator and Vehicle Licences.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager, Principal Licensing Officer; Licensing Enforcement Officers
NS71 (formerly CE25; NS62)	Mini Bus Act 1977 Granting Mini-Bus Permits - to grant but not refuse a permit	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager

<p>NS72 (formerly CE26; NS63)</p>	<p>Private Hire Driver, Vehicle and Operator Licences - to grant but not refuse a licence.</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager</p>
<p>NS73 (formerly CE27; NS64)</p>	<p>Local Government (Miscellaneous Provisions) Act 1976 Part II. S50(4) - Authority to require proprietor to produce vehicle licence and certificate of insurance for inspection. S53(3) - Authority to require driver to produce drivers licence for inspection. S58(2)(b) - Authority to remove and retain plate or disc identifying vehicle as hackney carriage or private hire vehicle following expiry, suspension or revocation of licence. S68 - Authority to inspect vehicle/taximeter, require vehicle to undergo detailed inspection and suspend/ revoke licence</p>	<p>))) N. Smalley))) Jane Gilliead) Ian Bestford) T. Lock) M. Toas) D. Ward) I. Smith) P. Cooke) L. Burtenshaw) S. Brown) P. Drake)</p>
<p>NS74 (formerly CE28; NS65)</p>	<p>Police Act 1997 S122 - Liaison with the Criminal Records Bureau re: checks for criminal convictions of applicants for Hackney Carriage or Private Hire Drivers' Licences.</p>	<p>Departmental "Nominated Officers" as included in the Council's "Guidance on Criminal Records Bureau (CRB) Disclosures" procedure.</p>

NS75 (formerly CE33; NS70)	Local Government (Miscellaneous Provisions Act 1982) - Authorisation of the exhibition, demonstration or performance of hypnotism at premises holding an Entertainment Licence. Hypnotism Act 1952 - Authorisation of exhibitions on premises which do not hold an Entertainment Licence.	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager (in consultation with the Chairman and Vice-Chairman of the relevant Licensing Committee).
NS76 (formerly CE35; NE72)	Lotteries and Amusements Act 1976 Granting Lottery Licences - to grant but not refuse a licence	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS77 (formerly CE36; NS73)	Police, Factories, etc., (Miscellaneous Provisions) Act 1916 Granting Street Collection Permits - to grant but not refuse a permit.	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager

<p>NS78 (formerly CE38; NS75)</p>	<p>Local Government Act 1894 - Granting of licences to deal in Game and kill Game - to grant but not refuse a licence</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager (Licences to kill Game are issued by Post Offices acting as agents)</p>
<p>NS NS79 (formerly CE41; NS78)</p>	<p>Gaming Act 1968/Lotteries and Amusements Act 1976. Issue of Amusement with Prizes Permits - to grant but not refuse a permit.</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager</p>
<p>NS80 (formerly CE69)</p>	<p>Authority to grant exemptions and to issue drivers with exemption certificates in accordance with the provisions of Sections 37 and 37A of the Disability Discrimination Act 1995.</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager</p>
<p>NS81 (formerly CE71)</p>	<p>Authority to sign Certificates of Compliance within the meaning of the Motor Vehicle (Test) Regulations 1981.</p>	<p>I. Bestford T. Lock N. Smalley S. Gilliead S. Brown P. Drake</p>

NS82 (formerly HEH28)	Determination of Homelessness applications under Pt. VII of the Housing Act 1996.	Homeless Persons Officer
NS83 (formerly HEH31)	Determination of requests for use of the Carelink Coach which are outside of the Standard Operating Procedures	Director of Neighbourhood Services
	Licensing Act 2003 Functions	
	Premises	
NS84	Grant of Premises Licence under s18, save when representations made as described in s18(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS85	Issue of copy Premises Licence under s25	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS86	Determination of application for Provisional Statement under s31, save when representations have been made as described in s31(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS87	Determination of application to vary Premises Licence under s35, save when representations have been made as described in s35(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS88	Determination of application to vary designated Premises Supervisor under s39, save when a notice of objection has been served (and not withdrawn) as described in s39(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS89	Determination of transfer of Premises Licence under s44, save when a notice has been served (and not withdrawn) as described in s44(5)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager

NS90	Cancellation of interim authority notice under s48, save when a notice has been served (and not withdrawn) as described in s48(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
	Club Premises Certificates	
NS91	Determination of application for Club Premises Certificate under s72, save when representations made as described in s72(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS92	Issue of copy of Club Premises Certificate under s79	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS93	Determination of application to vary Club Premises Certificate under s85, save when representations have been made as described in s85(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
	Temporary Event Activities	
NS94	Issue of counter notice when permitted limits exceeded under s107	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS95	Issue of copy of Temporary Event Notice under s110	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager

Personal Licence		
NS96	Determination of application for grant of Personal Licence under s120, save when a police objection made (and not withdrawn) under s120(5)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS97	Determination of application for renewal of Personal Licence under s121, save when a police objection made (and not withdrawn) under s121(3)	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
NS98	Issue of copy of Personal Licence under s126	Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer; Inspection and Licensing Services Manager
Transitional Provisions		

	Compliance and Enforcement	
NS99 (formerly NS104)	Authority to seek production of Premises Licence in accordance with s57	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer
NS100 (formerly NS105)	Authority to enter and inspect premises in accordance with s59	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer
NS101 (formerly NS106)	Authority to seek production of Club Premises Certificates in accordance with s94	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer

NS102 (formerly NS107)	Authority to enter and inspect Club Premises in accordance with s96	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer
NS103 (formerly NS108)	Authority to enter premises to which a Temporary Event Notice relates in accordance with s108	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer
NS104 (formerly NS109)	Authority to seek production of Personal Licences in accordance with s135	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer
NS105 (formerly NS110)	Authority to enter to investigate licensable activities in accordance with s179	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer
NS106 (formerly NS111)	Authority to grant but not refuse licence applications under House to House Collections Act 1939 and House to House Collection Regulations 1947.	Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer

<p>NS107 (formerly NS112)</p>	<p>That the Chief Executive and Director of Neighbourhood Services be authorised to give/ withdraw necessary consents under Section 31(2) of the Anti-Social Behaviour Act 2004.</p>	<p>Chief Executive Officer/ Director of Neighbourhood Services</p>
<p>NS108 (formerly HEH21)</p>	<p>Crime and Disorder Act 1998 Authority to exercise powers under Section 1 (Anti-Social Behaviour) or Section 14 (Child Curfew Schemes) where necessary and in exercising those powers due regard be given to the following policy:-</p> <p>(a) In the case of Anti-Social Behaviour Orders or the promotion of local child curfew schemes that the Council considers taking action where:-</p> <ul style="list-style-type: none"> • there is likely to be serious harm or injury or damage to property. • there is general or serious disturbance - being caused in the neighbourhood. • vulnerable individuals are exposed to serious harm or the risk or fear of such harm. <p>(b) That where necessary, such action is supported by the Home Office, the Police, and is consistent with the strategies formulated by the Crime and Disorder Partnership’s borough-wide strategy.</p>	<p>Director of Neighbourhood Services and Head of Community Services in consultation with the Solicitor to the Council and the appropriate Cabinet Member.</p>

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4.4.3 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as H.M. Customs and Excise and the Inland Revenue, who have statutory rights of access to records and information.

4.5 *Preventing Fraud and Corruption*

4.5.1 The Director of Resources is responsible for development and maintenance of an anti-fraud and corruption policy.

4.6 *Assets*

4.6.1 Departmental heads must ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service provision in the event of disaster or system failure are in place.

4.7 *Treasury Management*

4.7.1 This Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services : Code of Practice.

4.7.2 Accordingly, the Council will create and maintain, as the cornerstones of effective Treasury Management:-

- A Treasury Management Policy Statement, stating the policies and objectives of its Treasury Management activities.
- Suitable Treasury Management practices (TMP's) setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

4.7.3 Reports will be prepared on Treasury Management policies, practices and activities, including an annual strategy and plan in advance of the year, and an annual report will be presented after the close of the financial year, in the form prescribed in TMP's.

- 4.7.4 The Council delegates responsibility for the implementation and monitoring of its Treasury Management policies and practices to Cabinet and for the execution and administration of Treasury Management decisions to the Director of Resources, who will act in accordance with the Council's policy statement and TMP's and in accordance with CIPFA Standard of Professional Practice on Treasury Management.
- 4.7.5 All Council monies are controlled by the Director of Resources, as the Section 151 Officer.

4.8 *Staffing*

- 4.8.1 The Chief Executive is responsible for providing overall management to staff. He is also responsible for ensuring that there is proper use of an evaluation process for determining the remuneration of a job.
- 4.8.2 Departmental heads are responsible for controlling total staff numbers by:
- Advising Cabinet on the budget necessary in any given year to cover estimated staffing levels.
 - Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.
 - The proper use of appointment procedures.

5. **SYSTEMS AND PROCEDURES**

5.1 *Introduction*

- 5.1.1 Sound systems and procedures are essential to an effective framework of accountability and control.

Guidance Note B

Guidance Note B

CAPITAL EXPENDITURE APPROVAL PROTOCOL

The Council's Corporate Capital Strategy and Asset Management Plan (which dictates how significant elements of the Council's capital resources must be spent) will set the framework for developing and evaluation capital projects over a **three year period** (reviewed and agreed on an annual basis) – through the preparation of bids (CP1's) and the Working Group/Management Team/Cabinet process. This is summarised as follows:-

1. PREPARATION OF CAPITAL PROGRAMMES

- 1.1 From July/August onwards, Working Groups will begin preparation of initial Capital Programmes for the following three years. Account will be taken of corporate and portfolio priorities, schemes already underway and others previously agreed by reviewing progress / outcomes of existing programmes;
- 1.2 All potential capital projects will be detailed in CP1 forms and considered by the Working Groups using the agreed corporate assessment methodology and guidance in order to prepare a scored/prioritised list of potential schemes. Potential schemes will be considered in light of spend to date information and all bids must be accompanied by a detailed justification statement - identifying contributions to Aims, Community Outcomes and Corporate Values;
- 1.3 The completed and scored CP1 forms, together with the prioritised list of potential schemes (as agreed by the Working Group) will be submitted to the Accountancy Services Section, Resources Department by the end of October – in accordance with the Annual Revenue and Capital budget timetable.
- 1.4 The Accountancy Services Manager and Head of Service Improvement will undertake a quality review / assessment of all completed returns. The prioritised list, including the scored self-assessment and outcome of the independent review to be reported to Management Team with the draft budgets in November;
- 1.5 In November/December, Management Team will, having regard to the likely availability of finance, consider these bids and in light of the recommendations made, agree an overall limit for the Capital Programme (both HRA and General Fund) and set specific targets for each service area over the three year period;

NB: In determining the service capital programme targets, Management Team considers the initial bids, independent assessment by the Accountancy Services Manager and Head of Service Improvement and the prioritised lists agreed by each Working Group – this emphasises the need for individual schemes to have a detailed justification statement and fully completed scored evaluation sheet.

- 1.6 In determining the recommended allocation of resources, Management Team will adhere to the following key principles:
 - Resources will be directed towards achieving the Council's vision and priorities and asset management plan requirements.

- All potential sources of external grant funding will be explored in resourcing priorities.
 - Impact on revenue budgets.
 - Alternative approaches to procurement such as partnering will be considered.
- 1.7 Once these targets are determined, they will be referred back to the appropriate Working Group for consideration of delivery plans over the three-year period. This will involve the Working Group re-examining the bids and determining the itemised programme in light of priorities within the resources allocated.
- 1.8 The target figures will continue to be submitted to Cabinet in January, together with a report from the Director of Resources detailing the overall level of expenditure for the coming financial year and estimated resources/target programmes for the following two years. This report will separately identify capital expenditure required for asset management purposes on a portfolio-by-portfolio basis.
- 1.9 Cabinet will then consider this and make recommendations to Council in February to establish control totals for General Fund capital expenditure and a specified capital programme for HRA for the following financial year, with indicative programmes for the two years after this.

2. PROCEDURE RULES AND FINANCIAL REGULATIONS

- 2.1 Procedure Rules relating to Contracts (15 and 25) and Financial Regulations (paragraphs **3.3.5**) make specific reference to Capital Programme expenditure.

Capital Programme expenditure, like other expenditure, must comply with Procedure Rules as far as the process of obtaining prices for work, etc., is concerned – this relates to tenders/quotations/negotiations, etc.

In addition Contract **Regulations** and Financial Procedure Rules impose additional controls in the way Capital Programme expenditure is reported to the Cabinet.

Procedure Rule 15 states:-

“Before tenders or quotations for the execution of any works included in the Capital Programme are invited, the Cabinet shall obtain from the appropriate Chief Officer a report on the proposals including the relevant financial information.”

- 2.2 Following the allocation of capital resources by Council and **no later than 30 April each year**, detailed programmes for each portfolio area (excluding HRA) will be prepared by the relevant Chief Officer and reported to Cabinet for approval, as follows: -

- Resource Management / Welfare and Communications / Performance Management – Director of Resources;

- Environment / Supporting People / Community Safety / Housing General Fund – Director of Neighbourhood Services;
- Culture and Recreation – Director of Leisure Services;
- Regeneration – Chief Executive Officer

NB: These reports will be based on the prioritised schedule of schemes agreed by the Working Group and include estimated costs for each scheme in an itemised programme. The report will clearly identify those schemes required for asset management purposes. The report will also contain the recommendation for Cabinet to approve the programme and that, subject to the necessary arithmetic checks, the appropriate Chief Officer is authorised, in consultation with the appropriate Lead Member, to accept the lowest tender provided that the figure is within approved budgets/estimates.

2.3 No further reports will be submitted to Cabinet in relation to the individual schemes, unless:

- The gross value of the project is in excess of £50,000 **and** is in relation to an outward facing service area.
- NB: The £50,000 trigger will not apply to schemes included in the Asset Management Plan. In other cases, the itemised capital programme report will note that further reports will be submitted as the year progresses in relation to these schemes to ensure sufficient engagement of members in these proposals.
- There is a change in the year due to resource availability (grant related issues) or a change in priorities that impacts on the programmed use of capital resources for the portfolio;
- NB: In such cases the itemised capital programme will be redrawn and re-submitted for approval, with a clear rationale given for the required change and impact on the existing three year programme.
- Once tenders/quotations, etc. have been sought and received in accordance with the Procedure Rules, it is necessary to report details to Cabinet in accordance with Contract Procedure Rules 15, 16 and 17.

2.4 Cabinet will receive monitoring reports on the progress of Capital Schemes at least three times per annum, together with details of resources available to the Council to finance the programme.

Actual Outturn against the approved capital programmes for each portfolio will be reported in the Annual Statement of Accounts, however, should the outturn cost for any specific service area exceed the approved budget by **more than 5%**, then this must be reported to Cabinet **no later than 30 June each year**, together with reasons for the difference and any learning issues etc.

- NB: All overspends will be automatically deducted from the resources available in the following financial year and appropriate adjustments made against the programmes reported to Council by 30 June (see 2.2 above)

3. CONTRACTS - GENERAL

- 3.1 It is essential to ensure that Contract **Regulations** and Financial **Regulations** are adhered to in respect of all schemes, whether or not they are included in Capital Programmes.
- 3.2 Particular attention is drawn to the need for **expenditure in excess of approved tender sums** to be reported to the Cabinet **in accordance with Contract Procedure Rule 24.**

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