

STANDARDS COMMITTEE

Thursday,
3 November 2005
1.00 p.m.

Council Chamber,
Council Offices, Spennymoor

AGENDA and REPORTS



AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear later in the agenda in which you may have an interest.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 7th July 2005. (Pages 1 – 4)

4. STANDARDS TRAINING UPDATE

A verbal presentation will be given at the meeting by Solicitor to the Council and Monitoring Officer.

5. SUMMARY OF STANDARDS BOARD CONFERENCE: BIRMINGHAM 2005

Report of Solicitor to the Council and Monitoring Officer attached. (Pages 5 – 8)

6. ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

To consider a report of the Chief Executive Officer containing proposals for a review and changes to the Constitution. (Pages 9 – 120)

7. DATE OF NEXT MEETING

9th February 2006 at 1.00 p.m. in the Council Chamber, Council Offices, Spennymoor.

8. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Members are respectfully requested to give the Chief Executive Officer notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

N. Vaulks
Chief Executive Officer

Council Offices
SPENNYMOOR
26th October 2005

L. Petterson (Chairman)
Councillors Mrs. B. Graham, A. Gray, Mrs. L. Hovvels, G.M.R. Howe and J. Wayman J.p.

Councillor J. Marr (Spennymoor Town Council)
Mr. I. Jamieson (Independent Member)

Background Documents

Monitoring Officer's Advice: MO Series issued since last meeting

- MO58 Preparation of Reports: A Guidance Note – April 2004
- MO59 Standards Board for England “MP’s back the Board’s progress.”
- MO60 SBC: Code allows for public interest defence
- MO61 Update for Town and Parish Council Members
- MO62 Update for Members of the Standards Committee: Standards Committee News
- MO63 Update: How to Conduct an Investigation
- MO64 Standards Board Bulletin – Update
- MO65 Standards Board Conference: 5th/6th September 2005

MO/SBC Series

Nil

MO/SBC/CONS Series

MO/SBC/CONS8 Up to date versions of the Councils Constitution

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact Miss. S. Billingham, Spennymoor 816166, Ext 4240, sbillingham@sdgefield.gov.uk

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Item 3

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Thursday,
7 July 2005

Time: 1.00 p.m.

Present: L. Petterson (Chairman) and

Councillors A. Gray, Mrs. L. Hovvels and J. Wayman J.P.

Spennymoor Town Council

Councillor J. Marr

Apologies: Councillors Mrs. B. Graham and G.M.R. Howe
Mr. I. Jamieson ((Independent Member)

ST.1/05 DECLARATIONS OF INTEREST

Members had no interests to declare.

ST.2/05 MINUTES

The Minutes of the meeting held on 7th April 2005 were confirmed as a correct record and signed by the Chairman.

Specific reference was made to Minute. No. ST.29/04 – Review of standards arrangements – staffing support for the Council’s Monitoring Officer: changes to Standards Committee: changes to Constitution – it was explained that the report had been considered by Full Council at its meeting on 29th June 2005 and had been agreed.

The Principal Assistant Solicitor was then introduced to the Committee as the newly appointed Deputy Monitoring Officer.

ST.3/05 STANDARDS TRAINING UPDATE

29th June, 2005 : Shildon Town Council

The Solicitor to the Council and Monitoring Officer explained that the training had been postponed and would be re-arranged for later in the year.

5th and 6th September, 2005 :

Fourth Annual Assembly of Standards Board

It was explained that the Solicitor to the Council and the Leader of the Council would be attending the event and would report back to the Committee.

Discussions were held regarding how Town and Parish Clerks were informed of training events and how their needs were identified. It was

suggested that they should be approached individually by the Deputy Monitoring Officer, in order to identify their training needs.

ST.4/05

REPORT ON STANDARDS BOARD ROADSHOW 2005 : NEWCASTLE : 26TH MAY 2005

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer detailing the event held by the Standards Board, which was attended by Standards Committee Members. (For copy see file of Minutes).

It was explained that the purpose of the event was to review the Council's Code of Conduct, highlighting any key issues regarding local investigations and hearings.

Consideration was given to the discussions held at the event regarding the role of the Standards Committee. It was suggested that its role should be extended to enable each authority to assess complaints and allegations at a local level and that communications between Town and Parish Councillors needed to be improved.

The problems in authorities deciding which allegations they would investigate were also pointed out with specific reference being made to the public's perception if allegations were held locally. It was therefore suggested that the client be given the decision as to where they would prefer the case to be heard. It was explained that the Solicitor to the Council and Monitoring Officer would continue to monitor the suggestions made at the event and would continue to update the Committee.

RECOMMENDED: That the report be agreed.

ST.5/05

DISCUSSION PAPER : CONSTITUTIONAL REVIEW OF MEMBER INVOLVEMENT

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer detailing proposals for the provision of Members engagement during the review of the Constitution. (For copy see file of Minutes).

Reference was made to the fact there would be times during a review of the constitution where Members would feel that they should be involved in process. The report therefore detailed a mechanism, which would provide an opportunity within the working arrangements between Cabinet and the Overview and Scrutiny Committees to be involved in proposing changes to the Constitution.

*RECOMMENDED: 1. That Standards Committee agrees the report.
2. That the report be submitted to each Overview and Scrutiny Committee for approval.*

ST.6/05

DATE OF NEXT MEETING

3rd November, 2005 at 1.00 p.m. in the Council Chamber, Council Offices, Spennymoor.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Miss. S. Billingham, Spennymoor 816166, Ext 4240

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Item 5

REPORT TO STANDARDS COMMITTEE

3RD NOVEMBER 2005

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

SUMMARY OF STANDARDS BOARD CONFERENCE : BIRMINGHAM 2005

1. SUMMARY

- 1.1 This report appraises members of the Standards Committee of the principal messages from the Fourth Assembly of Standards Committees held on the 5th and 6th September 2005 at the ICC, Birmingham.
- 1.2 The event was attended by an audience of over 800 people and was addressed by officials of the Standards Board for England and also Phil Woolas, MP, Minister with the ODPM Office.

2. RECOMMENDATIONS

- 2.1 For members to consider the report and discuss and note the contents.

3. CRACKING THE CODE – STANDARDS BOARD RECOMMENDATIONS

- 3.1 The Standards Board for England announced on the 5th September its recommendations for the review of the Code of Conduct to the Office of the Deputy Prime Minister following a four month consultation period in which the Council was involved.
- 3.2 The main recommendations are:
 - The Code of Conduct should be simpler, more enabling, and owned by the member it applies to.
 - The Code needs to empower members as community advocates to take the lead on issues where their expertise is greatest and speak out on behalf of their own communities.
 - The rules about personal and prejudicial interests should be clearer, especially for members who sit on more than one public body.
 - There needs to be greater clarity about when it is appropriate for things to be confidential. Members must be able to speak out when it is in the public interest.
 - Members are entitled to have a private life and the public only expect this to be regulated where behaviour outside official duties damages the reputation of local government.

- Members have a right to challenge poor performance and criticise officers fairly, but bullying cannot be tolerated and needs to be addressed more explicitly in the Code.
- While people making complaints must be free from intimidation, the current duty for members to report breaches is unnecessary and unhelpful and should be removed.

4. KEY NOTE ADDRESS : CHIEF EXECUTIVE, DAVID PRINCE

- 4.1 *Past record:* the Board reviewed progress since the previous year's conference. Regional events had since taken place which were attended by around 1,000 Standard Committee members and Monitoring Officers, as well as Leaders and Chief Executives. This response was welcomed by the Board as a significant step in informing the debate about future changes to the Code. The Board reported that 22% of cases had been referred to Local Authorities for investigation: 62% of those were from the public. 34% of cases were investigated locally and 9% were determined locally. 71% of all cases were completed within six months. It was reported that complaints are now processed within ten working days. The Board emphasised the importance of focusing upon more serious cases, being proportionate in its response and proposes to encourage local solutions to local issues. The Board clearly envisages having a relationship with Local Authorities more in the nature of a partnership regarding the development of the Ethical Agenda.
- 4.2 *Ethical Governance Toolkit:* the Board had worked during the year with the IDeA and the Audit Commission, to jointly badge the Local Government Diagnostic known as the Ethical Governance Toolkit. ODPM had provided support and local capacity to develop this initiative which consists of a comprehensive audit, a member survey and interactive workshops. The Board is determined to keep ethical behaviour at the top of the agenda for Local Authorities. As a component of the Comprehensive Performance Assessment the Board had worked upon and developing relevant CPA key lines of enquiry.
- 4.3 *CPA – Key Lines of Inquiry:* the forthcoming Comprehensive Performance Assessment will focus even more closely upon Local Authorities' approach to the ethical agenda, and, in particular, the extent to which a Local Authority is clear about ethical responsibilities and demonstrates that it exhibits behaviour as expected of officers and members.
- 4.4 *The Graham Committee and the ODPM Select Committee:* comment was made about Sir Alistair Graham's report to the Government which had raised a number of key issues about the future role of the Standards Board. In particular a number of questions had been raised:-
- should the Board merely be a strategic regulator.
 - should cases be filtered locally.
 - should chairs of independent Standards Committees be independent.

- should there be more support and training for members.
- should the number of independent members on the Standards Committees be increased if more local decision making takes place.

5. CONSULTATIONS

- 5.1 The Chief Executive and Director of Resources have previewed this report and considered its contents. Copies have been circulated to the Management Team in advance of tabling on the Standards Committee Agenda.
- 5.2 Any additional comments received have been incorporated in the body of the report or will be reported orally at the meeting.

Contact Officer: Dennis A. Hall
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

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 type="checkbox"/> | <input type="checkbox"/> |

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Item 6

REPORT TO STANDARDS COMMITTEE

3RD NOVEMBER 2005

(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> | <p>Request by Department</p> |
| <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> | <p>Request by Department</p> |
| <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> | <p>Request by Department</p> |
| <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> | <p>Request by Department.</p> |
| <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> | <p>Request by Department.</p> |

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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. | NS54NS63 (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. | |

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| 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. | |

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| 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. | |

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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) |

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| 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, NS11NS10 (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 |

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| 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. | NS20, NS21, NS22 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 |

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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"). | NS47, NS48 NS54, NS56 (formerly HEH5, HEH6; NS47; NS48) |
| 2. | Power to licence the use of moveable dwellings and camping sites. | NS47, NS48 NS54, NS56 (formerly HEH5, HEH6; NS47; NS48) |
| 3. | Power to licence hackney carriages and private hire vehicles. | NS60, NS63 NS69, NS72 (formerly CE23, CE26; NS60; NS63) |

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| 4. | Power to licence drivers of hackney carriages and private hire vehicles. | NS60, NS63 NS69, NS72 (formerly CE23, CE26; NS60 ; NS63) |
| 5. | Power to licence operators of hackney carriages and private hire vehicles. | NS60, NS63 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. | NS78 NS79 (formerly CE41; NS78) |
| 10. | Power to register societies wishing to promote lotteries. | NS72 NS76 (formerly CE35; NS72) |
| 11. | Power to grant permits in respect of premises where amusements with prizes are provided. | NS78 NS79 (formerly CE41; NS78) |
| 12. | Power to issue cinema and cinema club licences. | NS77 (formerly CE40) |
| 13. | Power to issue theatre licences. | NS76 (formerly CE39) |
| 14. | Power to issue entertainments licences. | NS66, NS69 (formerly CE29, CE32) |
| 15.12. | Power to licence sex shops and sex cinemas. | |
| 16.13. | Power to licence performances of hypnotism. | NS70 NS75 (formerly CE33; NS70) |
| 17.14. | Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis. | NS47, NS48 NS54, NS56 (formerly HEH5, HEH6; NS47 ; NS48) |
| 18.15. | Power to licence pleasure boats and pleasure vessels. | |
| 19. | Power to register door staff. | NS71 (formerly CE34) |
| 20.16. | Power to licence market and street trading. (Adoptive powers) | |
| 21.17. | Power to licence night cafes and take-away food shops. | |
| 22.18. | Power to licence dealers in game and the killing and selling of game. | NS75 NS78 (formerly CE38; NS75) |

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| 23.19. | Power to register and licence premises for the preparation of food. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 24.20. | Power to register scrap yards. | NS47, NS48 NS54, NS56 (formerly HEH5, HEH6; NS47; NS48) |
| 25.21. | Power to licence premises for the breeding of dogs. | NS42, NS44 NS49, NS51 (formerly HEH1, HEH2; NS42; NS44) |
| 26.22. | Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. | NS42, NS44 NS49, NS51 (formerly HEH1, HEH2; NS42; NS44) |
| 27.23. | Power to licence zoos. | |
| 28.24. | Power to licence dangerous wild animals. | NS42, NS44 NS49, NS51 (formerly HEH1, HEH2; NS42, NS44) |
| 29.25. | Power to licence persons to collect for charitable and other causes. | NS73 NS77 (formerly CE36; NS73) NS111 NS109 (formerly NS111) |
| 30.26. | Power to grant consent for the operation of a loudspeaker. | |
| 31.27. | Power to approve meat product premises. | NS45, NS46 NS52, NS53 (formerly HEH3, HEH4; NS45; NS46) |
| 32.28. | Power to approve premises for the production of minced meat or meat preparations. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 33.29. | Power to approve dairy establishments. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 34.30. | Power to approve egg product establishments. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 35.31. | 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. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |

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| 36-32. | Power to approve fish products premises. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 37-33. | Power to approve dispatch or purification centres. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 38-34. | Duty to keep register of food business premises. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |
| 39-35. | Power to register food business premises. | NS52, NS53 NS60, NS61 (formerly HEH9, HEH10; NS52; NS53) |

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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.

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| | 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. | NS78 NS79 (formerly NS76) |
| 2. | Power to issue cinema and cinema club licences. | NS77 |
| 3. | Power to issue theatre licences. | NS76 |
| 42. | Power to licence sex shops and sex cinemas. | |
| 53. | Power to licence performances of hypnotism. | NS70 NS75 (formerly CE33; NS70) |
| 64. | Power to licence pleasure boats and pleasure vessels. | |
| 7. | Power to register door staff. | NS74 |
| 85. | Power to licence market and street trading. (Adoptive powers) | |
| 96. | Power of register and licence premises for the preparation of food. | NS52 NS53 NS60, NS61 (formerly HEH9; HEH10; NS52; NS53) |
| 107. | Power to grant consent for the operation of a loudspeaker. | |

Deleted Officer Delegation – repeal end of November

This delegation deleted.

The Licensing Authority functions contained within the Licensing Act 2003:

| | Functions | Section of Act | Officer Delegation Reference No. |
|---------------------------------|--|----------------|----------------------------------|
| | Premises | | |
| 418. | Grant of Premises Licence | 18 | |
| 429. | Issue of copy Premises Licence | 25 | |
| 43 10. | Determination of application for Provisional Statement | 31 | |
| 44 11. | Determination of application to vary Premises Licence | 35 | |

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| 15. 12. | Determination of application to vary Designated Premises Supervisor | 39 | |
| 16. 13. | Determination of transfer of Premises Licence | 44 | |
| 17. 14. | Cancellation of interim authority notice | 48 | |
| 18. 15. | Determination of application for review of Premises Licence | 52 | |
| 19. 16. | Determination of review of Premises Licence (after closure order) | 167 | |
| | Club Premises Certificates | | |
| 20. 17. | Determination of application for Club Premises Certificate | 72 | |
| 21. 18. | Issue of copy of Club Premises Certificate | 79 | |
| 22. 19. | Determination of application to vary Club Premises Certificate | 85 | |
| 23. 20. | Determination of application to review Club Premises Certificate | 88 | |
| | Temporary Event Activities | | |
| 24. 21. | Determination of objection and issue of counter notice | 105 | |
| 25. 22. | Issue of counter notice when permitted limits exceeded | 107 | |
| 26. 23. | Issue of copy of Temporary Event Notice | 110 | |
| | Personal Licences | | |
| 27. 24. | Determination of application for grant of Personal Licence | 120 | |
| 28. 25. | Determination of application for renewal of Personal Licence | 121 | |
| 29. 26. | Determination of objection and revocation of Personal Licence | 124 | |
| 30. 27. | Issue of copy of Personal Licence | 126 | |
| | Compliance and Enforcement | | |
| 31. 28. | Decision to prosecute any offence under the Licensing Act 2003 | | |
| | Transitional Provisions | | Schedule 8 paragraph: |
| 32. 29. | Determination of application for conversion of existing Licence to Premises Licence | 4 | |
| 33. 30. | Determination of application to vary upon conversion to Premises Licence | 7 | |

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| 34. 31. | Determination of application to convert a Club Registration Certificate to a Club Premises Certificate | 16 | |
| 35. 32. | Determination of application to vary upon application for conversion to a Club Premises Certificate | 19 | |
| 36. 33. | Determination of application for Personal Licence | 26 | |

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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.**

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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. | NS45, NS46 NS52, NS53 (formerly HEH3, HEH4; NS45; NS46) |
| 5 * | The service of an abatement notice in respect of a statutory nuisance. | NS45, NS46 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. | NS45, NS46 NS52, NS53 (formerly HEH3, HEH4; NS45; NS46) |
| 8 * | The investigation of any complaint as to the existence of a statutory nuisance. | NS45, NS46 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) | |

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| 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 s more than two 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 500 1,000 square metres; or where the site area is in excess of 1 hectare. 7. Involves changes of use to Use Classes Order A3 or B2 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> |

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| | 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 Principal Development Control Officer 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 Principal Development Control Officer 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 of Tree Preservation Order in situations where urgent action is required. | Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee. 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 Landscape Architect. Development Control Manager Forward Planning Manager Senior Development Control Officer |

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| <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 (formerly PT9)</p> | <p>Discharge of conditions attached to Approvals.</p> | <p>Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer.</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>NS10 NS9 (formerly PT10; NS10)</p> | <p>Issue of Notices of Approval and Refusal</p> | <p>Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer. Development Control Manager Forward Planning Manager Senior Development Control Officer</p> |

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| | Planning and Compensation Act 1991 | |
| NS14 NS10 (formerly PT11, NS11) | Service of Planning Contravention Notices. | Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee. Development Control Manager |
| | Town and Country Planning and General Development (Amendment) (No. 3) Order | |
| NS12 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 Principal Development Control Officer. Development Control Manager Forward Planning Manager Senior Development Control Officer |
| NS13 NS12 (formerly PT13; NS13) | Determination of such applications where prior approval is required. | Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee. Development Control Manager Forward Planning Manager Senior Development Control Officer |
| | Town and Country Planning and General Development (Amendment) (No. 2) Order | |
| NS14 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 Principal Development Control Officer Development Control Manager Forward Planning Manager Senior Development Control Officer |

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| <p>NS15 NS14 (formerly PT15; NS15)</p> | <p>Determination of such applications where prior approval is required.</p> | <p>Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee. Development Control Manager Forward Planning Manager Senior Development Control Officer</p> |
| <p>Town and Country Planning (General Regulations) 1992</p> | | |
| <p>NS16 NS15 (formerly PT16; NS16)</p> | <p>Issuing Notices for Development under Regulations 3 and 4.</p> | <p>Director of Neighbourhood Services Head of Planning Services Principal Development Control Officer Development Control Manager Forward Planning Manager Senior Development Control Officer</p> |
| <p>Town and Country Planning Act 1991/1990</p> | | |
| <p>NS17 NS16 (formerly PT17; NS17)</p> | <p>Service of Notices requisitioning information.</p> | <p>Director of Neighbourhood Services Head of Planning Services Development Control Manager.</p> |
| <p>NS18 NS17 (formerly PT18; NS18)</p> | <p>Determination of planning applications for alterations to dwellings subject to Article 4 Direction.</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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| NS19 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 |
| NS20 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 |
| NS21 NS20 (formerly PT21; NS21) | Service of "Hedgerow Replacement Notices". | Head of Planning Services Development Control Manager |
| NS22 NS21 (formerly PT22; NS22) | To instigate prosecutions under the Hedgerow Regulations 1997. | Director of Neighbourhood Services Head of Planning Services in consultation with the Chairman and Vice-Chairman of the Development Control Committee and the Solicitor to the Council. |
| | Town and Country Planning (Environmental Impact Amendment) Regulations 1999 | |
| NS23 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 |

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| | Local Government and Housing Act 1989 | |
|---|---|--|
| NS24 NS23 (formerly PT25; NS24) | Determination of applications for House Renovation and Disabled Facilities Grants | Director of Neighbourhood Services Building Control Manager |
| | Building Act 1984 | |
| NS25 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 | |
| NS26 NS25 (formerly PT27; NS26) | Notice to open up works. | Director of Neighbourhood Services Building Control Manager |
| | Building (Approved Inspectors etc.) Regulations 1985 and 2000 | |
| NS27 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 |

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| | The Building (Local Authority Charges) Regulations 1998 | |
| NS28 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 |
| NS29 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) | |
| NS30 NS29 (formerly PT31; NS30) | Functions with respect to Ordnance Survey | Director of Neighbourhood Services Head of Planning Services |
| | Consultations on Highway Matters | |
| NS34 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 | |
| NS32 NS31 (formerly PT35; NS32) | Lodging of objections to applications for new or variations to existing licences. | Director of Neighbourhood Services Head of Planning Services |
| NS33 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 |
| NS34 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 |
| NS35 NS34 (formerly PT39; NS35) | Street naming and numbering | Building Control Manager in consultation with the appropriate Cabinet Member. |

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

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| 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. | |

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| <p>NS42 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>NS43 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>NS44 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> |

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| | <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> | |
| <p>NS45 NS52 (formerly HEH3; NS45)</p> | <p>Authority to:- 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> | <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</p> |
| <p>NS46 NS53 (formerly HEH4; NS46)</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</p> |

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| | <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>NS47 NS54 <small>(formerly HEH5; NS47)</small></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> |

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| <p>NS55</p> | <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> | <p>Neighbourhood Wardens</p> |
| <p>NS48 NS56 <small>(formerly HEH6; NS48)</small></p> | <p>Authority to:-</p> <p>Sign notices, licences, authorisations, approvals and other documentation.</p> <p>To instigate legal proceedings.</p> | <p>Director of Neighbourhood Services Head of Environmental Services Public Health Services Manager Housing Strategy Manager Inspection and Licensing Services Manager</p> |
| <p>NS49 NS57 <small>(formerly NS49)</small></p> | <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> | <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> |

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| | <p>Private Sector Housing Housing Acts 1985, 1988, and 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>NS50 NS58 <small>(formerly HEH7; NS50)</small></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>NS54 NS59 <small>(formerly HEH8; NS51)</small></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> |

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| | <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> | |
| <p>NS52 NS60 (formerly HEH9; NS52)</p> | <p>Authority to:- 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> |
| <p>NS53 NS61 (formerly HEH10; NS53)</p> | <p>Authority to:- Enter and inspect premises for compliance with legal requirements. 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 Environmental Health Officer (Public Health)</p> |
| <p>NS62</p> | <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> |

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| | <p>Health and Safety at Work Health and Safety at Work Act 1974 and its relevant statutory provisions</p> | |
| <p>NS54 NS63 (formerly HEH12; NS54)</p> | <p>Authority to:- Enter and inspect premises for compliance with legal requirements and exercise the powers contained in Sections 20, 21, 22 and 25</p> <p>Carry out all other relevant duties conferred by the legislation</p> | <p>Glyn Hall Alan Suggett: Neil Smalley, Eric Beevers: Terry Holden Meryl Gregg Donna Toroni Donald Green Martin Scott and Environmental Protection Officer (Health and Safety) as Inspectors</p> |
| | <p>Young Persons Employment Act 1938 Sunday Trading Act 1994 Any regulations orders and other relevant statutory provisions made under the above.</p> | |
| <p>NS55 NS64 (formerly HEH14; NS55)</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 Senior Environmental Health Officers Environmental Health Officer (Public Health) Environmental Control Officers Environmental Control Assistant Environmental Protection Officers Environmental Protection Assistants</p> |
| <p>NS56 NS65 (formerly HEH15; NS56)</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</p> |

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| <p>NS57 NS66 (formerly HEH44; NS57)</p> | <p>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.</p> | <p>Dr. Roberta Marshall Dr. Deborah Wilson Dr. David Walker Dr. M. Grandey Dr. A. Lowe Dr. I. Holtby Dr. P. Cresswell</p> |
| General | | |
| <p>NS58 NS67 (formerly HEH16; NS58)</p> | <p>Authority to authorise staff appropriate to their job specification following changes to personnel and/or job titles.</p> | <p>Director of Neighbourhood Services</p> |
| Licensing | | |
| <p>NS59 NS68 (formerly NS59)</p> | <p>Authority to instigate or otherwise respond to legal proceedings.</p> | <p>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).</p> |
| <p>NS60 NS69 (formerly CE23; NS60)</p> | <p>Town Police Clauses Act 1847 - Issuing Hackney Carriage Vehicle and Driver Licences - to grant but not refuse a licence</p> | <p>Director of Neighbourhood Services Head of Environmental Services Inspection and Licensing Services Manager; Principal Licensing Officer</p> |
| <p>NS64 NS70 (formerly CE24; NS61)</p> | <p>Revocation or suspension of (a) Hackney Carriage Driver and Vehicle Licences and (b) Private Hire Driver, Operator and Vehicle Licences.</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager, Principal Licensing Officer; Licensing Enforcement Officers</p> |
| <p>NS62 NS71 (formerly CE25; NS62)</p> | <p>Mini Bus Act 1977 Granting Mini-Bus 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> |

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| <p>NS63 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>NS64 NS73 (formerly CE27; NS64)</p> | <p>Local Government (Miscellaneous Provisions) Act 1976 Part II.</p> <p>S50(4) - Authority to require proprietor to produce vehicle licence and certificate of insurance for inspection.</p> <p>S53(3) - Authority to require driver to produce drivers licence for inspection.</p> <p>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.</p> <p>S68 - Authority to inspect vehicle/taximeter, require vehicle to undergo detailed inspection and suspend/ revoke licence</p> | <p>))) N. Smalley) D. Green) D. Icton) Jane Gilliead) Ian Bestford) T. Lock) M. Toas) D. Ward) I. Smith) P. Cooke) L. Burtenshaw) S. Brown) P. Drake)</p> |
| <p>NS65 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> |
| <p>NS66 (formerly CE29)</p> | <p>Local Government (Miscellaneous Provisions) Act 1982 Issuing of Public Entertainment Licences – to grant but not refuse a licence</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager</p> |
| <p>NS67 (formerly CE30)</p> | <p>Local Government (Miscellaneous Provisions) Act 1982 – authority to enter premises in relation to Entertainment Licences.</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Public Health Services Manager; Inspection and Licensing Services Manager; Senior Environmental Health Officers; Principal Licensing Officer; Licensing Enforcement Officers; Environmental Control Officers; Environmental Control Assistant; Environmental Protection Officers; Environmental Protection Assistants.</p> |

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| <p>NS68 (formerly CE34)</p> | <p>Local Government (Miscellaneous Provisions Act) 1982— Liaison with the Police re, checks for criminal convictions of applicants for Door Supervisor Registration.</p> | <p>Tracey Lock David Iceton Neil Smalley Donald Green Stephen Brown Penny Drake</p> |
| <p>NS69 (formerly CE32)</p> | <p>Private Places of Entertainment (Licensing) Act 1967 Issue of Private Entertainment Licences - to grant but not refuse a licence.</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager</p> |
| <p>NS70 NS75 (formerly CE33; NS70)</p> | <p>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.</p> | <p>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).</p> |
| <p>NS74 (formerly CE34)</p> | <p>Door Supervisors Registration Scheme - Register or de-register Door Supervisors.</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager (in consultation with the Chairman and Vice-Chairman of the relevant Licensing Committee).</p> |
| <p>NS72 NS76 (formerly CE35; NE72)</p> | <p>Lotteries and Amusements Act 1976 Granting Lottery 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 NS77 (formerly CE36; NS73)</p> | <p>Police, Factories, etc., (Miscellaneous Provisions) Act 1916 Granting Street Collection 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> |

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| NS74 (formerly CE37) | Late Night Refreshment Houses Act 1969 Granting of Licences. To grant but not refuse a licence | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| NS75 NS78 (formerly CE38; NS75) | Local Government Act 1894 - Granting of licences to deal in Game and kill Game - to grant but not refuse a licence | 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) |
| NS76 (formerly CE39) | Theatres Act 1968 – Granting of Licences – to grant but not refuse a licence. | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| NS77 (formerly CE40) | Cinemas Act 1985 – Granting of Cinema Licences – to grant but not refuse a licence. | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| NS78 NS79 (formerly CE41; NS78) | Gaming Act 1968/Lotteries and Amusements Act 1976. Issue of Amusement with Prizes Permits - to grant but not refuse a permit. | Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer ; Inspection and Licensing Services Manager |
| NS79 (formerly GE42) | LGA 1972 – S.204(3) – Receipt of Notice of Application for Justices Licence under Sch.2. Licensing Act 1964 | Director of Neighbourhood Services (Proper Officer) |
| NS80 (formerly CE69) | 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. | Director of Neighbourhood Services; Head of Environmental Services; Principal Licensing Officer ; Inspection and Licensing Services Manager |
| NS81 (formerly CE71) | Authority to sign Certificates of Compliance within the meaning of the Motor Vehicle (Test) Regulations 1981. | D. Leeton I. Bestford T. Lock N. Smalley D. Green S. Gilliead S. Brown P. Drake |

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| 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 |

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| 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 |

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| Personal Licence | | |
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| 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 |
| Compliance and Enforcement Transitional Provisions | | |
| NS99 | Determination of application for conversion of existing Licence to Premises Licence under Schedule 8 paragraph 4, save when a notice served as described in paragraph 4(3) | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| NS100 | Determination of application to vary upon conversion to Premises Licence under Schedule 8 paragraph 7 and sections 35 or 39, save when representations have been made as described in s35(3) or s39(3) respectively | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| NS101 9 (formerly NS104) | Determination of application to convert a Club Registration Certificate to a Club Premises Certificate under Schedule 8 paragraph 16, save when a notice has been served as described in paragraph 16(3) | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |

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| NS102 (formerly NS102) | Determination of application to vary upon application for conversion of Club Registration certificate to a Club Premises Certificate under Schedule 8 paragraph 19 and section 85, save when representations have been made as described in s85(3) | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| NS103 (formerly NS103) | Determination of application for Personal Licence under Schedule 8 paragraph 26, save when a hearing is necessary in accordance with paragraph 26(3) | Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager |
| Transitional Provisions Compliance and Enforcement | | |
| NS104 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 |
| NS105 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 |
| NS106 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 |

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| <p>NS107 NS102 (formerly NS107)</p> | <p>Authority to enter and inspect Club Premises in accordance with s96</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer</p> |
| <p>NS108 NS103 (formerly NS108)</p> | <p>Authority to enter premises to which a Temporary Event Notice relates in accordance with s108</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer</p> |
| <p>NS109 NS104 (formerly NS109)</p> | <p>Authority to seek production of Personal Licences in accordance with s135</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer</p> |
| <p>NS110 NS105 (formerly NS110)</p> | <p>Authority to enter to investigate licensable activities in accordance with s179</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer; Licensing Enforcement Officer</p> |
| <p>NS114 NS106 (formerly NS111)</p> | <p>Authority to grant but not refuse licence applications under House to House Collections Act 1939 and House to House Collection Regulations 1947. to Director of Neighbourhood Services, Head of Environmental Services, Inspection and Licensing Manager, Principal Licensing Officer.</p> | <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Principal Licensing Officer</p> |

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| <p>NS112 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 ~~The Council has adopted a Local Code of Practice for Treasury Management in Local Authorities, encompassing CIPFA recommendations. This Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services : Code of Practice.~~

4.7.2 ~~The Council is responsible for approving the Treasury Management strategy prior to commencement of new year, setting out the matters detailed in paragraph 15 of the CIPFA Code. The Director of Resources has responsibility for implementing and monitoring the strategy. 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 ~~All Council monies are controlled by the Director of Resources, as the Section 151 Officer.~~

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.**

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~~4.7.4 All decisions on borrowing, investment or financing shall be delegated to the Director of Resources, who is required to act in accordance with the Local Code. 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.

~~4.7.5 The Director of Resources is responsible for reporting to Cabinet each half year on the activities of the Treasury Management operation and on the exercise of his delegated Treasury Management powers. One such report will comprise an annual report on Treasury Management for presentation by 30th September of the succeeding financial year.~~

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.

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Guidance Note B

~~CAPITAL PROGRAMME PROCEDURES~~

~~This note has been prepared with a view to clarifying the processes leading up to the agreement of Capital Programmes by the Cabinet. Specific attention has been paid to the process from acceptance of the need for an individual scheme/project and approval to seek tenders/ quotations right through to acceptance of tenders/quotations and monitoring of expenditure until completion of the project.~~

~~The need to comply with the Council's Procedure Rules and Financial Regulations throughout the process has also been highlighted.~~

~~1. PREPARATION OF CAPITAL PROGRAMMES~~

~~From August/September onwards, Working Groups begin preparation of initial Capital Programmes for the following financial year. Account is taken of schemes already underway and other proposals previously agreed as part of longer term programmes.~~

~~Schemes included in these initial Capital Programmes must, wherever possible, be accompanied by a detailed justification.~~

~~Initial Programmes are then considered by Management Team which, having regard to the likely availability of finance, determine an overall limit for the Capital Programme and set specific targets for each Service.~~

~~In determining Service targets, Management Team considers the initial bids in detail—this emphasises the need for schemes to have a detailed written justification wherever possible.~~

~~Once these targets are determined they are referred back to the appropriate Working Group for preparation of programmes within the target figures—these are then processed through Management Team with a view to reports being submitted to the Cabinet early in the New Year, together with a report from the Director of Resources detailing the overall level of capital expenditure for the coming financial year.~~

~~Once these targets are formally approved by the Council reports are submitted to the Cabinet setting out, wherever possible, detailed programmes.~~

~~In some cases it is not always possible to determine detailed programmes before the start of the financial year and lump sums are included under general headings, e.g. 'Advance Factories' with further reports being submitted as the year progresses and specific needs are identified.~~

~~2. PROCEDURE RULES AND FINANCIAL REGULATIONS~~

~~Procedure Rules relating to Contracts (15 and 25) and Financial Regulations (paras. 18-22) make specific reference to Capital Programme expenditure.~~

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- ~~— 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 Procedure Rules 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."*~~
- ~~— This is intended to ensure that the Cabinet approves each scheme in the Capital Programmes before tenders/quotations, etc. are sought.~~
- ~~— This can be done before the start of the financial year by seeking approval to a detailed programme of schemes at a sufficiently early stage to enable Procedure Rules governing the seeking of tenders/quotations, etc. to be complied with – this is the case with Housing schemes where it is essential to work to a strict timetable.~~
- ~~— In other cases it may be necessary to submit several reports at various times throughout the financial year as specific schemes are identified and approval is sought – if this is the case each report should contain a resume/statement updating the Cabinet on progress with the Capital Programme.~~
- ~~— Once tenders/quotations, etc. have been sought and received in accordance with Procedure Rules, it is necessary to report details to the Cabinet in accordance with Contract Procedure Rules 15, 16 and 17.~~

~~3. CONTRACTS - GENERAL~~

- ~~— It is essential to ensure that Contract Procedure Rules and Financial Procedure Rules are adhered to in respect of all schemes, whether or not they are included in Capital Programmes.~~
- ~~— Particular attention is drawn to the need for increases in accepted tender figures to be reported to the Cabinet (N.B. Procedure Rule 24 and Contracts and Capital Programmes Sections of Financial Procedure Rules).~~

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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.

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- 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."

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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.

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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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