



## **Local Government Act 1972**

**I Hereby Give You Notice** that the **Annual Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 24 May 2023** at **10.00 am** to transact the following business:-

1. To elect a Chair for the ensuing year
2. To elect a Vice-Chair for the ensuing year
3. To confirm the minutes of the meeting held on 29 March 2023 (Pages 5 - 10)
4. To receive any declarations of interest from Members
5. Chair's Announcements
6. Leader's Announcement of Deputy Leader and Cabinet Members
7. Annual Review of the Constitution (Pages 11 - 186)
8. Appointment of Council Bodies and Allocation of Seats to Political Groups under Section 15 of the Local Government and Housing Act 1989 - Report of Head of Legal and Democratic Services (Pages 187 - 194)
9. To appoint Chairs and Vice-Chairs of the following Committees

### **Non-Executive/Regulatory Committees**

- i. Appeals and Complaints Committee
- ii. Audit Committee
- iii. Chief Officer Appointments Committee
- iv. Highways Committee

- v. Statutory Licensing Committee
- vi. Statutory Licensing Sub-Committee
- vii. General Licensing and Registration Committee
- viii. General Licensing and Registration Committee's
- ix. Standards Committee
- x. County Planning Committee
- xi. Area Planning Committee (North)
- xii. Area Planning Committee (Central and East)
- xiii. Area Planning Committee (South and West)

### **Pension Fund Committee**

### **Corporate Parenting Panel**

### **Overview and Scrutiny Committees**

- i. Corporate Overview and Scrutiny Management Board
  - ii. Children and Young People's Scrutiny Committee
  - iii. Safer and Stronger Communities Scrutiny Committee
  - iv. Environment and Sustainable Communities Scrutiny Committee
  - v. Economy and Enterprise Scrutiny Committee
  - vi. Adults, Wellbeing and Health Scrutiny Committee
10. Appointments to Joint Bodies and Other Bodies 2023/24 - Report of Head of Legal and Democratic Services (Pages 195 - 204)
  11. Statement from the Returning Officer (Pages 205 - 206)
  12. To confirm dates of Ordinary Council meetings for 2023/24

Wednesday 21 June 2023  
 Wednesday 19 July 2023  
 Wednesday 20 September 2023  
 Wednesday 18 October 2023  
 Wednesday 6 December 2023  
 Wednesday 24 January 2024  
 Wednesday 28 February 2024 (Budget and Council Tax Setting)  
 Wednesday 27 March 2024  
 Wednesday 22 May 2024 (Annual)

**And** pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 16th day of May 2023

A handwritten signature in black ink, appearing to read 'Helen Lynch', with a stylized flourish at the end.

Helen Lynch  
Head of Legal and Democratic Services

**To: All Members of the County Council**

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## DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 29 March 2023** at **10.00 am**

### **Present:**

Councillors E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, A Bell, C Bell, R Bell, C Bihari, G Binney, J Blakey, D Brown, L Brown, J Charlton, J Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, K Earley, J Elmer, C Fletcher, D Freeman, J Griffiths, O Gunn, D Hall, C Hampson, D Haney, A Hanson, P Heaviside, T Henderson, S Henig, J Higgins, L A Holmes, C Hood, A Hopgood, L Hovvels, J Howey, C Hunt, A Jackson, M Johnson, N Jones, P Jopling, C Kay, B Kellett, L Kennedy, C Lines, L Maddison, R Manchester, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, D McKenna, I McLean, S McMahan, B Moist, D Mulholland, D Nicholls, J Nicholson (Vice-Chair), D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, G Richardson, I Roberts, K Robson, K Rooney, J Rowlandson, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, G Smith, T Smith, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, F Tinsley, S Townsend, C Varty, E Waldock, M Walton, A Watson, M Wilkes, M Wilson, S Wilson, D Wood, R Yorke and S Zair

Apologies for absence were received from Councillors I Cochrane, L Fenwick and S Robinson

### **1 Election of Chair**

**Moved** by Councillor A Hopgood, **Seconded** by Councillor A Shield that Councillor J Nicholson be elected Chair.

#### **Resolved:**

That Councillor J Nicholson be elected to the Office of Chair of the Council.

Councillor J Nicholson subscribed the Statutory Declaration accepting the Office.

In accepting the Office of Chair of the Council Councillor Nicholson paid tribute Councillor Bainbridge who had been a very close friend and was held in the highest esteem. Her service to County Durham and to her constituents was impeccable and she would be a great miss to Durham County Council and to those who knew her as a friend.

Councillor P Jopling on behalf of the Conservative Group, Councillor A Hopgood, Leader of the Liberal Democrat Group, Councillor A Shield, Leader of the Durham Group, Councillor J Shuttleworth, Leader of the Durham County Council Independent Group, Councillor R Crute, Deputy Leader of the Labour Group, Councillor L Maddison, Leader of the Spennymoor and Tudhoe Independent Group and Councillor J Charlton paid tribute to Councillor Bainbridge.

Members stood for a moments silence out of respect to Councillor Bainbridge.

## **2 Minutes**

The minutes of the meeting held on 22 February 2023 were confirmed by the Council as a correct record and signed by the Chair.

## **3 Declarations of Interest**

There were no declarations of interest in relation to any items of business on the agenda.

## **4 Chair's Announcements**

The Chair informed Council she had no announcements to make at the meeting.

## **5 Leader's Report**

The Council noted a report from Councillor A Hopgood, Leader of the Council as follows:

Last week saw the official start of spring which would bring lighter nights and, hopefully, an improvement in the weather. The change of season also marked the start of the festival programme in County Durham.

Over the coming weeks and months, there was much to look forward to, with an exciting line-up of events and activities for all ages and interests.

Firstly, the Bishop Auckland Food Festival would take place next month. The festival was always a great day out which offered a fantastic boost to local businesses by attracting tens of thousands of visitors to the town.

In May, the country would celebrate King Charles III's coronation and events would be taking place around the county.

Later in May Durham City would come to life to mark the 10<sup>th</sup> annual Durham Pride.

The summer would bring further fun with BRASS, Durham City Run and Seaham Food Festival before moving into the autumn, with Durham Book Festival and Lumiere.

The Leader hoped all Members would join her in making the most of the fantastic cultural offer across the County.

## **6 Questions from the Public**

There were no questions from the public.

## **7 Petitions**

There were no petitions for consideration.

## **8 Report from the Cabinet**

The Council noted a report from the Cabinet which provided information on issues considered at its meetings held on 8 February and 15 March 2023 (for copy see file of Minutes).

The Chair informed Council that no questions had been received on the report from Cabinet.

## **9 Appointment of non-voting co-opted Members to the Standards Committee**

The Council considered a report of the Head of Legal and Democratic Services which sought agreement to the appointment of the Town and Parish Council co-opted representatives to the Standards Committee (for copy see file of Minutes).

**Moved** by Councillor A Hopgood, Leader of the Council, **Seconded** by Councillor A Shield, Cabinet Portfolio Holder for Equality and Inclusion and

### **Resolved:**

That Councillors Alan Doig and Chris Foote-Wood be appointed as non-voting co-opted Parish Council representatives on the Standards Committee.

## **10 Motions on Notice**

The Chair informed Council that Councillor M Stead had agreed his Motion be deferred and placed on the agenda for the Council meeting in June 2023.

## 11 Questions from Members

### **Councillor K Shaw**

Blyth County Council submitted a bid which was successful at Stage 2 Levelling up and when commenting upon the bid Michael Gove said

“Blyth Council was successful in its bid and has just secured £20 m in levelling up funding which the Government has said would transform empty homes support jobs and tackle crime and through revitalising dilapidated housing upskilling the next generation and cracking down on crime this town is finally getting the attention and investment it deserves to ensure everyone thrives”

Why was the bid for Blyth successful whilst the bid for Horden was not and what now will be plan C for Horden?

Councillor J Rowlandson, Cabinet Portfolio Holder for Resources, Investment and Assets thanked Councillor Shaw for his question and provided the following response:

The Council cannot provide an answer of how government decisions were made in relation to Blyth, but we understand that the funding for Blyth was allocated outside of the Round 2 Levelling up process and announced as part of the Spring Statement.

The government decision and outcome of the Round 2 Levelling Up process was disappointing for our area and we have raised this with government. I would however put on record my thanks to the Council officers who worked above and beyond to put forward five bids, of high standard into this process, in the limited timescales available and seeking to deliver over £100m of additional investment into our area.

I would also like to thank our communities, businesses, local members and MP's who supported our bids into government. I assure all here today, that whilst this was a hugely disappointing outcome for County Durham and indeed the many areas that did not benefit from this round of funding, that our commitment and hard work in this process, does mean we have a pipeline of projects that can be considered by the Council for further external funding opportunities in the future.

The Council cannot comment on the comparative merits of Levelling Up bids from other local authorities, however we understand that no authority that was successful in round one had a successful bid in round two and that County Durham was one of these areas along with a number of others.



As a supplementary question Councillor Shaw asked whether the Leader of the Council would call for a Judicial Review into the government's decision to change the criteria preventing any authority successful in Round 1 of Levelling Up of accessing funding in Round 2, which was a decision taken after the Round 2 bids had been submitted, in order to recover the costs incurred by council tax payers of County Durham.

Councillor Rowlandson replied that any possible method of Judicial Review would be discussed by the Cabinet.

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**Council**

**24 May 2023**

**Annual Review of the Constitution**



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**Report of Helen Lynch, Head of Legal & Democratic Services and Monitoring Officer**

**Councillor Amanda Hopgood, Leader of the Council**

**Electoral division(s) affected:**

All

**Purpose of the Report**

- 1 To present the proposed changes to the Council's Constitution following the annual review process.

**Executive Summary**

- 2 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 3 The Constitution is reviewed on an annual basis. The last review of the Constitution was presented to Council for adoption on 25 May 2022.

**Recommendation(s)**

- 4 Council is recommended to:
  - (a) note the exercise of delegated powers under Table 1, paragraph 12 of the Officer Scheme of Delegation by the Corporate Director of Resources to appoint an Independent Person to the Standards Committee on an interim basis.
  - (b) approve the proposed changes to the Constitution to take immediate effect
  - (c) Request that the Head of Legal and Democratic Services publishes the amended Constitution on the Council's website.

## Background

- 5 Section 9P of the Local Government Act 2000 requires local authorities operating executive arrangements to prepare and keep up to date a document (their constitution) which contains:
  - (a) a copy of the authority's standing orders;
  - (b) a copy of the authority's code of conduct for its members and co-opted members;
  - (c) such information as the Secretary of State may direct, and
  - (d) such other information (if any) as the authority considers appropriate.
- 6 The Council must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours and must supply a copy of their constitution to any person on request.

## Methodology

- 7 Preparations for the annual review of the Constitution due to be considered by Council on 24 May 2023 commenced in the autumn of 2022, with service representatives being contacted to request that they consider what, if any, changes they believed were appropriate to the Constitution.
- 8 The proposed changes are set out below. Where applicable, relevant extracts of the Constitution showing the proposed changes are provided in appendices 2 - 25 of this report. A table summarising of the proposed changes is included at appendix 26.

## Publication

- 9 Durham County Council's Constitution is published on the Council's website at [www.durham.gov.uk/constitution](http://www.durham.gov.uk/constitution). At present, it appears as a single pdf document. It is proposed that this be retained.
- 10 In addition to retaining the composite document, it is recommended that the Constitution homepage of the Council's website also provide hyperlinks to the individual parts of the Constitution, downloadable as separate pdf documents, with the intention of making the document quicker and easier to navigate.
- 11 A suggested new 'home page' appears at **Appendix 2** to this report.

## **Format and Appearance**

- 12 It is proposed that the following changes be made to the Constitution's format and appearance:
- (1) That the Council's logo appearing on the first page of the document be updated and the Council's corporate colours incorporated throughout. This is intended to refresh the appearance of the document whilst maintaining its accessibility.
  - (2) That the table appearing on the first page of the Constitution (list of alternative languages) be removed and replaced with 'If you need this information summarised in another language or format, please call 03000 260000'. This is intended to make the document as inclusive as possible.
  - (3) That section headers be added throughout, e.g. 'Part 1', 'Part 2' etc). This is intended to make the document easier to navigate.
  - (4) That each Part have a separate contents page and be internally numbered using the Part number as a prefix, e.g., 1-1, 1-2, 1-3, etc. This is in order for page numbering to remain consecutive should individual parts of the Constitution be uploaded to the website separately.
- 13 These proposed changes are illustrated in the extract appearing at **Appendix 3**.

## **Part 1 – Summary and Explanation**

- 14 Some minor amendments have been made to the Glossary of Terms which appears in Part 1 of the Constitution. These are:
- (1) The statutory definition of 'Exempt Information' has been amended. The existing text, which refers to amendment legislation, is not a complete definition of 'exempt information'. This is contained in Schedule 12A to the Local Government Act 1972.
  - (2) Within the definition of 'Leader of the Council', the reference to a 'political party' has been amended to 'political group' to reflect that members of a group may be members of different political parties.
  - (3) The definition of 'Scheme of Delegation' has been amended to reflect proposed changes to the arrangement of sections within the Constitution set out below.
- 15 These changes are shown in **Appendix 4**.

## Arrangement of Sections

- 16 At present:
- (a) the matters which have been reserved to full Council and those which have been delegated to a committee or sub-committee of the Council are contained within Part 2, Article 4, save that:
    - (i) the terms of reference of the Overview and Scrutiny Committees are set out in Part 2, Article 5; and
    - (ii) the terms of reference of the Standards Committee are set out in Part 2, Article 7;
  - (b) the matters which are the responsibility of the Executive appear in Part 2, Article 6;
  - (c) joint arrangements appear in Part 2, Article 8; and
  - (d) Officer Delegations appear in Part 3.
- 17 It is suggested that these all be moved and grouped together in Part 3 of the Constitution, which be re-named 'Allocation of Responsibilities, in order to make the Council's scheme of delegation easier to follow.
- 18 The proposed arrangement of sections within Part 3 is shown in **Appendix 5**.

### Article 4 – the Full Council

- 19 It is proposed that an introductory paragraph be added, and existing paragraphs 4.4 to 4.17 moved to a new Part 3A 'Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council'. These proposed changes are shown in **Appendix 6**.

### Article 5 – The Executive

- 20 It is suggested that Articles 5 and 6 be re-ordered so that Article 5 becomes 'The Executive'. This is simply to reflect that the Council operates Executive arrangements.
- 21 It is proposed that existing paragraphs 6.1 and 6.8 (responsibility for Executive functions) be moved to a new Part 3B 'Terms of Reference and Delegation of Duties to the Cabinet and Portfolio Holders'.
- 22 These proposed changes are shown in **Appendix 7**.

## **Article 6 – Overview and Scrutiny Arrangements**

- 23 As indicated above, it is suggested that Articles 5 and 6 be re-ordered so that Article 6 becomes ‘Overview and Scrutiny Arrangements’.
- 24 It is proposed that existing paragraphs 5.2 – 5.6 (terms of reference of the various Overview and Scrutiny Committees) be moved to the new Part 3A ‘Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council’, so that the terms of reference of all of the Council’s committees sit together in a single Part.
- 25 These proposed changes are shown in **Appendix 8**.

## **Article 7 – The Standards Committee**

- 26 It is proposed that paragraphs 7.2 and 7.3 (Composition and Role and Function) be moved to the new Part 3A ‘Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council’. This again is so that the terms of reference of all of the Council’s committees sit together in a single Part.
- 27 These proposed changes are shown in **Appendix 9**.

## **Article 8 – Joint Arrangements**

- 28 It is proposed that Paragraph 8.6 (Existing Joint Arrangements) be moved to Part 3A ‘Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council’.
- 29 These proposed changes are shown in **Appendix 10**.

## **Part 3A – Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees and Sub-Committees of the Council**

- 30 As indicated above, it is proposed that the matters reserved to full Council and the terms of reference and delegation of duties to committees be extracted from Part 2 Articles 4 – 8 and grouped together in a new Part 3A.
- 31 At present, these are arranged in alphabetical order. Alphabetical ordering means that the matters reserved to Council presently appear after the matters delegated to the Corporate Parenting Panel. It has also resulted in the committees carrying out Licensing functions (the General Licensing and Registration Committee and the Statutory Licensing Committee) and those carrying out Planning functions (the Area Planning Committees and the County Planning Committee) becoming separated from one another.

- 32 It is proposed that paragraphs be re-ordered so that Full Council appears at the top of the list, followed by Overview and Scrutiny, then committees exercising regulatory functions, other committees, and, finally, Joint Arrangements. Within those groupings, it is proposed that an alphabetical arrangement be maintained, save that Licensing and Planning committees be grouped together.
- 33 These changes are shown in the index to the proposed new Part 3A, which appears at **Appendix 11**.

### **Standards Committee**

- 34 The following additions to the terms of reference of the Standards Committee are proposed. These are shown in **Appendix 12**.
- (1) To approve the arrangements under which allegations of a failure to comply with Council's Code of Conduct for Members can be investigated and decisions on allegations can be made, pursuant to section 28(6) of the Localism Act 2011.
  - (2) To approve the appointment of at least one independent person to discharge the functions set out in section 28(7) of the Localism Act 2011.
- 35 For the avoidance of doubt, whilst it is proposed that approval of the Local Assessment Procedure and the Local Determination Procedure for member complaints be delegated to the Standards Committee, together with the approval of Independent Persons appointed under those procedures, it is suggested that responsibility for approving the adoption and/or variation of the Code of Conduct itself be retained by Full Council.
- 36 On 21 February 2023, the Corporate Director of Resources exercised delegated authority under Table 1, paragraph 12 of the Officer Scheme of delegation to appoint Karen Milner as Independent Person to the Standards Committee on an interim basis. It was necessary to make this appointment to ensure the Council had access to an Independent Person whilst its substantive Independent Person was unable to act for a period of time. It was not practicable to convene a meeting of Council to make the appointment. The Chair of the Standards Committee was supportive of the approach. The proposal to delegate the appointment of Independent Person to the Standards Committee will enable such appointments to be made more quickly than if they have to wait for the next available Council meeting.



- 37 The Standards Committee have subsequently conducted a recruitment exercise for Independent Persons and will be seeking to appoint three candidates subject to Council delegating responsibility for this to the Committee. In the event Council decides not to delegate the responsibility, a report will be presented to Council in June 2023.

### **Police and Crime Panel**

- 38 A minor amendment to the terms of reference of the Police and Crime Panel is proposed in order to clarify that co-opted members of that panel have voting rights. This is shown in **Appendix 13**.
- 39 No other substantive changes are proposed to the terms of reference and delegation of duties to committees and sub-committees.

### **Part 3B – Terms of Reference and Delegation of Duties to the Cabinet and Portfolio Holders**

- 40 The terms of reference of the Executive have been extracted from Part 2, Article 6, and placed in a new Part 3B, so that the 'Allocation of Responsibilities' all sit together within Part 3 of the Constitution. No substantive changes to the content are proposed. These proposed changes are shown in **Appendix 14**.

### **Part 3C – Officer Delegations**

- 41 As a result of the addition of Parts 3A and 3B, identified above, 'Officers Delegations' has become 'Part 3C'.

#### **Delegations to the Chief Executive**

- 42 The following additions have been made to the scheme of delegations to the Chief Executive (Table 2):
- (i) To approve officer severance payments of £20,000 and above, but below £100,000, in consultation with the Leader and the Portfolio Holder for Finance.
  - (ii) To discharge any function of the Executive in relation to communications.
  - (iii) To carry out any executive function in relation to Corporate Affairs, Policy, Planning, Performance and Communications, with the following matters delegated to the Head of Corporate Affairs:
    - To develop, implement and keep under review an effective internal and external communications strategy, which maintains the strong brand and reputation of the Council.

- To lead on the development of the Council Plan.
- To develop, implement and keep under review an effective performance management framework.

These proposed amendments are shown in **Appendix 15**.

- 43 The proposed amendment in relation to officer severance payments implements statutory guidance issued by the Government on 12 May 2022 under section 26 of the Local Government Act 1999, '[Statutory Guidance on the Making and Disclosure of Special Severance Payments by Local Authorities in England](#)' which requires payments of £100,000 and above to be approved by full Council. Council has previously delegated this responsibility to the Chief Officers Appointments Committee.
- 44 The approval of officer severance payments below £20,000 must be approved in accordance with the local authority's scheme of delegation. Under the Council's scheme of delegation, authorisation for such payments would fall to the Head of Legal and Democratic Services.
- 45 The proposed amendments in relation to communications and corporate affairs, at paragraph 38 (ii) and (iii) above, reflect changes to organisational structure, with these existing functions having previously been delegated to either the Director for Regeneration, Economy and Growth or the Corporate Director for Resources.

#### **Delegations to the Director for Regeneration, Economy and Growth**

- 46 A specific delegation, approved by Cabinet on 18 January 2023, has been included in respect of the approval of property acquisitions up to the value of £500k where the property is to be used as a children's home, to be exercised in consultation with the section 151 officer and relevant portfolio holders.
- 47 Minor and/or technical changes have been made to the scheme of delegation to the Director for Regeneration, Economy and Growth (Table 3) to more accurately reflect current staffing structures and work done by the directorate. These changes are set out in **Appendix 16** and may be summarised as follows:
- (1) Responsibility for Communications has been transferred to the Chief Executive.
  - (2) Reference to Neighbourhood Planning has been inserted.
  - (3) The post of Head of Development and Housing has been re-named Head of Planning and Housing.

- (4) Reference to providing advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a Neighbourhood Plan or Order has been added to the list of matters which are delegated to the Head of Planning and Housing.
- (5) Reference to responding to consultations on Planning, Housing, Transport and Economic Policy has been added to the list of matters which are delegated to the Head of Planning and Housing.
- (6) Responsibility for the provision and operation of CCTV has been moved from the Head of Transport and Contract Services to the Head of Planning and Housing.
- (7) Reference to service, receipt and action upon legal notices and permissions relating to land and property has been added to the list of delegations to the Head of Corporate Property and Land.

### **Delegations to the Corporate Director of Adult and Health Services**

- 48 Minor and/or technical changes have been made to the scheme of delegation to the Corporate Director of Adult and Health Services (Table 4). These changes are shown in **Appendix 17** and may be summarised as follows:

Under the list of Executive Functions:

- (a) At paragraph 1, the words “who have social care needs” have been added to the reference to prisoners.
- (b) At paragraph 5, ‘AHS’ has been inserted in relation to the corporate complaints procedure. At paragraph 8, the wording of the duty to cooperate with statutory partners in respect of violent or sexual offenders has been amended to more accurately align with the legislative provision.
- (c) At paragraph 6, a delegation to establish and amend a charging policy for Adults Social Care has been added.
- (d) At paragraph 10, the words “and wellbeing” and “who have social care needs” have been added to the reference to adults and young people moving into adulthood.
- (e) At paragraph 13, the list of functions arising under the Care Act 2014 has been expanded to include:
  - i. Working with the NHS to ensure safe hospital discharge of people with care and support needs.

- ii. Providing access to advocacy for anyone who would otherwise have substantial difficulty in making decisions about their care and support.
- iii. To have in place a Safeguarding Adults Board.

Under the list of Specific Delegations:

- (f) At paragraph 3, the reference to 'Clinical Commissioning Group' has been replaced with 'North East and North Cumbria Integrated Care Board'.
- (g) References to the Director of Integrated Community Services and Head of Integrated Strategic Commissioning have been deleted.

### **Delegations to the Director of Public Health**

- 49 Delegations to the Director of Public Health have been moved into a separate table to reflect the fact that, in respect of certain statutory functions, reporting is direct to the Chief Executive, rather than to the Corporate Director of Adult and Health Services. These are shown in **Appendix 18**.
- 50 This new table has been numbered 'Table 5' and subsequent tables re-numbered accordingly.

### **Delegations to the Corporate Director of Children and Young People's Services**

- 51 Minor and/or technical changes have been made to the scheme of delegation to the Corporate Director of Children and Young People's Services (existing Table 5) to more accurately align with statutory wording and the scope of work done by the directorate. The proposed amendments are set out in **Appendix 19** and may be summarised as follows:
  - (a) "To act as the statutory officer under section 18(1) of the Children Act 2004" etc added.
  - (b) "To manage the Council's function as Local Education Authority" etc added.
  - (c) The wording of the Council's statutory duties in relation to mental health services for children and young people has been amended.
  - (d) Reference to Cooperation Agreements and Partnerships has been removed.

- (e) Reference to the statutory requirement under section 39(1) of the Crime and Disorder 1998 in respect of the formation of a Youth Justice Services has been added.
  - (f) The wording of the Council's powers and duties in relation to children and young people with Special Educational Needs and Disabilities has been amended.
  - (g) The approval of foster parents and the establishment and maintenance of an adoption service has been added.
- 52 The table has also been re-numbered as 'Table 6' following the insertion of a new Table 5, as set out in paragraph 49 above.

### **Delegations to the Corporate Director of Neighbourhoods and Climate Change**

- 53 Minor and/or technical changes have been made to the scheme of delegation to the Corporate Director of Neighbourhoods and Climate Change (existing Table 6) to reflect service changes and include reference to the Government Migration Programme in respect of refugees and asylum seekers. These are set out in **Appendix 20** and may be summarised as follows:
- (a) To amend the title of the post 'Head of Property and Land' to 'Head of Corporate Property and Land'.
  - (b) To amend the title of the post 'Head of Technical Services' to 'Head of Highway Services'.
  - (c) To add to the matters delegated to the Head of Partnerships and Community Engagement 'To plan the requirements for welcoming and supporting refugees and individuals seeking asylum, including capacity within the County as part of the Government Migration Programme.'
- 54 The table has also been re-numbered as 'Table 7' following the insertion of a new Table 5, as set out in paragraph 49 above.

### **Delegations to the Corporate Director of Resources**

- 55 Minor and/or technical changes have been made to the scheme of delegation to the Corporate Director of Resources (existing Table 7) to reflect restructure within the directorate, legislative changes and otherwise amend wording to more accurately reflect the scope of work done by the directorate. These are set out in **Appendix 21** and may be summarised as follows:

- (a) To move the function of Service Review and Improvement to the Chief Executive's delegations.
- (b) To delete reference to Archives and Records, responsibility for which having been transferred to the Director for Regeneration, Economy and Growth.
- (c) To delete reference to the Transformation Programme.
- (d) To add policy development and the administration of Government funded financial support schemes to the list of Transactional and Support Services.
- (e) To move the following functions from Corporate Finance and Commercial Services to Transactional and Customer Services:
  - (i) Completion of statutory submissions of council tax and business rates returns.
  - (ii) To establish and amend/update the Council Tax Exemption for Care Leavers Policy and administer applications under this policy.
  - (iii) To establish and amend/update the Council's Discretionary Rate Relief Policies and administer applications under these schemes.
  - (iv) To establish and amend the Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under these.
- (f) To delete repetitious entries and make other minor amendments to wording.
- (g) To move the following functions from Corporate Finance and Commercial Services to the Head of Legal and Democratic Services:
  - (i) To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
  - (ii) To deal with the payment of Coroner's expenses.
  - (iii) To authorise expenditure within the approved budget for civic hospitality.
- (h) Under the list of specific delegations relating to Corporate Finance and Commercial Services:

- (i) To amend the wording relating to the exercise of budgetary control functions.
  - (ii) To add 'The operation and development of the Council's financial systems'.
  - (iii) To delete the reference to insurance.
  - (iv) To delete the reference to EU financial sanctions.
- (i) Under the list of specific delegations relating to Pensions:
  - (i) To amend the wording in relation to the payment of death grants.
  - (ii) To amend the wording in relation to dependants' pensions.
  - (iii) To amend the wording in relation to employee admission into the Pension Fund.
  - (iv) To add reference to the Local Pension Board in relation to member training.
  - (v) To amend the reference to 'Statement of Investment Principles' to 'Investment Strategy Statement'.
  - (vi) To insert reference to 'responsible investment'.
  - (vii) To amend the wording in relation to the Funding Strategy Statement from 'all the specific risks that can be identified' to 'identified risks'.
  - (viii) To amend the wording in relation to Board to Coast Pensions Partnerships Ltd to include 'alternative investments'.
  - (ix) To insert provision for quarterly reporting to the Local Pension Board.
- (j) To move the following functions from HR and Employee Services to the Head of Legal and Democratic Services:
  - (i) To coordinate the Member Training and Development Programme.
- (k) Under the list of HR and Employee Services:
  - (i) To amend the wording in relation to potential redundancy situations from "To offer alternative employment" etc to "To seek to offer".

- (ii) To add “The operation and development of HR and Payroll systems.”
- (l) To insert reference to the following (existing) functions relating to Procurement, Sales and Business Services:
  - (i) To exercise the contractual approval functions referred to the Corporate Director under the Council’s Contract Procedure Rules.
  - (ii) To ensure appropriate contractual arrangements across the Council in relation to the receiving of goods, works and services.
  - (iii) To ensure appropriate procurement arrangements are in place in respect of pooled DCC and NHS (or other Partner(s) or Bodies) monies held by DCC on behalf of those named bodies or partners.
  - (iv) To approve variations as set out in the Contract Procedure Rules or elsewhere in this Constitution.
  - (v) To authorise the collection of income from commercial activities.
  - (vi) To authorise the use of professional services via the approved neutral vendor model delivery strategy.
- (m) To move the following functions from Corporate Finance and Commercial Services to Internal Audit, Fraud, Risk and Governance:
  - (i) To maintain an effective internal audit service.
  - (ii) To act as lead officer for the Audit Committee.
  - (iii) To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
  - (iv) To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.
- (n) To insert reference to maintaining an effective corporate fraud service.
- (o) To insert reference to the following functions relating to Digital Services:



- (i) Taking operational decisions necessary to secure the provision of digital and ICT services and/or discharge statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules including, but not restricted to the following:
  - (ii) Maintenance and review of an appropriate IT and Digital Service, including a council-wide strategy and support for all business systems.
  - (iii) Development, maintenance and assurance of all internal and external IT solutions/systems.
  - (iv) Management of the Council's resources and assets, systems, digital and information technology and maintenance and ongoing delivery of Operational ICT.
  - (v) The governance/assurance of technical delivery and strategy pertaining to Cyber Security, Smart Place and Digital Place agendas, including Digital Inclusion.
  - (vi) Maintaining the delivery of Change Services: Solution Architecture & Design ensuring the ongoing delivery of Digital Services to citizens, the council, and communities.
- (p) To re-order paragraphs to show that certain functions are specifically delegated to the Head of Legal and Democratic Services.
- (q) To add the following to the list of matters specifically delegated to the Head of Legal and Democratic Services:
- (i) In consultation with the Chair of the Standards Committee, to approve any temporary appointment of an independent person to discharge the functions set out in section 28(7) of the Localism Act 2011 where the position is vacant or an existing appointee is unable to act.
  - (ii) To approve officer severance payments of less than £20,000, in line with the statutory guidance set out at paragraph 39 above.
  - (iii) To deal with the payment of Coroner's expenses.
  - (iv) To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
  - (v) To authorise expenditure within the approved budget for civic hospitality.

Function (i) should be read in conjunction with the proposed delegation of permanent appointments to the Standards Committee (see paragraph 34 above).

Function (ii) should be read in conjunction with the proposed delegation of severance payments between £20k and £100k to the Chief Executive (see paragraph 41 above).

Functions (iii), (iv) and (v) have been moved from the responsibility of Corporate Finance.

- 56 The table has also been re-numbered as 'Table 8' following the insertion of a new Table 5, as set out in paragraph 49 above.
- 57 The Head of Legal and Democratic Services has delegated authority to make technical changes to the Constitution and as such the scheme of delegations will be updated to ensure that the work within the Directorate is accurate, consistent with legislative terminology, reflects staffing structures and existing arrangements.

### **Council Procedure Rules**

- 58 The following amendments to the Council Procedure Rules are proposed:
- (a) *Duration of Meetings*: that rule 4.2 be deleted and rule 10.7 apply in respect of expiry of the time limit for motions and the overall duration of meetings. There is currently an inconsistency between those two rules. The process that is followed under 10.7 would ensure that, where business is time sensitive and cannot be deferred, it can be dealt with allowing for a limited number of speeches.
  - (b) *Notice of Questions*: that rules 9.3 and 9.9 be amended to require notice of questions to be submitted to a dedicated email address. This is intended to avoid a scenario where emails sent to named individuals are overlooked.
  - (c) *Scope / Content of Questions*: that rules 9.5 and 9.13 be amended so that rule 9.5 applies equally to both Members of the Council and members of the public and repetition removed. This proposed change will mean that the scope/content of questions for Council is consistent with the scope/content of questions for Cabinet.
  - (d) *Notice of Motions*: that rule 10.2 be amended to require notice of motions (other than urgent motions) to be submitted to a dedicated email address.
  - (e) *Time Allowed for Motions*: to amend rule 10.7 to provide that the Chair alert the meeting when 15 minutes of the 30-minute time limit

(or such longer period to which Council has consented) for motions has expired.

- (f) *Requirement to Submit Motions in Writing*: given that it is a requirement that motions are provided in writing, it is suggested that the title of rule 12.2 be amended to “requirement to submit motions in writing”.
- (g) *Reasonable Adjustments*: a new rule 22 is proposed, which would give the Chair discretion to make reasonable adjustments for disabled persons.

59 These proposed changes are shown in **Appendix 22**.

### **Financial Procedure Rules**

60 Changes proposed to the Financial Procedures Rules are shown in **Appendix 23** and summarised below:

- New paragraph added to Rule 2, ‘The Role of Overview and Scrutiny Committees’;
- New paragraph added to Rule 4, ‘Contracts, Agreement and Purchasing’;
- Reference to the Housing Revenue Account deleted;
- Other minor amendments required to ensure that the rules reflect current practice, guidance and relevant legislation;
- Appendix A (Schedule of Financial Management Standards) updated and re-ordered to follow the order in which these appear in the main body of the Financial Procedure Rules.

### **Contract Procedure Rules**

61 No substantive changes are recommended to the Contract Procedure Rules; however, minor amendments have been made to aid clarity and reflect legislative changes. The proposed changes appear in **Appendix 24**.

### **Part 5: Codes and Protocols**

62 It is suggested that the codes and protocols be re-ordered so that the Codes of Conduct for Members and Employees sit together. The suggested order is shown on the index appearing in **Appendix 25**.

## Employee Code of Conduct

- 63 A minor amendment is proposed to the Employee Code of Conduct: Our Values, Behaviours and Conduct to clarify that employees may accept token gifts from services users (for example, flowers or a box of chocolates) where to refuse may cause offence. This proposed amendment is shown in **Appendix 26**.

## Code of Practice for Members and Officers Dealing with Planning Matters

- 64 In relation to attendance at site visits by Members of the Planning Committees, the Council's Code of Practice for Members and Officers Dealing with Planning Matters presently provides as follows:

*"10. Site Visits by the Committee*

*10.1 A site visit is only likely to be necessary if:*

- (a) the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers;*
- (b) the comments of the applicant and objectors cannot be expressed adequately in writing; or*
- (c) the proposal is particularly contentious.*

*10.2 Site visits will be organised in accordance with the following procedures:*

- (e) When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application."*

- 65 Consideration has been given to making it compulsory for Members of the Planning Committees to have attended any site visit(s) organised in accordance with the Code of Practice prior to participating in, and voting at, the committee determining the relevant planning application. Officers do not recommend such an amendment at this time as it is considered that this may lead to difficulty in achieving quorate meetings.

## Summary of Proposed Amendments

- 66 A table summarising the amendments proposed in this report is set out in **Appendix 27**.

**Background papers**

67    None

**Other useful documents**

68    None

**Author(s)**

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## **Appendix 1: Implications**

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### **Legal Implications**

The statutory requirements in relation to the Council's Constitution are set out in paragraph 5 of this report.

### **Finance**

The review of the Constitution has no financial implications

### **Consultation**

Relevant officers and the Constitution Working Group have been consulted on the proposed changes to the Constitution. The report will be presented to Cabinet on 15 March 2023 and to Full Council on 25 May 2023.

### **Equality and Diversity / Public Sector Equality Duty**

None specific within this report.

### **Climate Change**

None specific within this report.

### **Human Rights**

None specific within this report.

### **Crime and Disorder**

None specific within this report.

### **Staffing**

None specific within this report.

### **Accommodation**

None specific within this report.

### **Risk**

None specific within this report.

### **Procurement**

None specific within this report.

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## Appendix 2 – Constitution Home Page on Council Website

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# Constitution of the Council

The Council's constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for us to choose.

**You can view and download the Council's Constitution in full [here](#).**

**Alternatively, if you know which part of the Council's Constitution you would like to view, you can access it using the links below.**

### **PART 1 SUMMARY AND EXPLANATION**

1A: Summary and Explanation

### **PART 2 ARTICLES OF THE COUNCIL**

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2B: Article 2 – Members of the Council

2C: Article 3 – Citizens and the Council

2D: Article 4 – The Full Council

2E: Article 5 – The Executive

2F: Article 6 – Overview and Scrutiny Arrangements

2G: Article 7 – The Standards Committee

2H: Article 8 – Joint Arrangements

2I: Article 9 – Officers

2J: Article 10 – Decision Making

2K: Article 11 – Finance, Contracts and Legal Matters

2L: Article 12 – Review, Revisions and Suspension of the Constitution

### **PART 3 ALLOCATION OF RESPONSIBILITIES**

3A: Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees & Sub-Committees of the Council

3B: Terms of Reference and Delegation of Duties to the Cabinet and Portfolio Holders

3C: Officer Delegations

### **PART 4 RULES OF PROCEDURE (STANDING ORDERS)**

4A: Council Procedure Rules

4B: Access to Information Procedure Rules

4C: Budgetary and Policy Framework Rules

4D: Executive Procedure Rules

4E: Overview and Scrutiny Procedure Rules

4F: Financial Procedure Rules

4G: Contract Procedure Rules

4H: Officer Employment Procedure Rules

### **PART 5 CODES AND PROTOCOLS**

5A: Code of Conduct for Members

5B: Code of Conduct for Employees

5C: Protocol on Member - Officer Relations

5D: Code of Practice for Members and Officers Dealing with Planning Matters

5E: Highways Committee Representation Procedure

### **PART 6 MEMBERS ALLOWANCES SCHEME**

6A: Members Allowances Scheme





# **Constitution**

If you need this information summarised  
in another language or format, please  
call 03000 260000.

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Article 6 – Overview and Scrutiny Arrangements

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### **Part 3 - Allocation of Responsibilities**

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**Part 5 - Codes and Protocols**

5A - Code of Conduct for Members

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**Part 6 - Members Allowances Scheme**

## **Part 1 - Summary and Explanation**

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## Aims of the Council

County Durham is a large county with a wide range of settlements and landscapes. The Council is made up of an elected assembly of 126 councillors accountable to over 500,000 people in County Durham and is responsible for:

- providing a wide range of public services to the people of County Durham;
- representing and promoting the interests of County Durham when dealing with regional, national and international affairs;
- Helping local people to look after their own affairs and to decide how and where money is best spent in their area.

The County Durham vision is structured around three strategic ambitions:

- **More and better jobs** - This ambition has a wide-ranging focus which includes not only development of the economy and creating jobs, but also working with young people and adults to help them into work, through good quality education and training.
- **Long and independent lives** – The ambitions for longer and independent lives focuses strongly on the health and wellbeing of the local population, including ensuring that all of our children and young people get the best start in life, and services for children with special educational needs and disabilities (SEND) are improved. The ambitions have a strong focus on improving mental as well as physical wellbeing.
- **Connected communities** – This is a dual ambition of safer communities and sustainable communities. In respect of safer communities this ambition focuses on making life better in local communities across the County. On how we ensure children and young people have safe lives in safe communities where people support each other, and have access to high quality housing, good transport links and vibrant town and village centres. In respect of sustainable communities, focus includes consideration of the quality and sustainability of the natural environment as well as housing and transport, and towns and village centres.

## The Council Structure

The powers and responsibilities of the Council are determined by Parliament with County Council elections held every four years. The most recent election was held in May 2021. As a 'unitary' council, Durham County Council provides the majority of council services in County Durham and works with a range of partners to provide services in the best possible way.

The Council's decision-making structure includes:

- A Cabinet of ten councillors which meets on a monthly basis to make decisions to implement the Council's policies and budgets. Cabinet is also required to set out its programme of work prior to taking a key decision and before making a decision

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	inclusive and excludes Saturdays, Sundays and Bank Holidays.
<b>Confidential Information</b>	Information either given to the Council by the Government on terms which forbid its public disclosure, or which cannot be publicly disclosed by Court Order. See also 'Exempt Information' below.
<b>Constitution</b>	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
<b>Co-optee / Co-opted</b>	A non-councillor (may be non-voting) appointed to serve on a committee / sub-committee in a participatory capacity.
<b>Corporate Directors</b>	The Officers in charge of the Council Directorates.
<b>Council Committees</b>	May be established by the Council to assist with non-Executive functions.
<b>Council Procedure Rules</b>	Rules governing meetings of Council committees and sub-committees, apart from the Executive.
<b>Delegation</b>	Formal authorisation for a committee, portfolio holder, joint committee or officer to take an action which is the ultimate responsibility of the Council or Executive.
<b>Executive</b>	The Leader and the Cabinet; responsible for carrying out most of the Council's functions. The Executive must consist of a minimum of three Councillors, including the Leader, and a maximum of 10.
<b>Executive Procedure Rules</b>	The rules of procedure governing meetings of the Executive. Note that Advisory Panels and Consultative Forums established by the Executive have their own set of procedure rules.
<b>Exempt Information</b>	Information falling into one of 7 categories set out in <a href="#">Schedule 12A to the Local Government Act 1972 (as amended)</a> <del>the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 and the Local Government (Access to Information) (Variation) Order 2006</del> which usually cannot be publicly disclosed. See the Access to Information Procedure Rules in Part 4 of the Constitution.

<b>Forward Plan</b>	A schedule of the Key Decisions the Executive expects to take over the next 4 months.
<b>Head of Paid Service</b>	The most senior officer, with overall responsibility for the management and operation of the Council. The Head of Paid Service is a statutory 'proper officer' role.
<b>Joint Committee</b>	A body appointed under <a href="#">Section 101 of the Local Government Act 1972</a> (e.g. crematoria committees).
<b>Key Decision</b>	A decision by the Executive which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Wards (sometimes 1 Ward). (See Article 10 for more information).
<b>Leader of the Council</b>	Elected by the whole Council usually, though not always, from within the political <b>party group</b> with most councillors on the Council. Proposes the membership of the Executive, which must then be approved by the whole Council. Leads and Chairs the Executive.
<b>Mayor</b>	Although the City of Durham has a ceremonial Mayor, in this constitution, any reference to a mayor is to an elected mayor, which does not currently exist for the area and would require a change in the governance structure of the Council from the current Leader and Cabinet model.
<b>Monitoring Officer</b>	The Officer charged with ensuring that everything that the Council does is fair and lawful. The Monitoring Officer is currently the Head of Legal and Democratic Services. This is a statutory 'proper officer' role.
<b>Overview &amp; Scrutiny</b>	A Corporate Overview and Scrutiny Committee providing strategic leadership and five thematic committees to provide support and advice to the Executive by contributing to the review and development of policy. Also to hold the Executive to account by questioning, challenging and monitoring their performance.
<b>Political Proportionality</b>	A legal principle which dictates that committees of the Council (but not the Executive) must include elected politicians in proportion to the size of their groups on the Council as a whole.



<b>Portfolio Holder</b>	A Cabinet Member with responsibility for ensuring the effective management and delivery of a particular area of the Council's work. See Article 6.
<b>Procedure Rules</b>	Detailed rules which govern how the Council operates and how decisions are taken. See Part 4 of the Constitution.
<b>Proper Officer</b>	A senior officer of the Council who has specific responsibilities in law.
<b>Protocols</b>	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
<b>Quorum</b>	The minimum number of people who have to be present before a meeting can take place. This is set out in the relevant Rules of Procedure in Part 4 of the Constitution.
<b>Scheme of Delegation</b>	The document in Part 3 of the Constitution which <u>sets out the functions that are the responsibility of the full Council or a committee or sub-committee of the Council and those functions which are the responsibility of the Executive or an officer</u> <del>is responsible for particular functions</del> of the Council.
<b>Substitute</b>	Some committees permit councillors to appoint a substitute (or reserve) councillor to attend a meeting, which they cannot attend themselves (for regulatory committees, the substitute must have completed the required training).
<b>Summons</b>	The term used to describe the Agenda for meetings of the full Council.
<b>Virement</b>	Moving budget funds from one area of expenditure to another within a financial year.

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## **Part 3 - Allocation of Responsibilities**

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- 3A: Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees & Sub-Committees of the Council
- 3B: Terms of Reference and Delegation of Duties to the Cabinet and Portfolio Holders
- 3C: Delegations to Officers

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## Article 4 – The Full Council

### 4.1 Introduction

This Article defines the functions that are reserved for decision by the full Council. The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for (i) regulatory functions (which include planning, licensing and health and safety at work); (ii) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws); and (iii) most of the local choice functions which the Council is free to decide whether they are the responsibility of full Council or the Executive. The Council also has a role in holding the Executive to account.

### 4.2 Meanings

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

- i. Council Plan
- ii. Sustainable Community Strategy
- iii. County Durham Local Development Framework (Plans and alterations that together form the Development Plan)
- iv. County Durham Youth Justice Plan
- v. Housing Strategy
- vi. Licensing Authority Policy Statement
- vii. Statement on Gambling Policy
- viii. Any other plan or strategy which the Council determines should be adopted or approved by them.

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

### 4.3 Functions of the full Council

The functions of full Council are set out in Part 3A of the Constitution.

~~Only the Council will exercise the following functions:~~

- ~~i. adopting and changing the Constitution;~~
- ~~ii. approving or adopting the policy framework and the budget;~~

- ~~iii. subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;~~
- ~~iv. appointing and removing the Leader;~~
- ~~v. agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;~~
- ~~vi. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;~~
- ~~vii. adopting an allowances scheme under Article 2.5 and amending, revoking or replacing such a scheme;~~
- ~~viii. confirming and terminating the appointment of the head of paid service;~~
- ~~ix. receive the final accounts for information;~~
- ~~x. those non-executive functions specified as being the responsibility of the Council in this Constitution; and~~
- ~~xi. all other matters which, by law, must be reserved to the Council.~~

#### **4.4 Council meetings**

There are three types of Council meeting:

- i. the annual meeting;
- ii. ordinary meetings;
- iii. extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution. Meetings will be chaired by the Chair or Vice-Chair of the Council.

#### ~~4.5 Responsibility for Non-Executive or Council functions (\* Denotes a local choice function)~~

- ~~i. Certain non-executive functions have been delegated to officers. Details of those delegations can be found in the Officer Scheme of Delegations at Part 3 of the Constitution. The committees set out below may from time to time~~

~~add to or alter those delegations, as appropriate, within their functional responsibilities.~~

- ~~ii. The Council will appoint Members to the Committees set out in this Article. The committees may then appoint sub-committees or panels to consider and, where appropriate, determine any matter falling within the remit of the committee.~~
- ~~iii. The committees may co-opt to their membership or the membership of any sub-committee or panel, person(s) from outside the Council having an interest in the business of the committee, sub-committee or panel but such co-opted person(s) may not vote on any matter.~~

#### **~~4.6 Appeals and Complaints Committee~~**

~~30 Members of the Council will form this Committee, with individual appeals or complaint hearings being conducted by Sub-Committees of 3 Members of the Committee, appointed by the Head of Legal and Democratic Services on a rota basis. The quorum for meetings of this Sub-Committee shall be 3, and it will discharge the following functions:~~

- ~~i. The determination of an appeal made against any decision made by or on behalf of the Council including staff disciplinary and grievance appeals.~~
- ~~ii. Consideration of complaints under Stage 3 of the Council's Corporate Complaints Policy and Procedure, where referred by the Head of Legal and Democratic Services.~~

#### **~~4.7 Area Planning Committees~~**

~~There are three Area Planning Committees:~~

- ~~i. North Durham (comprising the former District Council areas of Chester le Street and Derwentside)~~
- ~~ii. Central and East Durham (comprising the former District Council areas of Durham City and Easington)~~
- ~~iii. South and West Durham (comprising the former District Council areas of Sedgefield, Teesdale and Wear Valley)~~

~~with each area committee comprised of 16 Members of the Council excluding Members of the Executive. Except where the matter is delegated to an officer, Area Planning Committees will have the following functions for the areas:~~

- ~~i. Functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations unless those matters fall within the remit of the County Planning Committee~~

- ~~ii. Power to make limestone pavement order~~
- ~~iii. Powers relating to the protection of important hedgerows~~
- ~~iv. Powers relating to the preservation of trees~~
- ~~v. Powers relating to complaints about high hedges.~~

#### **~~4.8 Audit Committee~~**

~~The Audit Committee is comprised of 9 Members of the Council, excluding Members of the Executive and Executive Support Members, and 2 co-opted non-voting Members. A Chair of the Corporate Overview and Scrutiny Management Board, any other Scrutiny Committee or the Standards Committee may not chair the Audit Committee.~~

~~Audit Committee approves the Council's Final Accounts and is an advisory committee to the Council and the Executive on audit and governance issues in order to provide independent assurance over the adequacy of the Council's risk management framework and associated control environment. In particular the Audit Committee will:~~

~~*On audit matters:*~~

- ~~i. consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;~~
- ~~ii. consider summaries of Internal Audit reports on a quarterly basis;~~
- ~~iii. consider reports dealing with the performance of the Internal Audit service;~~
- ~~iv. consider a report from Internal Audit on agreed audit recommendations not implemented within a reasonable timescale;~~
- ~~v. consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance;~~
- ~~vi. consider specific reports as agreed with the External Auditor;~~
- ~~vii. consider the External Audit plan, comment on the scope and depth of external audit work, and to ensure it gives value for money;~~
- ~~viii. review the appointment of the Council's External Auditor;~~



~~ix. within available resources be able to request work from Internal and External Audit.~~

~~*On governance issues:*~~

~~x. maintain an overview of the Council's Constitution in respect of changes to contract procedure rules and financial procedure rules;~~

~~xi. review any issue referred to it by the Chief Executive or a chief officer, or any Council body;~~

~~xii. monitor the effective development and operation of risk management and overall corporate governance in the Council;~~

~~xiii. monitor the operation of the Council's anti-fraud and anti-corruption policies and strategy;~~

~~xiv. approval and adoption of the Council's Annual Governance Statement;~~

~~xv. consider the Council's arrangements for corporate governance and recommend actions to ensure compliance with best practices;~~

~~xvi. monitor and oversee the Council's arrangements for meeting its responsibilities under Health and Safety legislation.~~

~~*On annual accounts matters:*~~

~~xvii. approve the annual statement of accounts;~~

~~xviii. to comment on the External Auditor's report to those charged with governance on issues arising from the audit of the accounts;~~

~~xix. overview of probity aspects of internal and external audit;~~

~~xx. overview of the Council's Confidential Reporting Code.~~

#### **~~4.9 Chief Officer Appointment Committee~~**

~~Comprised of 11 Members of the Council including the Leader and Deputy Leader, the Chief Officer Appointment Committee will expand to include 2 voting co-opted Independent Persons in the case of proposed disciplinary action against a Statutory Officer, and shall be responsible for:~~

~~i. Appointment of the Chief Executive (subject to confirmation by the full council) and chief officers and associated functions under Section 112 of the Local Government Act 1972 in relation to those officers.~~

- ~~ii. Dismissal of Chief Officers, subject to the provisions contained in the Officer Employment Procedure Rules regarding the dismissal of Statutory Officers.~~
- ~~iii. Appointment and dismissal of the Director of Public Health (committee to act as advisory appointments committee, the appointment is subject to the approval of the Secretary of State for Health)~~
- ~~iv. To make recommendations to Full Council regarding a decision to dismiss a Statutory Officer.~~
- ~~v. The creation of posts where the salary package is £100,000 or more which will be reported to the next convenient meeting of Council for information.~~
- ~~vi. Officer severance packages of £100,000 or more which will be reported to the next convenient meeting of Council for information.~~

#### **4.10 Corporate Parenting Panel**

~~The Corporate Parenting Panel is formed of 21 Members of the Council including the member of the Executive or Executive Support for Children and Young People's Services and the Chair or Vice-Chair of Children and Young People's Overview and Scrutiny Committee, plus a maximum of 10 non-voting Co-opted Members, consisting of school representatives and representatives from other agencies. The functions of the Corporate Parenting Panel are:~~

- ~~i. To ensure that the Council acts as a good corporate parent to children and young people in care and care leavers, including:
  - ~~i. Children and Young people in residential care~~
  - ~~ii. Children and Young people in foster care~~
  - ~~iii. Children and Young people placed for adoption~~
  - ~~iv. Children and Young people placed at home under Care Planning, Placement and Case Review Regulations~~
  - ~~v. Young people who are living in supported lodgings~~
  - ~~vi. Young people in secure services~~
  - ~~vii. Young people in custody~~~~
- ~~viii. To engage and listen to the views of children, young people and their carers for whom the Council is the parent.~~
- ~~ix. To work in partnership with other statutory agencies to drive forward improvements in care.~~
- ~~x. To act as the governing body for the Virtual School for looked after children and young people.~~

- ~~xi. To act as the governing body for Aycliffe secure services, monitoring and ensuring the quality of secure accommodation.~~

#### **4.11 Full Council**

~~Comprised of all 126 elected Members, the full Council is responsible for:~~

- ~~i. Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000 (“ the 2000 Act”), the functions of
  - ~~(i) making arrangements for the discharge of functions by a joint committee or officer under section 101(5) of the Local Government Act 1972 (“the 1972 Act”); and~~
  - ~~(ii) making appointments under section 102 (appointment of committees) of the 1972 Act.~~~~
- ~~ii. Functions relating to elections as set out in Section D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 (“the 2000 Regulations”).~~
- ~~iii. Functions relating to name and status of areas and individuals as set out in Section E of Schedule 1 to the 2000 Regulations.~~
- ~~iv. Functions relating to changing governance arrangements as set out in Section EA of Schedule 1 to the 2000 Regulations.~~
- ~~v. Making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”).~~
- ~~vi. Functions relating to community governance as set out in Section EB of Schedule 1 to the 2000 Regulations.~~
- ~~vii. Power to make, amend and revoke byelaws.~~
- ~~viii. Promotion or opposition of local or personal Bills.~~
- ~~ix. Power to make standing orders.~~
- ~~x. Power to make standing orders as to contracts.~~
- ~~xi. Powers in relation to staff under section 112 of the 1972 Act unless delegated to a committee or an officer.~~

- ~~xii. Duty to make arrangements for the proper administration of the Council's financial affairs.~~
- ~~xiii. Appointment of "proper officers" for particular purposes under the 1972 Act.~~
- ~~xiv. Duty to designate an officer as the head of the council's paid service and to designate an officer as the monitoring officer and to provide them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.~~
- ~~xv. Dismissal of Statutory Officers in accordance with the procedure set out in the Officer Employment Procedure Rules.~~
- ~~xvi. Functions relating to sea fisheries~~

#### **4.12 County Planning Committee**

~~Comprising 16 Members of the Council, excluding Members of the Executive. The County Planning Committee is responsible for the following, except where delegated to an officer:~~

- ~~i. To exercise the Council's functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations, in relation to the following matters:~~
  - ~~(c) Residential development proposals involving 200 or more dwellings or a site area of 4 hectares or more.~~
  - ~~i. All non-residential development proposals (including commercial, retail and industrial developments) of 10,000 or more square metres floorspace or a site area of 2 hectares or more.~~
  - ~~ii. Development proposals involving the erection of one or more wind turbines described as Medium-Large or Large and having a height in excess of 40 metres to the blade tip or a site area of 1 hectare or more.~~
  - ~~iii. Applications for renewable energy developments (including Biomass, Hydro-Electric, Geothermal, Gasification or Photovoltaics) of 1 hectare or more.~~
  - ~~iv. All development proposals relating to minerals or waste.~~
- ~~v. Development which in the opinion of the Head of Planning Services is of strategic significance, including strategic schemes promoted by the County Council.~~

#### **4.13 General Licensing and Registration Committee**

~~Comprised of 27 Members of the Council the General Licensing and Registration Committee is responsible for:~~

- ~~i. Reviewing and making recommendations to the Council where appropriate on policies in relation to the licensing functions set out below.~~
- ~~ii. Except where the matter is delegated to a Sub Committee or to an officer:
  - ~~(d) To discharge the Council's licensing and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to:
    - ~~i. hackney carriages and private hire vehicles;~~
    - ~~ii. sex shops and sex cinemas and sexual entertainment venues and licensing matters provided for in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982;~~
    - ~~iii. market and street trading;~~~~~~
- ~~iv. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.~~
- ~~v. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.~~

#### **~~4.14 General Licensing and Registration Sub-Committee~~**

~~There are three General Licensing and Registration Sub-Committees, each comprised of 4 Members of the Council plus either a Chair or Vice-Chair, appointed by the Head of Legal and Democratic Services on a rota basis. The quorum for a meeting of this committee shall be 3 and the panels will be identified by the Head of Legal and Democratic Services for each scheduled meeting at the start of the municipal year. The Sub-Committees will discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.~~

#### **~~4.15 Highway Committee~~**

~~Formed of 21 Members of the Council, except where the matter is delegated to an officer, the Highway Committee is responsible for:~~

- ~~i. Functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations in cases where objections have been made and not withdrawn.~~
- ~~ii. Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions under the Road Traffic Regulation Act 1984, where objections have been made and not withdrawn.~~
- ~~iii. Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated~~

~~functions under sections 4, 5, 6 and 7 of the Local Government (Miscellaneous Provisions) Act 1953 where objections or representations are made and not withdrawn.~~

- ~~iv. Any other non-executive functions specified in the 2000 Regulations relating to highways or public rights of way which require a statutory notice or consultation and where objections have been made and not withdrawn.~~
- ~~v. To discharge the Council's licensing, registration and regulatory functions in relation to common land and town and village greens.~~
- ~~vi. Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions to determine proposals to appropriate or dispose of open space or public walks and pleasure grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875, if there are any unresolved objections to the proposals.~~

#### **~~4.16 Pension Fund Committee~~**

~~The Pension Fund Committee is comprised of:~~

- ~~i. 11 Members of the Council~~
- ~~ii. Members appointed by Darlington Borough Council~~
- ~~iii. 1 Member representing the Further Education Colleges~~
- ~~iv. 1 Member drawn from other statutory bodies including Police, Fire, Probation, Town and Parish Councils~~
- ~~v. 1 Member representing Admitted Bodies~~
- ~~vi. Scheme Member representatives~~

~~and is responsible for exercising the Powers and duties arising from Section 7 of the Superannuation Act 1972 and Regulations made thereunder including:~~

- ~~i. approval of applications from bodies seeking admission to the Local Government Pension Scheme;~~
- ~~ii. appointment of external investment managers and advisers.~~

~~as well as discharging the Council's functions relating to local government pensions other than policy formulation and review.~~

#### **~~4.17 Statutory Licensing Committee~~**

~~The Statutory Licensing Committee is a sub-committee of the General Licensing and Registration Committee and is comprised of 15 Members of the Council drawn from the 27 members of the General Licensing and Registration Committee who, whilst predominantly serving the Statutory Licensing Committee and its sub-committees, can when occasion demands also serve on other sub-committees of the General Licensing and Registration Committee. The functions discharged by the Statutory Licensing Committee are:~~

- ~~i. To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy.~~
- ~~ii. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy.~~
- ~~iii. To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles.~~
- ~~iv. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy.~~
- ~~v. 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 and section 154 of the Gambling Act 2005.~~
- ~~vi. To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.~~

#### ~~4.18 Statutory Licensing Sub-Committee~~

~~There are 3 Statutory Licensing Sub-Committees, each comprised of 4 Members sitting with the Chair or Vice-Chair, appointed by the Head of Legal and Democratic Services. The quorum for meetings of these Sub-Committees shall be 3 and only 3 of the 5 who are asked to attend will make up the actual sub-committee, the remaining 2 to be substitutes if need arises. Each Statutory Licensing Sub-Committee will discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.~~

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## Article 5 – The Executive

### 5.1 ~~Executive functions~~

~~All of the Council's functions which are not the responsibility of any other part of the Council, by law or under this Constitution, together with the following local choice executive functions:~~

- ~~i. The appointment of any individual—~~
  - ~~i. to any office other than an office in which they are employed by the authority;~~
  - ~~ii. to any body other than—~~
    - ~~i. the authority;~~
    - ~~ii. a joint committee of two or more authorities; or~~
  - ~~iii. to any committee or sub-committee of such a body,~~
- ~~and the revocation of any such appointment.~~
- ~~iv. The making of agreements with local authorities and other bodies for the placing of staff at the disposal of those other authorities or bodies.~~
- ~~v. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007.~~
- ~~vi. Local Act functions not delegated to an officer.~~

### 5.1 Form and composition

The Executive will consist of a Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Leader, one of whom shall be designated by the Leader as the Deputy Leader.

### 5.2 Leader

The Leader of the Council will be a councillor elected to that position by the Council at their annual meeting in 2021. The Leader will hold office until the day of the post-election annual meeting following their election, unless before that date:

- (a) they resign from the office; or
- (b) they are no longer a councillor; or

- i. the Leader is unable to act or the office of Leader is vacant; and
- ii. the Deputy Leader is unable to act or the office of Deputy Leader is vacant;

the Executive will act in the Leader's place or arrange for a member of the Executive to act in their place.

- (d) In the case of a vacancy of the Leader, an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council held after the date on which the vacancy occurs, or if that meeting is held within 14 days after that date, then not later than the next following ordinary meeting of the Council. The Proper Officer may convene a meeting of the Council for such an election
- (e) If the Council passes a resolution to remove the Leader from office, it will elect a new Leader at the meeting at which the Leader is removed or at a subsequent meeting.

## **5.7 Responsibility for functions**

The functions of the Executive are set out in Part 3B of the Constitution.

- ~~i. The Leader may discharge any executive function of the Council.~~
- ~~ii. The Leader may arrange for the discharge of any executive function
  - ~~i. by the Executive;~~
  - ~~ii. by another member of the Executive;~~
  - ~~iii. by a committee of the Executive, or~~
  - ~~iv. by an officer of the Council~~~~
- ~~v. The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular executive functions among individual Members of the Executive. Portfolio holders do not have delegated powers.~~

Role	Responsibility
<del>Leader of the Council Councillor Amanda Hopgood</del>	<del>i. Overall co-ordination of policy ii. Council strategy iii. Performance framework and monitoring iv. County Durham Partnership v. External Partnerships vi. Communications vii. Legal and Democratic Services*</del>
<del>Deputy Leader and Finance Councillor Richard Bell</del>	<del>viii. Finance ix. Legal and Democratic Services* x. Risk Management xi. Human Resources xii. Transformation xiii. Member Development</del>
<del>Adult and Health Services Councillor Chris Hood</del>	<del>xiv. Adult Social Care Services xv. Adult Safeguarding xvi. Adult Social Care Commissioning xvii. Health and Wellbeing (chair of HWB) xviii. Public Health xix. Veterans champion xx. Mental Health champion</del>
<del>Children and Young People's Services Councillor Ted Henderson</del>	<del>xxi. Education 0-19 xxii. Specialist and Safeguarding Children's Services xxiii. Youth Services, including xxiv. Youth Offending Services xxv. Children's Centres xxvi. Young carers xxvii. Adult learning xxviii. Health and wellbeing board member</del>
<del>Digital and Customer Services Councillor Susan McDonnell</del>	<del>xxix. Customer Services xxx. ICT and Digital connectivity xxxi. Procurement</del>
<del>Economy and Partnerships Councillor Elizabeth Scott</del>	<del>xxxii. Economic Development xxxiii. AAP's xxxiv. Town Centres</del>

Role	Responsibility
	<del>xxxv. Regeneration</del> <del>xxxvi. Skills agenda</del> <del>xxxvii. Spatial Planning / County Durham Plan</del> <del>xxxviii. Strategic Transport / Local Transport Plan</del> <del>xxxix. Development Control &amp; Planning</del> <del>xl. Tourism and Culture</del> <del>xli. Libraries</del> <del>xlii. Archives</del>
Neighbourhoods and Climate Change Councillor Mark Wilkes	<del>xliii. Relationships with Town and Parish Councils</del> <del>xliv. Community Development</del> <del>xlv. Community Facilities</del> <del>xlvi. Neighbourhood Streetscene</del> <del>xlvi. Climate change</del> <del>xlvi. Climate change champion : tbc</del> <del>xlix. Environment Policy, including sustainability</del> <del>i. Environment, Health and Consumer Protection</del> <del>ii. Waste Management</del> <del>iii. Direct Services</del> <del>liii. Bereavement services</del>
Equality and Inclusion Councillor Alan Shield	<del>liv. Carers</del> <del>lv. Homelessness</del> <del>lvi. Fuel Poverty</del> <del>lvii. Equality and Diversity</del> <del>lviii. Humanitarian Support Partnership</del> <del>lix. Welfare reform and impact</del> <del>lx. Welfare rights</del> <del>lxi. Gypsy, Roma, Traveller services</del>
Resources, Investment and Assets Councillor James Rowlandson	<del>lxii. Allotments</del> <del>lxiii. Housing strategy</del> <del>lxiv. Private sector housing issues</del> <del>lxv. Links with Housing providers</del> <del>lxvi. Corporate Property and Land</del> <del>lxvii. Parks</del> <del>lxviii. Sport and Leisure</del> <del>lxix. Strategic Employment Sites</del> <del>lxx. Funded projects / external investment</del>

Role	Responsibility
	<del>lxxi. Council housing</del>
<del>Rural Communities and Highways Councillor John Shuttleworth</del>	<ul style="list-style-type: none"> <li><del>• Rural Communities</del></li> <li><del>• Highways</del></li> <li><del>• Emergency Planning</del></li> <li><del>• Community Safety</del></li> </ul>

~~+ shared responsibility~~

### 5.8 Proceedings of the Executive

Proceedings of the Executive will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

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## Article 6 – Overview and Scrutiny Arrangements

### 6.1 Terms of Reference

The Council will appoint the ~~following~~ Committees set out in Part 3A of the Constitution to discharge the functions conferred by section 21 of the Local Government Act 2000 (as amended) or regulations under section 32 of the Local Government Act 2000 (as amended) and under the Health and Social Care Act 2001. The terms of reference for the Committees are set within the context of the Council Plan, its Notice of Key Decisions and the overarching partnership framework.

Neither the Chair of the Council nor members of the Executive or Executive Support Members may be members of a Scrutiny Committee.

### ~~6.2 Corporate Overview and Scrutiny Management Board~~

~~Comprising 26 Members of the Council including the Chair's and Vice Chair's of the other 5 Scrutiny Committees, this Committee will:~~

- ~~i. Oversee and co-ordinate the work of Overview and Scrutiny and its committees.~~
- ~~ii. Ensure effective liaison across the work of the committees re: cross-cutting issues.~~
- ~~iii. Be a strategic driver of the Overview and Scrutiny function.~~
- ~~iv. Consider as appropriate scrutiny member involvement in regional scrutiny arrangements within the context of any regional strategies.~~
- ~~v. Establish appropriate liaison with the Executive in the interests of achieving common aims and continuous improvement for the Council.~~
- ~~vi. Encourage appropriate community involvement in the Overview and Scrutiny role.~~
- ~~vii. Consider the Council Plan and Notice of Key Decisions and to monitor performance against these plans.~~
- ~~viii. Deal with petitions in accordance with the Council's Protocol for petitions.~~
- ~~ix. Consider the Council's annual budget.~~

- ~~x. Assist the Executive in the development of the Council's annual budget and to review and scrutinise budgetary management.~~
- ~~xi. Assist the Executive in ensuring the provision of efficient and effective corporate management and support arrangements.~~
- ~~xii. Assist the Executive in the development of asset management.~~
- ~~xiii. Scrutinise delivery of the County Durham Vision 2035 and Council Plan ambition of an excellent council and associated objectives of:
  - ~~i. Our resources will be managed effectively.~~
  - ~~ii. We will create a workforce for the future.~~
  - ~~iii. We will design our services with service users.~~
  - ~~iv. We will use data and technology more effectively.~~
  - ~~v. We will actively performance manage our services.~~
  - ~~vi. Fewer people will be affected by poverty and deprivation in the County.~~~~
- ~~vii. The Chair and Vice-Chair of this main scrutiny committee, shall be additional members of all other Scrutiny Committees.~~
- ~~viii. In the event of any educational related matter being subject to call-in, the 7 voting faith and parent governor representatives shall be invited to attend the Corporate Overview and Scrutiny Management Board that considers that call-in.~~

### **~~6.3 Children and Young People's Scrutiny Committee~~**

~~Comprised of 21 Members of the Council including the Chair or Vice Chair of Corporate Parenting Panel plus 7 voting faith and parent governor representatives and up to 2 non-voting co-optees, including young people, the Children and Young People's Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of More and Better Jobs, People Live Long and Independent Lives and Connected Communities in relation to Children and Young People and Council Plan objectives of:~~

- ~~i. Young people will have access good quality education, training and employment.~~
- ~~ii. Children and young people will enjoy the best start in life, good health and emotional wellbeing.~~
- ~~iii. Children and young people with special educational needs and disabilities will achieve the best possible outcomes.~~
- ~~iv. All children and young people will have a safe childhood.~~



#### **~~6.4 Safer and Stronger Communities Overview and Scrutiny Committee~~**

~~This Committee shall be the Crime and Disorder Committee for the purposes of Part 3 of the Police and Justice Act 2006.~~

~~Comprised of 21 Members of the Council with up to 2 non-voting co-optees, plus co-opted employees or officers of a responsible authority or of a co-opting person or body, in accordance with Crime and Disorder (Overview and Scrutiny) Regulations 2009. The Safer and Stronger Communities Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision ambitions of People Live Long and Independent Lives and Connected Communities in relation to safer and stronger communities and Council Plan objectives of:~~

- ~~i. Promotion of positive behaviours.~~
- ~~ii. Our villages and villages will be vibrant, well used, clean, attractive and safe. Communities will come together to accept and support each other.~~

#### **~~6.5 Environment and Sustainable Communities Overview and Scrutiny Committee~~**

~~Comprised of 21 Members of the Council and up to 2 non-voting co-optees, The Environment and Sustainable Communities Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of People Live Long and Independent Lives and Connected Communities in relation to the Environment and sustainable communities and Council Plan objectives of:~~

- ~~i. A physical environment that will contribute to good health.~~
- ~~ii. Our towns and villages will be vibrant, well used, clean, attractive and safe.~~
- ~~iii. People will have good access to workplaces, services, retail and leisure opportunities.~~

#### **~~6.6 Economy and Enterprise Overview and Scrutiny Committee~~**

~~Comprised of 21 Members of the Council and up to 2 non-voting co-optees, the Economy and Enterprise Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of More and Better Jobs and Connected Communities and Council Plan objectives of:~~

- ~~i. Delivery of a range of employment sites across the county.~~
- ~~ii. A strong, competitive economy and County Durham will be a premier place in the North East to do business.~~
- ~~iii. A broader experience for residents and visitors to the county.~~

- ~~iv. People will have good access to workplaces, services, retail and leisure opportunities.~~
- ~~v. Helping all people into rewarding work.~~
- ~~vi. Standards will be maintained or improved across County Durham's Housing stock.~~
- ~~vii. Delivery of new high quality housing which is accessible and meets the needs of our residents.~~

### **~~6.7 Adults Well-Being and Health Overview and Scrutiny Committee~~**

~~This Committee will be the Council's designated Health Scrutiny Committee in accordance with the Health and Social Care Act 2012.~~

~~Comprised of 21 Members of the Council plus up to 2 non-voting co-optees, the Adults, Well-being and Health Overview and Scrutiny Committee will scrutinise delivery of the County Durham Vision 2035 ambitions of People live long and Independent Lives and Council Plan objectives in relation to Adults wellbeing and Health of:~~

- ~~viii. Better integration of health and social care services.~~
- ~~ix. People will be supported to live independently for as long as possible by delivering more homes to meet the needs of older and disabled people.~~
- ~~x. Tackling the stigma and discrimination of poor mental health and building resilient communities.~~
- ~~xi. Promotion of positive behaviours.~~
- ~~xii. Lead on the review and scrutiny of NHS Services, Adults social care, Health inequalities and improvement and Public Health Service.~~

## **6.2 General role**

Within their terms of reference, the Scrutiny Committees will:

- (a) review and / or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the full Council and / or the Executive in connection with the discharge of any functions;

## Article 7 – The Standards Committee

### 7.1 Standards Committee

The Council meeting will establish a Standards Committee.

### 7.2 Composition

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

### 7.3 Role and Function

The role and functions of the Standards Committee are set out in Part 3A of the Constitution.

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

- ~~a. promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;~~
- ~~b. assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;~~
- ~~c. advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;~~
- ~~d. monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;~~
- ~~e. advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;~~
- ~~f. granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;~~
- ~~g. the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish~~

~~and Town Council Members, if requested to undertake this function by the Monitoring Officer;~~

~~h. the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;~~

~~i. dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;~~

~~j. overview of the Officers' Code of Conduct;~~

~~k. overview of the Protocol on Member / Officer Relations.~~

### 8.3 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to an executive, subject to any contrary provision agreed among the participating authorities as permitted by law.
- (c) If the joint committee contains members who are not on the executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

### 8.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

### 8.5 Contracting out

The Council (for functions which are not executive functions) and the Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### 8.6 Partnerships

The Council will maintain and regularly review a register of partnerships in which the Council participates. Reviews will be undertaken in accordance with the Council's Partnership Performance Management Framework to assess and evaluate the governance and effectiveness of each partnership.

### 8.7 Existing Joint Arrangements

Existing joint arrangements are set out in Part 3A of the Constitution.

- ~~(a) The Mountsett Crematorium Joint Committee~~  
~~This Joint Committee operates under an Agreement dated 8 September 1983 (which was supplemental to earlier Agreements) made between Derwentside District Council and Gateshead Borough Council. The purpose of the Agreements is to provide and maintain a crematorium to serve the areas of the respective councils, known as the Joint Crematorium District. On 1 April 2009 Durham County Council assumed the rights and liabilities of Derwentside District Council under the Agreements referred to above. On 19 June 2019 the Full Council of Durham County Council agreed to update/amend the terms of reference and its Constitution.~~
- ~~(b) The Central Durham Crematorium Joint Committee~~  
~~This Joint Committee operates under an Agreement dated 3 May 1983 made between Durham City Council and Spennymoor Town Council. The purpose of the Agreement is to provide and maintain a crematorium to serve the areas of the respective councils. On 1 April 2009 Durham County Council assumed the rights of liabilities of Durham City Council under the Agreement referred to above. On 19 June 2019 the Full Council of Durham County Council agreed to update/amend the terms of reference and its Constitution.~~
- ~~(c) The Joint Health Overview and Scrutiny Committee~~  
~~The Joint Health Overview and Scrutiny Committee is established in accordance with section 244 and 245 of the National Health Service Act 2006. This Joint Committee is made up of 12 members, comprising 1 from each of the 12 constituent Authorities. The purpose of the Joint Committee is to scrutinise issues around the planning, provision and operation of health services in and across the North-East region, comprising for these purposes of the areas covered by all the constituent Authorities. A copy of the terms of reference and protocol can be obtained from the Scrutiny Officer upon request.~~
- ~~(d) Durham Police and Crime Panel~~  
~~The Police and Crime Panel is established under the Police Reform and Social Responsibility Act 2011. The Panel is made up of 7 members from Durham County Council, 3 members of Darlington Borough Council and 2 independent co-opted members. The purpose of the Panel is to scrutinise and support the work of the Police and Crime Commissioner. The terms of reference and rules of procedure can be obtained from the Monitoring Officer upon request.~~
- ~~(e) Health and Wellbeing Board~~  
~~This Board comprises of:~~
- ~~i. representatives nominated by the Leader being currently:~~
- ~~1. Portfolio Holder for Adult and Health Services;~~

- ~~2. Portfolio Holder for Children and Young People's Services; and~~
- ~~3. Portfolio Holder for Deputy Leader and Finance~~

- ~~ii. representation from each Clinical Commissioning Group;~~
- ~~iii. a representative from Local Healthwatch;~~
- ~~iv. Corporate Director of Adult and Health Services;~~
- ~~v. Corporate Director of Children and Young People's Services;~~
- ~~vi. Director of Public Health~~
- ~~vii. Director of Integration (a joint representative of Durham County Council and Health Partners);~~
- ~~viii. a representative from the housing section (Housing Solutions)~~

~~and nominated representation from each of the following:~~

- ~~ix. Chief Executive of Tees Esk and Wear Valley NHS Foundation Trust;~~
- ~~x. Chief Executive of County Durham and Darlington Foundation Trust;~~
- ~~xi. Chief Executive of City of Sunderland NHS Foundation Trust;~~
- ~~xii. Chief Executive of North Tees and Hartlepool NHS Foundation Trust;~~
- ~~xiii. Chief Executive of Harrogate and District NHS Foundation Trust;~~
- ~~xiv. Office of Police and Crime Commissioner;~~
- ~~xv. County Durham and Darlington Fire and Rescue Service;~~

~~The Health and Wellbeing Board has the following roles and functions:~~

- ~~1.1.2 Promote integrated working between commissioners of health services, public health and social care services, for the purposes of advancing the health and wellbeing of the people in its area;~~
- ~~1.1.3 Encourage those who provide services related to wider determinants of health, such as housing, to work closely with the Health and Wellbeing Board;~~
- ~~1.1.4 Develop and agree the Joint Strategic Needs Assessment ("JSNA"), Joint Health and Wellbeing Strategy ("JHWS") and Pharmaceutical Needs Assessment ("PNA");~~
- ~~1.1.5 Be involved throughout the process as CCGs develop their commissioning plans and ensure they take proper account of the JHWS when developing these plans;~~
- ~~1.1.6 Provide advice and assistance or other support as it thinks appropriate for the purposes of encouraging the making of arrangements under Section 75 of the National Health Service Act 2006; and~~
- ~~1.1.7 Sign off the Better Care Fund Plan.~~

~~(f) Durham Safeguarding Children Partnership~~

- ~~i. Durham Safeguarding Children Partnership (DSCP) was established in April 2019 following the dissolution of the Local Safeguarding Children's Board by the Children Act 2004, as amended by the Children and Social Work Act 2017.~~
- ~~ii. There are three Statutory Safeguarding Partners in Durham, namely County Durham Clinical Commissioning Group, Durham County Council (Children and Young People's Service) and Durham Constabulary.~~
- ~~iii. The Safeguarding Partners share responsibility for ensuring effective local safeguarding arrangements.~~
- ~~iv. The relevant agencies required to provide virtual representation or representation at subgroups, development session and agency groups are:~~
  - ~~• County Durham & Darlington NHS Foundation Trust.~~
  - ~~• Tees, Esk & Wear Valleys NHS Foundation Trust.~~
  - ~~• Harrogate & District NHS Foundation Trust.~~
  - ~~• North Tees and Hartlepool NHS Foundation Trust.~~
  - ~~• City Hospitals Sunderland NHS Foundation Trust.~~
  - ~~• North East Ambulance Service.~~
  - ~~• Durham Voice (Voluntary Sector).~~
  - ~~• Further Education Settings.~~
    - ~~(i) Bishop Auckland College.~~
    - ~~(ii) New College Durham.~~
    - ~~(iii) East Durham College.~~
    - ~~(iv) Derwentside College.~~
  - ~~• Children and Family Court Advisory and Support Service (Cafcass).~~
  - ~~• Education.~~
  - ~~• Independent Schools.~~
  - ~~• Schools.~~
  - ~~• Public Health.~~
  - ~~• National Probation Service Durham.~~
  - ~~• Durham Tees Valley Community Rehabilitation Company.~~
  - ~~• County Durham Youth Offending Service.~~
  - ~~• Housing Services.~~
  - ~~• NHS England.~~
  - ~~• The Local Authority Adult & Health Services.~~
  - ~~• The Local Authority Early Help, inclusion and vulnerable children Services.~~
  - ~~• The Local Authority Legal Services.~~
  - ~~• The Prison Service.~~



- ~~County Durham & Darlington Fire & Rescue Service.~~
  - ~~British Transport Police.~~
  - ~~Faith Groups.~~
- v. ~~Out of the relevant agencies, there will be 4 agency groups that will be expected to meet and provide assurance reports to the Executive Group on an annual basis. Relevant agencies will not be required to attend every meeting but will nevertheless have a part to play in the business of the Durham Safeguarding Children Partnership.~~
- vi. ~~And fulfils the following functions to support and enable local organisations and agencies to work together in a system where children are safeguarded, and their welfare promoted.~~
1. ~~partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children~~
  2. ~~organisations and agencies challenge appropriately and hold one another to account effectively~~
  3. ~~there is early identification and analysis of new safeguarding issues and emerging threats~~
  4. ~~learning is promoted and embedded in a way that local services for children and families can become more reflective and implement changes to practice~~
  5. ~~information is shared effectively to facilitate more accurate and timely decision making for children and families~~
- vii. ~~In order to work together effectively with local organisations and agencies the Safeguarding Partners will develop processes that:~~
1. ~~facilitate and drive action beyond usual institutional and agency constraints and boundaries~~
  2. ~~ensure the effective protection of children is founded on practitioners developing lasting and trusting relationships with children and their families.~~
- (g) ~~County Durham Safeguarding Adults Inter-agency Partnership~~
- i. ~~The County Durham Safeguarding Adults Inter-Agency Partnership is a range of public authorities who share a duty to keep adults in County Durham safe from abuse, harm and neglect. It comprises representatives from:~~
1. ~~Durham Constabulary~~
  2. ~~Children and Adults Services – Durham County Council~~
  3. ~~County Durham Clinical Commissioning Group (from 1st July 2022 will be known as Integrated Care System)~~

- ~~4. Primary Care – NHS North Durham Clinical Commissioning Group (from 1st July 2022 will be known as Integrated Care System)~~
- ~~5. Tees, Esk and Wear Valley Foundation Trust~~
- ~~6. County Durham and Darlington NHS Foundation Trust~~
- ~~7. Age UK Durham~~
- ~~8. Her Majesty's Prison Service~~
- ~~9. Care Quality Commission~~
- ~~10. National Probation Service~~
- ~~11. NHS England~~
- ~~12. The Fire Service~~
- ~~13. Higher/Further Education~~

~~ii. And fulfils the following functions:~~

- ~~1. The promotion of health and wellbeing for adults with needs for care and support, and carers.~~
- ~~2. Communicating and engaging with wider agencies and communities of interest to help to make adults safer, and ensure the 'voice' of adults is heard.~~
- ~~3. Complying with local policy, monitoring that compliance and measuring its effectiveness.~~
- ~~4. Reviewing and analysing safeguarding activity across the partnership to identify and action improvements.~~
- ~~5. Monitoring the impact safeguarding training provision;~~
- ~~6. Maintaining and strengthening links and reporting to relevant forums, such as, the Local Safeguarding Children Partnership, Safe Durham Partnership, Health and Wellbeing Board and Overview and Scrutiny Committees;~~
- ~~7. Working in cohesive and collaborative ways with statutory and non-statutory partners;~~
- ~~8. Regularly reviewing the governance arrangements and checking statutory obligations are being complied with.~~

~~(h) County Durham and Darlington Fire and Rescue Authority~~

~~i. County Durham and Darlington Fire and Rescue Authority is a combined authority created by the Durham Fire Services (Combination Scheme) Order 1996. Membership comprises of 21 Members from Durham County Council and 4 Members from Darlington Borough Council (representation from each authority being determined by the size of the electoral representation within each authority). The Fire Authority's political balance is also a reflection of that of the two local authorities. The Authority is a legal body with statutory duties and responsibilities which include:~~

- ~~1. Providing a safe and effective operational response to meet a wide range of incidents, including fires, road traffic collisions, building collapse, water rescue, including flooding, rope rescue, hazardous~~

~~materials incidents and mass decontamination, national and international rescue.~~

- ~~2. Participating in the National Resilience Programme which prepares for and responds to major emergencies and unexpected events such as natural disasters or terrorist incidents. The resources maintained to support this programme include High Volume Pumps, Mass Decontamination Equipment and hazardous materials specialists who are trained to detect, identify and monitor chemicals.~~

~~(i) North East Combined Authority~~

~~This body brings together the four councils which serve County Durham, Gateshead, South Tyneside and Sunderland. The ambition of the Authority is to create the best possible conditions for growth in jobs, investment and living standards, to make the North East an excellent location for business, to prioritise and deliver high quality infrastructure and to enable residents to raise their skill levels and to benefit from economic growth long into the future.~~

~~(j) County Durham Integrated Care Board~~

~~The Board provides system wide leadership and accountability for the delivery of integrated service models within County Durham's Health and Care economy.~~

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## Part 3A - Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees & Sub-Committees of the Council

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- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
- (d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
- (e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
- (f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
- (g) to approve the arrangements under which allegations of a failure to comply with Council's Code of Conduct for Members can be investigated and decisions on allegations can be made, pursuant to section 28(6) of the Localism Act 2011.
- (h) To approve the appointment of at least one independent person to discharge the functions set out in section 28(7) of the Localism Act 2011.
- (i) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
- (j) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;
- (k) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
- (l) overview of the Officers' Code of Conduct;
- (m) overview of the Protocol on Member / Officer Relations.

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- a. facilitate and drive action beyond usual institutional and agency constraints and boundaries
- b. ensure the effective protection of children is founded on practitioners developing lasting and trusting relationships with children and their families.

#### 4.5 Durham Police and Crime Panel

The Police and Crime Panel is established under the Police Reform and Social Responsibility Act 2011. The Panel is made up of 7 members from Durham County Council, 3 members of Darlington Borough Council and 2 independent co-opted members. All members of the Police and Crime Panel, including independent co-opted members, may vote in proceedings of the panel. The purpose of the Panel is to scrutinise and support the work of the Police and Crime Commissioner. The terms of reference and rules of procedure can be obtained from the Monitoring Officer upon request.

#### 4.6 County Durham and Darlington Fire and Rescue Authority

County Durham and Darlington Fire and Rescue Authority is a combined authority created by the Durham Fire Services (Combination Scheme) Order 1996. Membership comprises of 21 Members from Durham County Council and 4 Members from Darlington Borough Council (representation from each authority being determined by the size of the electoral representation within each authority). The Fire Authority's political balance is also a reflection of that of the two local authorities. The Authority is a legal body with statutory duties and responsibilities which include:

- a. Providing a safe and effective operational response to meet a wide range of incidents, including fires, road traffic collisions, building collapse, water rescue, including flooding, rope rescue, hazardous materials incidents and mass decontamination, national and international rescue.
- b. Participating in the National Resilience Programme which prepares for and responds to major emergencies and unexpected events such as natural disasters or terrorist incidents. The resources maintained to support this programme include High Volume Pumps, Mass Decontamination Equipment and hazardous materials specialists who are trained to detect, identify and monitor chemicals.

#### 4.7 North East Combined Authority

This body brings together the four councils which serve County Durham, Gateshead, South Tyneside and Sunderland. The ambition of the Authority is to create the best possible conditions for growth in jobs, investment and living standards, to make the North East an excellent location for business, to

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## Part 3B - Terms of Reference and Delegation of Duties to the Cabinet and Portfolio Holders

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## 1. The Executive (Cabinet)

### 1.1 Executive Functions

The Executive will exercise all of the Council's functions which are not the responsibility of any other part of the Council, by law or under this Constitution, together with the following local choice executive functions:

- (a) The appointment of any individual –
  - i) to any office other than an office in which they are employed by the authority;
  - ii) to any body other than –
    - a. the authority;
    - b. a joint committee of two or more authorities; or
  - iii) to any committee or sub-committee of such a body,and the revocation of any such appointment.
- (b) The making of agreements with local authorities and other bodies for the placing of staff at the disposal of those other authorities or bodies.
- (c) Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007.
- (d) Local Act functions not delegated to an officer.

### 1.2 The Leader of the Council

- (a) The Leader may discharge any executive function of the Council.
- (b) The Leader may arrange for the discharge of any executive function
  - i. by the Executive;
  - ii. by another member of the Executive;
  - iii. by a committee of the Executive, or
  - iv. by an officer of the Council
- (c) The table below indicates how the Leader has allocated portfolios (lead responsibilities) for particular executive functions among individual Members of the Executive. Portfolio holders do not have delegated powers.

### 1.3 Terms of Reference for Portfolio Holders

Role	Responsibility
Leader of the Council Councillor <u>Councillor</u> Amanda Hopgood	<ul style="list-style-type: none"> <li>• Overall co-ordination of policy</li> <li>• Council strategy</li> <li>• Performance framework and monitoring</li> <li>• County Durham Partnership</li> <li>• External Partnerships</li> <li>• Communications</li> <li>• Legal and Democratic Services+</li> </ul>
Deputy Leader and Finance Councillor Richard Bell	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Legal and Democratic Services+</li> <li>• Risk Management</li> <li>• Human Resources</li> <li>• Transformation</li> <li>• Member Development</li> </ul>
Adult and Health Services Councillor Chris Hood	<ul style="list-style-type: none"> <li>• Adult Social Care Services</li> <li>• Adult Safeguarding</li> <li>• Adult Social Care Commissioning</li> <li>• Health and Wellbeing (chair of HWB)</li> <li>• Public Health</li> <li>• Veterans' champion</li> <li>• Mental Health champion</li> </ul>
Children and Young People's Services Councillor Ted Henderson	<ul style="list-style-type: none"> <li>• Education 0-19</li> <li>• Specialist and Safeguarding Children's Services</li> <li>• Youth Services, including</li> <li>• Youth Offending Services</li> <li>• Children's Centres</li> <li>• Young carers</li> <li>• Adult learning</li> <li>• Health and wellbeing board member</li> </ul>
Digital and Customer Services Councillor Susan McDonnell	<ul style="list-style-type: none"> <li>• Customer Services</li> <li>• ICT and Digital connectivity</li> <li>• Procurement</li> </ul>
Economy and Partnerships Councillor Elizabeth Scott	<ul style="list-style-type: none"> <li>• Economic Development</li> <li>• AAP's</li> <li>• Town Centres</li> <li>• Regeneration</li> <li>• Skills agenda</li> <li>• Spatial Planning / County Durham Plan</li> <li>• Strategic Transport / Local Transport Plan</li> <li>• Development Control &amp; Planning</li> </ul>

Role	Responsibility
	<ul style="list-style-type: none"> <li>• Tourism and Culture</li> <li>• Libraries</li> <li>• Archives</li> </ul>
Neighbourhoods and Climate Change  Councillor Mark Wilkes	<ul style="list-style-type: none"> <li>• Relationships with Town and Parish Councils</li> <li>• Community Development</li> <li>• Community Facilities</li> <li>• Neighbourhood Streetscene</li> <li>• Climate change</li> <li>• Climate change champion</li> <li>• Environment Policy, including sustainability</li> <li>• Environment, Health and Consumer Protection</li> <li>• Waste Management</li> <li>• Direct Services</li> <li>• Bereavement services</li> </ul>
Equality and Inclusion  Councillor Alan Shield	<ul style="list-style-type: none"> <li>• Carers</li> <li>• Homelessness</li> <li>• Fuel Poverty</li> <li>• Equality and Diversity</li> <li>• Humanitarian Support Partnership</li> <li>• Welfare reform and impact</li> <li>• Welfare rights</li> <li>• Gypsy, Roma, Traveller services</li> </ul>
Resources, Investment and Assets  Councillor James Rowlandson	<ul style="list-style-type: none"> <li>• Allotments</li> <li>• Housing strategy</li> <li>• Private sector housing issues</li> <li>• Links with Housing providers</li> <li>• Corporate Property and Land</li> <li>• Parks</li> <li>• Sport and Leisure</li> <li>• Strategic Employment Sites</li> <li>• Funded projects / external investment</li> <li>• Council housing</li> </ul>
Rural Communities and Highways  Councillor John Shuttleworth	<ul style="list-style-type: none"> <li>• Rural Communities</li> <li>• Highways</li> <li>• Emergency Planning</li> <li>• Community Safety</li> </ul>

+ shared responsibility

## Table 2 - Delegations to the Chief Executive

1. To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
  2. To guide and, where appropriate, direct chief officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
  3. (a) To carry out any executive function which is delegated to a particular chief officer in consultation with the relevant Cabinet Portfolio Member.  
  
(b) To carry out any executive function of a corporate nature in consultation where appropriate with the Leader and Deputy Leader.
  4. To grant exemptions on the political restriction of officer posts under the Localism Act 2011.
  5. To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000.
  6. To act as Returning Officer for County Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).
  7. To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.
  8. To approve officer severance payments of £20,000 and above, but below £100,000, in consultation with the Leader and the Portfolio Holder for Finance.
  9. To discharge any function of the Executive in relation to communications.
  10. To carry out any executive function in relation to Corporate Affairs, Policy, Planning, Performance and Communications.
- The following matters are delegated to the Head of Corporate Affairs:**
11. To develop, implement and keep under review an effective internal and external communications strategy, which maintains the strong brand and reputation of the Council.
  12. To lead on the development of the Council Plan.
  13. To develop, implement and keep under review an effective performance management framework.

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## Table 3 - Delegations to the Director for Regeneration, Economy and Growth

### Executive Functions

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

- Archives and Records
- Arts and Culture
- Assets, Estates and Property Management
- Attracting inward investment
- Building Control
- Business Durham
- Building Facilities and Management
- CCTV (Internal use)
- Care Connect and CCTV (public space cameras)
- ~~Communications and~~ Marketing
- Construction Programme and Project Management including: Programme and Project Management, Quantity Surveying and Accounts, Construction and Design Management (CDM)
- Culture Sport and Leisure
- Dangerous Structures
- Durham Key options (Housing)
- Economic Development
- Economic Regeneration
- Employability
- External Funding and Programmes
- Health and Safety (Internal)
- Housing Renewal and Improvement
- Housing Management, Strategy and Policy
- Integrated Passenger Transport Unit
- Local Transport Planning
- Libraries
- Management of commercial property portfolio
- Mineral and Waste Applications
- Museums
- Neighbourhood Planning
- Parking Policy, Control and Enforcement
- Planning Applications and Appeals
- Prevention & Resolution of Homelessness
- Project Design, Development and Delivery
- Promoting enterprise
- Regeneration Policy and Programmes
- Selective Licensing (Housing)

- Strategic Spatial and Planning Policy
- Sport and Leisure Centres
- Tourism (Visit County Durham)
- Theatre and Performing Arts
- Strategic Transport and Traffic Management

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

### Specific and non-executive delegations

1. To review decisions made by the Head of Property and Land relating to the list of assets of community value.
2. In consultation with the Corporate Director of Resources as Section 151 Officer, the Cabinet Portfolio Holder for Resources, Investments and Assets and the Cabinet Portfolio Holder for Finance, to approve the acquisition of property up to the value of £500,000 where the property is to be used as a children's home only.

~~To discharge any function of the Executive in relation to communication.~~

### The following matters are, in addition, delegated to the **Head of Development and Housing Planning and Housing**:

3. To exercise the Council's functions in relation to housing including:
  - (a) the determination of any applications for grant and/or housing assistance loans;
  - (b) the exercise of the Council's enforcement powers under the legislation relating to private sector housing;
  - (c) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness;
  - (d) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
4. To carry out the Council's functions in relation to permanent Gypsy, Roma and Traveller sites, including allocation of sites, site management, rent recovery and tenant support.
5. To determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed

Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 or under any related principal or secondary legislation, except the following:

- (a) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Development and Housing Planning and Housing specifying material planning grounds on which the request is made and received by the Head of Development and Housing Planning and Housing within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);
- (b) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where a Member of the Council or an officer of the Planning Development Service or their spouse/partner or children has an interest in the property or land which is the subject of the application or notification and where there is an objection to the application or notification;
- (c) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where, despite a Town or Parish Council having expressed objection or support, the officer is minded to recommend the application or notification on material planning grounds contrary to the wishes of the local council and:
  - i) the local council have made a specific request in writing for the application or notification to go before a planning committee; and
  - ii) the local council have confirmed their intention to attend the planning committee to make representations on the application; and
  - iii) the written request is received by the Head of Development and Housing Planning and Housing within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest).
- (d) Major developments (excluding section 73 Reserved Matter applications and Review of Mineral Planning Permissions) comprising:
  - i) major residential developments (10 or more dwellings or a site area of 0.5ha or greater) except where the application is for a substitution of house types on a scheme already benefitting from an extant planning permission;

- ii) development of more than 20,000m<sup>2</sup> of floor space or a site area of 4ha or greater comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution) or waste and waste related development; or
  - iii) development not falling within (i) and (ii) above, where the floor space is 1000m<sup>2</sup> (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
- (e) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days likely to have, in the opinion of the Head of Development and Housing Planning and Housing, a significant impact on the environment or are by their nature particularly controversial;
  - (f) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
  - (g) those applications for planning permission or notifications which have a relevant timescale of more than 35 days where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State.
6. The exercise of the Council's enforcement powers under legislation in relation to Common Land and Town and Village Greens.
  7. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.
  8. To finally dispose of planning applications pursuant to Article 40(13)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015
  9. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned at paragraph 5 above.
  10. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
  11. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.

and Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.

24. Authorise the making, confirmation, revocation and variations of Tree Preservations Orders and to determine applications for consent under such Orders.
25. To authorise the taking of all necessary steps in connection with Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Order.
26. Providing advice or assistance to Parish Council, Neighbourhood Forum or community organisation that is producing a Neighbourhood Plan or Order as required by para 3 of Schedule 4b to the Town and Country Planning Act 1990 (as amended).
27. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).
28. Authorise individual named officers to exercise powers of entry contained in the following:
  - The Hedgerow Regulations 1997
  - Town and Country Planning Act 1990
  - Planning (Listed Buildings and Conservation Areas) Act 1990
  - Planning (Hazardous Substances) Act 1990
  - Building Act 1984
  - Fire Safety and Safety of Places of Sport Act 1987
  - Safety of Sport Grounds Act 1975
  - Local Government (Miscellaneous Provisions) Act 1982
  - Party Wall etc Act 1996
  - Planning Act 2008

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

29. To administer and determine complaints about high hedges and to take default action as necessary under the Anti-Social Behaviour Act 2003.
30. The obtaining of information under Section 330 of the Town and Country Planning Act 1990.
31. To exercise the Council's powers to take temporary possession of land pursuant to the Neighbourhood Planning Act 2017.
32. Act under and in respect of:

- (a) Sections 16, 19 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
  - (b) Sections 77 to 78 and 80 to 83, Building Act 1984;
  - (c) Building Regulation 18 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings (Building Regulations 2010),
  - (d) Party Wall Act etc.1996.
33. To respond to government and other consultations on Planning, Housing, Transport and Economic Policy.
34. Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with the Safety of Sports Grounds Act 1975 and Part III, Fire Safety and Safety of Places of Sport Act 1987.
35. To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.
36. The management of all matters required to ensure the Council carries out its statutory duties as a local housing authority as prescribed in:
- Housing Act 1985
  - Housing Act 1996
  - Housing Act 2004
  - Local Government and Housing Act 1989
  - Localism Act 2011
  - The Regulatory Framework set out by the Regulator for Social Housing and
  - Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.
37. In conjunction with the Head of Corporate Finance and Commercial Services maintain a Housing Revenue Account in accordance with sections 74 – 78 of the Local Government and Housing Act 1989.
38. To exercise the Council's functions in respect of the preparation and development of appropriate strategies and plans for the Council's housing stock, including the Housing Investment Programme and Cyclical Maintenance Programmes including the construction, repair, maintenance, modernisation and redevelopment and renewal of properties including (but not limited to)

designation of dispersal areas under the provisions of the Anti- Social Behaviour Crime and Policing Act 2014.

62. Provision and operation of closed-circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.

**The following matters are, in addition, delegated to the Head of Corporate Property and Land:**

63. In consultation with the Local Members and the relevant Cabinet Portfolio Member, to sell or lease any property which is surplus to the requirements of the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.
64. To approve the principle of acquiring property at a price not exceeding £250,000.
65. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council and to settle any dilapidation claim at the end of any lease acquired.
66. To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property at a value not exceeding £250,000.
67. To accept the dedication or transfer of land to be maintained as public open space subject to satisfactory terms being negotiated for contribution to the cost of maintenance.
68. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.
69. To approve the granting of an option over Council land or the acquiring by the Council of an option over land and to approve the extension of any option granted or acquired.
70. To authorise the use of Council land as a permissive right of way and/or to dedicate Council land as a public right of way.
71. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
72. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.

73. To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.
74. To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.
75. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance and Commercial Services.
76. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
77. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
78. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
79. To approve disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 subject to seeking guidance from the Highways Committee in the event of unresolved objections being received.
80. To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.
81. All duties arising out of the establishment of the Business Improvement Districts.
82. To authorise land disposals at an undervalue in excess of £50,000. Disposals at an undervalue in excess of £2 million require Secretary of State approval.
83. Serve, receive and act upon legal notices and apply for permissions, in the exercise of any discretionary power or in complying with any duty of the Council in relation to land and property.

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

84. To exercise all of the Council's functions relating to public rights of way as set out in Part 1 of Section 1 of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations except matters reserved to the Highways Committee.



## Table 4 - Delegations to the Corporate Director of Adult and Health Services

### Executive Functions

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

1. The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:
  - (a) Adults;
  - (b) Carers;
  - (c) Prisoners and/or people in approved premises within County Durham who have social care needs.
  - (d) Functions exercisable on behalf of an NHS body so far as it relates to adults.
2. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including applications to displace nearest relatives and appointment as nearest relative and the acceptance and exercise of guardianships under the Mental Health Act 1983.
3. To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.
4. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005 including appointment as Deputy and applications to the Court of Protection and undertaking Deprivation of Liberty Safeguard authorisations (DoLS).
5. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and AHS corporate complaints procedure.
6. Establishing and amending a charging policy for Adults Social Care.
7. Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
8. Setting and varying fees and charges for delivery of services.
9. ~~Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning, commissioning, and~~

~~cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders. Ensure our duty to co-operate is undertaken alongside our health partners and other agencies in the planning, commissioning, and assessing risk posed by violent or sexual offenders led by the probation service, the prison service, and police.~~

10. Protection and promotion of the welfare and wellbeing of adults who have social care needs, including young people who have social care needs and who are moving into adulthood.
11. To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adult and Health Services.
12. The provision, operation, commissioning, and variation of payments to external providers in respect of services arranged by the Corporate Director of Adult and Health Services.
13. Under the Care Act 2014 to discharge any functions in relation to the social care duties of the Council including:
  - (a) To provide information and advice about care and support services for adults and carers.
  - (b) To provide or arrange access to preventative services promoting wellbeing and independence.
  - (c) Ensuring that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure.
  - (d) Carrying out an assessment and applying national eligibility criteria for anyone who appears to require care and support, including carers who may need support.
  - (e) Work together with the NHS to ensure the safe hospital discharge of people with care and support needs.
  - (f) To provide a personal budget to anyone with 'eligible needs'.
  - (g) To provide access to advocacy for anyone who would have 'substantial difficulty' in being involved in making decisions about their care and support and have no appropriate individual (carer, family, or friend) to advocate for them.
  - (h) To have in place a Safeguarding Adults Board with a duty to assure itself that partners are working together to safeguard adults from abuse and neglect or the risk of abuse and neglect, and to support communities to prevent abuse and neglect.
  - (i) To make enquiries into specific concerns of abuse and neglect requiring the cooperation of partner agencies and led multi agency safeguarding investigations.

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

## Specific Delegations

1. To coordinate the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered.
2. To meet the requirements as set down by regulatory bodies in relation to the employment, registration, and training of all registrable staff.
3. To advise and contribute to the preparation of the Integrated Needs Assessment and Joint Health & Wellbeing Strategy in conjunction with the Director of Public Health and the North East and North Cumbria Integrated Care Board.
4. To be the lead Director on the local Safeguarding Adults Board in accordance with legislation and guidance.
5. To work in collaboration with partners in the development of the Safe Durham Partnership Strategic Assessment on behalf of the Safe Durham Partnership.
6. In conjunction with the Corporate Director of Resources sign off the Better Care Fund.
7. To take responsibility for the management of Adult Social Care functions in the context of the Integrated Community Services model.
8. To exercise the Council's duties and responsibilities in respect of market shaping and commissioning adult care and support as outlined in the Care Act 2014.

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

**~~The matters set out below are, in addition, delegated to the Director of Public Health:~~**

- ~~i. Under Section 73A(1) of the National Health Service Act 2006 Act inserted by section 30 of the Health and Social Care Act 2012 Act;~~
  - ~~i. To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need;~~
  - ~~ii. To undertake duties to take steps to improve public health;~~

- ~~iii. To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations- these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act;~~
- ~~iv. To respond as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;~~
- ~~v. To promote Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005) for maternity or child health clinics;~~
- ~~vi. To consult and make decisions on Fluoridation Schemes;~~
- ~~vii. The commissioning of services in relation to 0-5 children's public health.~~
- ~~viii. To take responsibility for the management of the Council's Public Health Services and function, with professional responsibility and accountability for their effectiveness, availability, and value for money.~~
- ~~ix. To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's health concerns and around access to health services.~~
- ~~x. To provide the public with expert, objective advice on health matters.~~
- ~~xi. To promote action across the life course, working together with council colleagues such as the Corporate Director of Adults and Health Services and with NHS colleagues.~~
- ~~xii. To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service, and the prison service to assess the risk posed by violent or sexual offenders.~~
- ~~xiii. Under the National Health Service Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility for writing the annual report on the health of the local population. (The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).~~
- ~~xiv. Under section 6C of the National Health Service Act 2006;~~
  - ~~i. To ensure appropriate access to sexual health services;~~
  - ~~ii. To take responsibility for the National Child Measurement Programme;~~
  - ~~iii. To take responsibility for the NHS Health Check Assessment;~~
  - ~~iv. Support to NHS Commissioners.~~

- ~~v. To act as either as lead or supporting Director of Public Health chairing or co-chairing input into the Local Health Resilience Partnership (LHRP) for County Durham, Darlington, and Tees Valley.~~
- ~~vi. To seek assurance of the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.~~
- ~~vii. To seek assurance of the NHS immunisation programmes including children 0-5 years, HPV and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.~~
- ~~To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.~~
- ~~viii. Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.~~
- ~~ix. Setting, varying, and recovering charges in respect of certain steps taken in the exercise of health improvement duties.~~
- ~~x. To advise and contribute to the preparation of the Pharmaceutical Needs Assessment.~~

~~The matters set out below are delegated to the Director of Integrated Community Services:~~

- ~~To take responsibility for the management of Adult Social Care functions in the context of the Integrated Community Services model.~~
- ~~To protect and promote the welfare of vulnerable adults.~~

~~The matters set out below are delegated to the Head of Integrated Strategic Commissioning:~~

- ~~To exercise the Council's duties and responsibilities in respect of market shaping and commissioning adult care and support as outlined in the Care Act 2014.~~

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## **Table 5 - Delegations to the Director of Public Health**

### **Specific Delegations**

1. Under Section 73A(1) of the National Health Service Act 2006-Act inserted by section 30 of the Health and Social Care Act 2012-Act;
  - (a) To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need;
  - (b) To undertake duties to take steps to improve public health;
  - (c) To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations- these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act;
  - (d) To respond as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
  - (e) To promote Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005) for maternity or child health clinics;
  - (f) To consult and make decisions on Fluoridation Schemes;
  - (g) The commissioning of services in relation to 0-5 children's public health.
2. To take responsibility for the management of the Council's Public Health Services and function, with professional responsibility and accountability for their effectiveness, availability, and value for money.
3. To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's health concerns and around access to health services.
4. To provide the public with expert, objective advice on health matters.
5. To promote action across the life course, working together with council colleagues such as the Corporate Director of Adults and Health Services and with NHS colleagues.
6. To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service, and the prison service to assess the risk posed by violent or sexual offenders.
7. Under the National Health Service Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility for writing the

annual report on the health of the local population. (The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).

8. Under section 6C of the National Health Service Act 2006;
  - (a) To ensure appropriate access to sexual health services;
  - (b) To take responsibility for the National Child Measurement Programme;
  - (c) To take responsibility for the NHS Health Check Assessment;
  - (d) Support to NHS Commissioners.
9. To ~~act as either as lead or supporting Director of Public Health chairing or co-chairing~~ input into the Local Health Resilience Partnership (LHRP) for County Durham, Darlington, and Tees Valley.
10. To seek assurance of the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.
11. To seek assurance of the NHS immunisation programmes including children 0-5 years, HPV and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.
12. To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
13. Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.
14. Setting, varying, and recovering charges in respect of certain steps taken in the exercise of health improvement duties.
15. To advise and contribute to the preparation of the Pharmaceutical Needs Assessment.



## Table 6 - Delegations to the Corporate Director of Children and Young People's Services

### Executive Functions

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

1. To act as the statutory officer under section 18(1) of the Children Act 2004 and provide arrangements for the safeguarding of vulnerable children and for promoting the wellbeing of children and families.
  2. The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-
    - (a) Children, or
    - (b) Children and young people leaving care
  3. Issuing and conducting proceedings, including care proceedings and applications for placement orders in accordance with the Children Act 1989 and the Adoption and Children Act 2002 and all other relevant legislation and guidance.
  4. Functions exercisable on behalf of an NHS body so far as it relates to children and young people.
  5. To manage the Council's function as Local Education Authority, in accordance with strategic plans approved by the Council and governing legislation.
  6. The Council's powers and duties in relation to the provision and commissioning of education and training opportunities for young people as determined by the Education Act 1996 and Education and Skills Act 2008 and all other legislation and guidance relating to education and training for young people.
  7. The effective and lawful operation of a secure unit in accordance with the licence requirements set by the Office for Standards in Education, Children's Services and Skills (Ofsted).
- ~~The provision of assessment and treatment services for children and young people in accordance with the Mental Health Act 1983.~~
8. To discharge all statutory duties and powers related to mental health services for children and young people in accordance with the Mental Health Act 1983.

9. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure relating to children and young people.
10. Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
11. Setting and varying fees and charges for delivery of services.
12. Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County for children and young people ~~including the development of Cooperation Agreements and Partnerships and Agreements for joint working arrangements~~.
13. To meet the requirements as set down by regulatory bodies in relation to the operation of services within Children and Young People's Services.
14. To discharge the Council's responsibilities under Section 39(1) of the Crime and Disorder Act 1998 which requires the co-operation of the named statutory partners to form a Youth Justice Service.
15. The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Children and Young People's Services.
16. The provision, operation and commissioning of vocational training and allied services for persons over compulsory school age, including the provision of secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment and promotion of arrangements to assist persons to obtain employment and employers to obtain employees.
17. The provision, operation and commissioning of services in relation to Adult Learning.
18. To coordinate the transition of service provision for children who will require services into adulthood.
19. Under the Children and Families Act 2014, to discharge any functions in relation to the social care duties of the Council including:
20. To discharge the Council's powers and duties in the Children and Families Act 2014 in relation to children and young people with Special Educational Needs and Disabilities, including the publication of a 'Local Offer' which sets out services available for children and young people with special educational needs between the ages of 0-25.

21. To approve foster parents and to establish and maintain an adoption service in accordance with the Adoption Acts.

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

### **Specific Delegations**

1. To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.
2. To license the employment of children in accordance with the Children and Young Persons Act 1933.
3. To be the lead Director on the Local Safeguarding Children's Partnership in accordance with legislation and guidance.

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

### Specific and non-executive delegations

1. To review decisions made by the Head of Corporate Property and Land relating to the list of assets of community value.

### The following matters are, in addition, delegated to the Head of Environment:

2. To authorise suitably qualified and competent staff within Environmental Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under all legislation related to the Executive functions in paragraph 1 of Table 6.
3. To authorise suitably qualified and competent staff within Environmental Services to discharge the regulatory and enforcement functions of the Council related to the Executive functions in paragraph 1 of Table 6.
4. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions including the institution of legal proceedings under all legislation related to the Executive functions in paragraph 1 of Table 6.
5. To issue simple and conditional cautions in accordance with PACE and the Home Office Guidance to persons guilty of criminal offences under legislation relating to Executive functions in paragraph 1 of Table 6.
6. To exercise functions as Waste Collection and Disposal Authority under all legislation relating to Waste Management.
7. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation relating to Executive functions listed in Paragraph 1 of Table 6.
8. To manage the Council's allotments which includes responsibility for the grant, renewal and termination of allotment tenancies.
9. To designate any areas to be of special architectural or historical interest as conservation areas; to review and amend the boundaries and conclude Character appraisals and to formulate and prepare proposals for the preservation and enhancement of those areas.

**The following matters are, in addition delegated to the Head of ~~Technical Services~~ Highway Services:**

1. Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically but not exclusively to:
  - (a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice;
  - (b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements;
  - (c) determine applications for licences, permits and consents in connection with vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers;
  - (d) exercise the Council's common law powers to remove obstructions and abate nuisances on the highway;
  - (e) take action to protect highways rights and deal with obstructions;
  - (f) direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off the highway;
  - (g) to make temporary road closure orders/notices, orders closing streets for processions etc and exercise the Council's powers;
  - (h) enforce all the provisions of and initiate legal proceedings under all the sections of the Highway Act 1980;
  - (i) to exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths;
  - (j) to grant street works license under section 50 of the New Roads and Street Works Act 1991
  - (k) to issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network;
2. To exercise all the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.
3. To authorise suitably qualified and competent staff within ~~Technical Services~~ Highway Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers regulatory and enforcement functions under the legislation relevant to the role of Head of ~~Technical Services~~ Highway Services.
4. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under all legislation relevant to the role of Head of ~~Technical Services~~ Highway Services.

5. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation relevant to the role of Head of ~~Technical Services~~ Highway Services.
6. To exercise the functions of land drainage and Lead Local Flood Authority.

**The following matters are, in addition, delegated to the Head of Partnerships and Community Engagement:**

7. To authorise the expenditure of Neighbourhood and Area budgets approved by the Council in consultation with the relevant Area Action Partnership Board and the appropriate local Member(s).
8. To support and co-ordinate partnership boards including and not limited to community safety/ crime and disorder; health and wellbeing; children, young people and families.
9. To plan the requirements for welcoming and supporting refugees and individuals seeking asylum, including capacity within the County as part of the Government Migration Programme.

**The following matters are, in addition, delegated to the Head of Community Protection:**

10. To exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
  - (a) Performances of hypnotism;
  - (b) Premises for acupuncture, tattooing, ear piercing and electrolysis;
  - (c) Pleasure boats and pleasure vessels;
  - (d) Night cafes and take-away food shops;
  - (e) Sale of non-medicinal poisons;
  - (f) Premises for the preparation of food including registration;
  - (g) Scrap yards;
  - (h) Pet shops and the breeding and boarding of dogs or other animals;
  - (i) Animal trainers;
  - (j) Knackers' yards;
  - (k) Charitable collections;
  - (l) Operation of loudspeakers;
  - (m) Street works licences;
  - (n) Movement and sale of cattle and pigs;
  - (o) Storage of celluloid;
  - (p) Meat, fish, dairy and egg product establishments and butchers' shops;
  - (q) Motor salvage operations;

<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application for provisional statement in respect of which no representations received	Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Hearing in relation to a Temporary Use Notice or to agree with other parties in the event of an objection that a hearing is unnecessary	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in their absence the Central Services Manager) (Refusal to be exercised only in consultation with Chair or Vice-Chair of the Licensing Committee)
<u>Schedule 10</u> Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
Schedule 11 Paragraph 44	Registration of society for small society lottery	Officers



<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
<a href="#"><u>Schedule 11</u></a> Paragraph 48	Refusal of application for registration of society for small society lottery	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
<a href="#"><u>Schedule 11</u></a> Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with the Chair or Vice-Chair of the Licensing Committee
<a href="#"><u>Schedule 11</u></a> Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers
Schedule 12 Paragraphs 5 and 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received	Officers
<a href="#"><u>Schedule 12</u></a> Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)	Licensing Sub-Committee
	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received	Officers
<a href="#"><u>Schedule 12</u></a> Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit	Licensing Sub-Committee
<a href="#"><u>Schedule 12</u></a> Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee	Officers
Schedule 13 Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit	Officers (Refusal and limitation on number of machines only in consultation with Chair or Vice-Chair of the Licensing Committee)
<a href="#"><u>Schedule 13</u></a> Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)	Licensing Sub-Committee

<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received	Officers
<a href="#"><u>Schedule 13</u></a> Paragraph 17	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee	Officers
Schedule 14 Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit	Officers (Refusal only in consultation with Chair or Vice-Chair of Licensing Committee)
<a href="#"><u>Schedule 14</u></a> Paragraph 15	Determination that Prize Gaming Permit has lapsed	Officers

## Table 8 - Delegations to the Corporate Director of Resources

### Executive Functions

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

- The proper administration of the Council's financial affairs
- The provision of Legal and Democratic Services to the Council
- HR and Employee Services
- Digital Services
- Coroners
- Land charges
- The Registration of Births, Deaths and Marriages
- Transactional and Customer Services
- ~~Archive and Records~~
- Information Management and Governance
- ~~Service review and Improvement~~
- ~~Transformation Programme~~
- Pensions
- Procurement, Sales and Business Services

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

### Specific and Non-Executive Delegations

1. To authorise the termination of employment of staff by reason of early retirement with voluntary redundancy where there is a cost to the Council associated with the early release of pension benefits. This will be in consultation with the Cabinet Portfolio Member for Corporate Resources and Rural Issues.
2. To determine the early release of pension benefits on compassionate grounds, in consultation with the Cabinet Portfolio Member for Social Inclusion, having regard to any representations received from Opposition Group Leaders

## Transactional and Customer Services

3. To establish an appropriate Debt Management Strategy and Policy and to implement appropriate action to ensure the collection of revenue, council tax and business rates, including ~~making arrangements~~ for the use of Enforcement Agents where appropriate.
4. The administration of housing benefits, ~~including Discretionary Housing Payments and~~ the administration of the Local Council Tax Support Scheme ~~(from 1 April 2013), the administration of applications and awards in relation to Discretionary Housing Payments and the Council's Welfare Assistance Scheme.~~
5. The policy development and administration of Government funded financial support schemes.
6. The review and adoption of ~~To establish and amend/update~~ the Council's Discretionary Housing Payments Policy.
7. The review and adoption of ~~To establish and amend/update~~ the Council's Welfare Assistance Scheme Policy ~~and to administer applications and awards under the scheme.~~
8. The review and adoption of ~~To establish and amend/update~~ the Council's Residential Care Charging Policy, in line with legislation ~~the Care Act 2014~~, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payments~~s~~, including:
  - (a) To waive or reduce charges for care services in individual cases.
  - (b) To disregard the value of a property in a financial assessment.
9. The review and adoption of ~~To establish and amend/update~~ the Council's Non-Residential Care Charging Policy, in line with legislation ~~the Care Act 2014~~, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payments Arrangements, including:
  - (a) To waive or reduce charges for care services in individual cases.
  - (b) To disregard the value of a property in a financial assessment.
10. The provision of a Welfare Rights Service and the commissioning of Advice Services, including working with and supporting ~~overseeing~~ the Advice in County Durham Partnership.
11. To apply to the Court of Protection for Deputyship or single orders related to finance and property and to act as dually appointed Financial Appointee or

Deputee for those individuals who lack mental capacity and are subject to such orders.

- ~~12. To waive or reduce charges for care services in individual cases.~~
- ~~13. To disregard the value of a property in a financial assessment.~~
- 14. Completion of statutory submissions to Government of the council tax and business rates returns.
- 15. To establish and amend/update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.
- 16. To establish and amend/update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes.
- 17. To establish and amend the Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.
- 18. The operation and development of the systems supporting payments and financial support
- 19. Agreement of remedies to customers in line with the Council's Corporate Complaints Policy

## Corporate Finance and Commercial Services

- 20. To exercise MTFP, annual budget setting, budgetary control and final accounts functions ~~the budgetary control functions~~ referred to the Corporate Director under the Council's Financial Procedure Rules.
- 21. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
- ~~22. To maintain an effective internal audit service.~~
- ~~23. To act as lead officer for the Audit Committee.~~
- ~~24. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.~~
- ~~25. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.~~
- 26. To make appropriate banking arrangements on behalf of the Council.

27. ~~The operation and development of the Council's financial systems. To insure against risks where this is considered appropriate.~~
28. The operation of the Council's accounting systems ~~and payroll.~~
29. To authorise the release of funds from contingencies as set out in the Revenue Budget and to forecast and to manage the Council's Collection Funds, making adjustments to payments to principal precepting bodies as appropriate.
30. To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
31. To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:
  - (a) Section 115(2) (Accountability of Officers);
  - (b) Section 146 (Transfer of Securities on Alteration of Area Etc.)
32. To write off debts.
33. To deal with the payment of Coroner's remuneration ~~and expenses.~~
34. ~~To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.~~
35. To ensure appropriate financial arrangements across the Council.
- ~~36. To authorise expenditure within the approved budget for civic hospitality.~~
37. To agree the terms of loans permitted under law.
38. To make a statutory declaration of local authority mortgage interest.
- ~~39. To respond to notices in relation to EU financial sanctions.~~
40. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
- ~~41. To forecast yield from Business Rates including the completion and submission to Government of the NNDR 1 and NNDR 3 returns, factoring the implications of the Business Rate Retention Scheme (from 1 April 2013) into the Medium Term Financial Plan and maintaining a Collection Fund in accordance with proper accounting practice.~~
- ~~42. To establish and amend/update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.~~

- ~~43. To establish and amend/update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes.~~
- ~~44. To establish and amend the Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.~~
45. To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.
46. To ensure appropriate arrangements are in place in respect of the effective administration of pooled DCC and NHS monies included within the Durham Better Care Fund and associated integrated budgets.

## Pensions

47. In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme including, but not restricted to, the following:
- (a) To ensure that Pension Fund complies with the Local Government Pension Scheme Regulations and all other legislation that governs the administration of the Pension Fund.
  - (b) To exercise discretions the Council as administering authority has, under the regulations governing the Local Government Pension;
  - (c) To administer the financial affairs of the Pension Fund;
  - (d) To agree the write-off of bad debts;
  - (e) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
  - (f) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund that is necessary in order to protect the interests of the Fund.
  - (g) To maintain all necessary accounts and records in relation to the Pension Fund, including the preparation of the Annual Accounts;

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



- (u) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement
- (v) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Statement of Investment Principles Investment Strategy Statement.
- (w) To review the Fund's approach to responsible investment and policy on social, environmental and ethical matters on the exercise of rights, including voting rights;
- (x) To produce as part of the Funding Strategy Statement, an assessment of identified risks ~~all the specific risks that can be identified~~ in relation to the management of the Pension Fund.
- (y) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles and alternative investments within the Border to Coast pooled arrangements.
- (z) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on the relevant investment performance of ~~the investment managers~~ Border to Coast to each meeting of the Pension Fund Committee.
- (aa) To provide quarterly reporting to the Local Pension Board in line with the Board's Terms of Reference in order to assist the Board in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and; the effective and efficient governance and administration of the Scheme.

## HR and Employee Services

- 48. To implement the Council's decisions in relation to Single Status and Job Evaluation.
- 49. To approve the regrading of posts up to and including Head of Service level.
- 50. To seek to offer alternative employment to any permanent employee who becomes surplus to the requirements of the Service or whose employment is at risk through reasons of ill health or other incapacity.

51. To determine applications for the extension of sick pay.
52. To approve applications for leave of absence in cases not covered by the Council's policies.
53. To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
54. To approve overtime payments for employees above Grade 8.
55. To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance and Commercial Services.
- ~~56. To coordinate the Member Training and Development Programme including:
  - ~~i. management of the approved Member Training and Development Budget; and~~
  - ~~ii. authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader and the Head of Legal and Democratic Services.~~~~
57. To decide, taking into account the opinion of an independent registered medical practitioner, whether under the Local Government Pension Scheme Regulations, a member is eligible for an ill health pension and if eligible, what level of ill health pension the scheme member should be awarded.
58. To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.
59. To negotiate and agree local agreements changing staff terms and conditions of employment.
60. To formulate and implement policies relating to employed staff.
61. The operation and development of HR and Payroll systems.

### ~~Legal and Democratic Services~~

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

- ~~62. To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director of Resources in connection with the administration of the Council's financial affairs. This delegation shall not derogate from the general delegation under Table 1 paragraph 8.~~

- ~~63. To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act 1985.~~
- ~~64. To act as Proper Officer for the Registration of Births, Deaths and Marriages Service pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.~~
- ~~65. To approve premises for the solemnization of marriages and the registration of civil partnerships~~
- ~~66. To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.~~
- ~~a. To prepare, negotiate and agree all legal documentation in relation to all land and property in the Council's ownership or for the acquisition of land and property by the Council.~~
  - ~~b. To prepare, negotiate and agree all legal documentation other than those contained in sub-paragraph (a) relating to or affecting the functions of the Council.~~
  - ~~c. To sign or attest the Council's seal in all legal documents referred to in sub-paragraphs (a) and (b) and all other legal documentation intended to give effect to decisions of the Council.~~
  - ~~d. To sign or attest the Council's seal to all documents referred to in sub-paragraph (a).~~
- ~~67. To prepare, negotiate and agree all legal documentation in relation to all land and property held by the Council as a trustee.~~
- ~~68. To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.~~
- ~~69. Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.~~
- ~~70. To commission external legal advice as required.~~
- ~~71. To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.~~
- ~~72. To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation first with the Corporate Director of Resources as s151 Officer and then with the Leader or Deputy Leader of the~~

~~Council except in cases of urgency where the settlement is made on the advice of Counsel.~~

- ~~73. To settle claims from staff for damage to personal property in accordance with the Council's policies.~~
- ~~74. In consultation with the Chair of the Corporate Overview and Scrutiny Management Board, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).~~
- ~~75. To:~~
- ~~a. appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and~~
  - ~~b. undertake the role of company secretary in any company for which the Council provides secretarial or administrative services.~~
- ~~76. In consultation with the Chief Executive, to make appointments of Members to local and other outside bodies which are not the subject of report to the Council or the Executive, in consultation with the respective political group leaders.~~
- ~~77. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.~~
- ~~78. To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.~~
- ~~79. To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).~~
- ~~80. To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).~~
- ~~81. In consultation with the Corporate Director for Neighbourhoods and Climate Change and the Chair and Vice-Chair of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.~~
- ~~82. To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.~~
- ~~83. To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.~~

- ~~84. To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.~~
- ~~85. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.~~
- ~~86. To deal with the payment of Coroner's remuneration and expenses.~~
- ~~87. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009~~
- ~~88. To discharge the Council's functions in relation to Local Land Charges.~~
- ~~89. To oversee the management of the Council's Overview and Scrutiny functions.~~
- ~~90. To coordinate the Member Training and Development Programme including:~~
- ~~a. management of the approved Member Training and Development Budget; and~~
  - ~~b. authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader and the Head of Legal and Democratic Services.~~

## **Procurement Sales and Business Services**

- ~~91. To exercise the contractual approval functions referred to the Corporate Director under the Council's Contract Procedure Rules.~~
- ~~92. To ensure appropriate contractual arrangements across the Council in relation to the receiving of goods, works and services.~~
- ~~93. To ensure appropriate procurement arrangements are in place in respect of pooled DCC and NHS (or other Partner(s) or Bodies) monies held by DCC on behalf of those named bodies or partners.~~
- ~~94. Approve variations as set out in the Contract Procedure Rules or elsewhere in this Constitution.~~
- ~~95. Authorise the collection of income from commercial activities.~~
- ~~96. Authorise the use of professional services via the approved neutral vendor model delivery strategy~~

## **Internal Audit, Fraud, Risk and Governance**

97. To maintain an effective internal audit service.
98. To act as lead officer for the Audit Committee.
99. To maintain an effective corporate fraud service.
100. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
101. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.

## **Digital Services**

102. Taking all operational decisions necessary to secure the provision of digital and ICT services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules including, but not restricted to the following:
  - (a) Maintenance and review of an appropriate IT and Digital Service, including a council-wide strategy and support for all business systems.
  - (b) Development, maintenance, and assurance of all internal and external IT solutions/systems.
  - (c) Management of the Council's resources and assets, systems, digital and information technology and maintenance and ongoing delivery of Operational ICT.
  - (d) The governance/assurance of technical delivery and strategy pertaining to Cyber Security, Smart Place and Digital Place agendas, including Digital Inclusion.
  - (e) Maintain the delivery of Change Services; Solution Architecture & Design ensuring the ongoing delivery of Digital Services to citizens, the council, and communities.

## **Legal and Democratic Services**

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

103. To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director of Resources in connection with

123. To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.
124. To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.
125. To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.
126. To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.
127. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009
128. To deal with the payment of Coroner's expenses.
129. To discharge the Council's functions in relation to Local Land Charges.
130. To oversee the management of the Council's Overview and Scrutiny functions.
131. To coordinate the Member Training and Development Programme including:
  - i. management of the approved Member Training and Development Budget; and
  - ii. authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader and the Head of Legal and Democratic Services.
132. In consultation with the Chair of the Standards Committee, to approve any temporary appointment of an independent person to discharge the functions set out in section 28(7) of the Localism Act 2011 where the position is vacant or an existing appointee is unable to act.
133. To approve officer severance payments of less than £20,000.
134. To authorise expenditure within the approved budget for civic hospitality.

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- (b) the Chair of the Council;
- (c) any 5 Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

### 3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## 4. Time, and Place ~~and Duration~~ of Meetings

### 4.1 Time and Place of Meetings

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

The place where a remote meeting is held, or to be held could include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

### ~~4.2 Duration of Meetings~~

- ~~(a) At an ordinary meeting of the Council, when two and a half hours have elapsed after the commencement of the meeting, the Chair shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.~~
- ~~(b) If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.~~
- ~~(c) During the process set out in paragraphs (a) and (b) above the only other motions which may be moved are that a matter be withdrawn under Rule 12.8, that a particular Rule be suspended under Rule 21.1 or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Rule 11.~~
- ~~(d) When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.~~

- (ii) It relates to a licensing decision;
- (iii) It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

## 9. Questions

### By the Public

**9.1** Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

### 9.2 Time Allowed for questions

The time allowed for considering questions under this Rule shall not, without the consent of the Council, exceed 10 minutes.

### 9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to [insert email address] to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

### 9.4 Number of questions

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of one organisation.

### 9.5 Scope of questions

The Head of Legal and Democratic Services may reject a question, whether submitted by a Member of the Council or a member of the public, if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the County;
- (b) is defamatory, frivolous or offensive;
- (c) is vexatious or abusive;
- (d) is substantially the same or similar to a question which has been put at a meeting of the Council in the past six months;
- (e) requires the disclosure of confidential or exempt information;

- (f) is lengthy, or a speech;
- (g) is an expression of opinion;
- (h) relates to a question of fact;
- (i) relates to a matter which is of purely personal concern to an individual or family members;
- (j) relates to court action or threatened court action that the person or group are taking against the Council;
- (k) is a request for compensation;
- (l) contains a statement which is untrue;
- (m) is an unintelligible question.
- ~~(n) —relates to a matter on which the Council has, or may, determine a policy.~~

## By Members

### 9.6 On reports of the Executive or committees

Subject to 9.9 and 9.11, a Member of the Council may ask the Leader or the Chair of a committee any question on a report from the Executive or Committee.

### 9.7 Questions on notice at full Council

Subject to Rule 9.9, a Member of the Council may ask:

- (a) the Chair, a member of the Executive or the chair of any committee or sub-committee, a question on any matter in relation to which the Council has powers or duties or which affects the County, and
- (b) the Chair of the County Durham and Darlington Fire and Rescue Authority, a question on the business of the relevant Authority.

### 9.8 Questions on notice at Committees and Sub-Committees

Subject to Rule 9.9, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.

## 9.9 Notice of questions

A member may ask a question under Rule 9.6, 9.7 or 9.8 if either:

- (a) they have given notice of the question in writing ~~or~~ by electronic mail to [insert email address] no later than midday 3 working days before the day of the meeting ~~to the Head of Legal and Democratic Services~~; or
- (b) the question relates to urgent matters, they have the consent of the Chair or member to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 9.00 a.m. on the day of the meeting.

## 9.10 One Question per Member

A Member may ask only one question under Rule 9.6, 9.7 or 9.8 except with the consent of the Chair of the Council, committee or sub-committee.

## 9.11 Supplementary question

A Member asking a question under Rule 9.6, 9.7 or 9.8 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## 9.12 Length of Speeches

Neither a Member asking a question under Rule 9.7 or 9.8 nor a Member answering such a question may speak for longer than three minutes each unless the Chair consents to a longer period.

## ~~9.13 Content of Questions~~

~~Questions under Rule 9.6, 9.7 or 9.8 must, in the opinion of the Chair:~~

- ~~(a) contain no expressions of opinion;~~
- ~~(b) relate to matters on which the Council has or may determine a policy;~~
- ~~(c) not relate to questions of fact.~~
- ~~(d) not require the disclosure of confidential or exempt information;~~
- ~~(e) not relate to a matter which is of purely personal concern to an individual / family members.~~

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (d) If when a question is put, it appears that it is beyond the remit of the Member to which it is directed, the Chair may invite the relevant Member to also provide a brief response.

## 9.18 Written answers

- (a) Any question from the public which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Copies of the questions and responses will be available on the Council's website with the agenda for the relevant meeting.
- (b) Where a reply cannot conveniently be given orally to a question from a Area Action Partnership or Member, a written answer will be circulated later to the questioner.

## 9.19 Reference of question to the Executive or a committee

Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

# 10. Motions on Notice

## 10.1 Application of Rules

Rules 10.2 to 10.7 do not apply to motions on notice under rule 10.8.

## 10.2 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, must be delivered ~~to the Head of Legal and Democratic Services by electronic mail sent to motions@durham.gov.uk~~ not later than 5.00 p.m. on the seventh working day before the Council meeting at which it is to be considered. ~~The notice may also be given by electronic mail sent to motions@durham.gov.uk.~~

### 10.3 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.

### 10.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County.

### 10.5 Motion to remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least 2 political groups.
- (b) In order for such a motion to be carried it must have the support of at least two-thirds of those members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12-month period.

### 10.6 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chair.

### 10.7 Time Allowed for Motions

- (a) The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 30 minutes.
- (b) 15 minutes before the expiry of the 30-minute overall time limit for consideration of motions (or such longer period to which Council has consented), the Chair will advise the meeting that:
  - (i) There is 15 minutes remaining for motions;
  - (ii) That this will be the cut-off and no further registrations to speak will be accepted;
  - (iii) The number of registered speakers remaining; and
  - (iv) That those already registered to speak will be called in order until expiry of the time limit.

- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular Council procedure rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

## 12. Rules of Debate

### 12.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### 12.2 ~~Right to require motion~~ Requirement to submit motions in writing

Unless notice of the motion has already been given, the Chair will require it to be written down and handed to them before it is discussed.

### 12.3 Seconder's speech

20.6 Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are designated substitute.
- (b) where the ordinary Member will be absent for the whole of the meeting;
- (c) where the ordinary Member has notified the Head of Legal and Democratic Services or the Democratic Services Manager of the intended substitution:
  - i. at least one hour before the start of the relevant meeting unless the meeting is held remotely.
  - ii. by 12 noon one working day before the start of the relevant meeting where the meeting is held remotely.
- (d) provided, in the case of area committees, that the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the County.

## **21. Suspension and Amendment of Council Procedure Rules**

### **21.1 Suspension**

All of these Council Rules of Procedure except Rule 10.5(c), 14.5 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting. Rule 10.5(c) can only be suspended by motion on notice and the motion must have the support of at least two thirds of those members present and voting.

### **21.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **22. Reasonable Adjustments**

The Chair may, from time to time, make minor changes to the application of these rules to provide reasonable adjustments for disabled persons.

## **23. Application to Committees and Sub-Committees**

- (a) All of the Council Rules of Procedure apply to meetings of full Council.
- (b) None of the rules apply to meetings of the Executive.



- (c) Only Rules 4-7 and 13 – 22 (but not Rule 18.1) apply to meetings of committees and sub-committees.
- (d) Rule 7 does not apply to meetings of the Statutory Licensing Sub-Committees or the Area Licensing Sub-Committees or the Appeals Sub-Committees for which the quorum is as specified in Article 4 of this Constitution.
- (e) Rule 14.4 does not apply to any committee or sub-committee with a membership of less than 5 members.

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- 1.2.5 Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

### 1.3 Who do Financial Procedures apply to?

- 1.3.1 Financial Procedures apply to every member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.
- 1.3.2 Separate financial procedures have been incorporated into the Council's Scheme for Financing of Schools and relate to those matters where decisions have been delegated to school governing bodies.
- 1.3.3. These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.
- 1.3.4 Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

### 1.4 Who is responsible for ensuring that they are applied?

- 1.4.1 Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by their staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.
- 1.4.2 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting (under Local Government Finance Act 1988 (S114)) where appropriate, breaches of the Financial Procedures to the Council and / or to the Executive Members.
- 1.4.3 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.
- 1.4.4 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement

of value for money or the best interests of the Council, they shall raise the issue with the Chief Finance Officer who will, if they consider it necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

## **2. FINANCIAL MANAGEMENT – GENERAL ROLES AND RESPONSIBILITIES**

### **2.1 The Role of the Full Council**

2.1.1. The Council has a duty towards its Council Tax payers with regard to financial decisions and their consequences. The full Council is responsible for approving the Budget and Policy Framework within which the Cabinet operates having regard to the Chief Financial Officer's comments in their report under Section 25 of the Local Government Act 2003. The budget setting process includes the approval of Prudential Indicators as required by the CIPFA Prudential Code for Capital Finance in Local Authorities. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The role of the Council is set out in this Constitution.

### **2.2 The Role of the Cabinet**

2.2.1 The Cabinet (as the Council's Executive) is responsible for proposing the Budget and Policy Framework to full Council, and for discharging executive functions in accordance with the Budget and Policy Framework. The role of the Cabinet is set out in this Constitution.

### **2.3 The Role of the Audit Committee**

2.3.1 The Audit Committee approves the final accounts and is an advisory committee to both the Council and the Executive on audit and governance issues in order to provide independent and effective assurance over the adequacy of the Council's financial management and reporting, risk management framework, and other processes required to achieve the council's corporate and service objectives risk management framework and associated control environment.

### **2.4 The Role of Overview and Scrutiny Committees**

2.4.1 The overview and Scrutiny Committees are responsible for scrutiny of decisions of the executive; to hold them to account and make recommendations on policy development and implementation. Scrutiny contributes to policy development and performance improvement

through its review activity and plays an important part in monitoring performance and both revenue and capital expenditure.

## 2.5 The Role of the Chief Finance Officer

2.5.1 The Chief Finance Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Act 2003
- The Accounts and Audit (England) Regulations 2011
- The Code of Practice on Local Authority Accounting (the Code)

2.5.2 The Chief Finance Officer is the Council's professional adviser on financial matters and is responsible for:

- The proper administration of the Council's financial affairs.
- Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the full Council for approval.
- Annually reviewing and updating, and monitoring compliance with Financial Management Standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information and advice to the Corporate Management Team, the Cabinet, the Council and the Audit Committee on all aspects of its activity including the presentation of appropriate financial options as necessary.
- Providing relevant financial information to Overview and Scrutiny Committees.
- Providing training for Members and officers on finance issues.
- Determining accounting policies and ensuring that they are applied consistently.
- Determining accounting procedures and records of the Council.
- Reporting, where appropriate, breaches of the Financial Procedures to the Council and/or Cabinet.
- Preparing and monitoring the revenue budget, capital programme and Medium Term Financial Plan.
- Ensuring the provision of an effective Internal Audit Function.

- Ensuring the provision of an effective Treasury Management Function.
- Advising on risk management.
- Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.
- Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.
- Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.
- Ensuring (when required) robust saving plans are in place to meet known financial risks facing the council and enable a balanced budget.
- Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting (the Code).
- Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- Ensuring that proper professional practices, standards and ethics are adhered to.
- Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.
- The appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment.

2.5.3. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council and to the External Auditors if the Council or one of its officers:

- Has made, or is about to make a decision which involves incurring expenditure which is unlawful.
- Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.
- Is about to make an unlawful entry in the Council's accounts.

2.5.4 Section 114 of the 1988 Act also requires:

- The Chief Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally.
- The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal

- Ensuring that all employees in their Departments are aware of their responsibilities according to the financial regulations and other internal regulatory documents and comply with them.

### 3. FINANCIAL PLANNING

#### 3.1 Strategic Planning

- 3.1.1 The full Council is responsible for agreeing the Council's Budget and Policy Framework which will be proposed by Cabinet.
- 3.1.2 The preparation of the medium term financial plan is part of the strategic policy framework of the Council and aims to ensure that the Council's spending plans are prudent, affordable and sustainable, and reflect Council priorities.
- 3.1.3 The policy framework comprises various plans and strategies, as defined in this Constitution. In terms of financial planning, the key elements are:
- The Council's performance management framework
  - The Council Plan
  - The Medium Term Financial Plan (including savings plans)
  - The Corporate Asset Management Plan
  - The Workforce Development Plan
  - The Sustainable Communities Strategy
- 3.1.4 The full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Under the Constitution, the Monitoring Officer has a duty to advise whether decisions of the Cabinet are in accordance with the Budget and Policy framework.
- 3.1.5 Chief Officers are responsible for the preparation and monitoring of service improvement plans within their service areas in accordance with the corporate performance framework determined by the Assistant Chief Executive. Service improvement plans should align with Council values and priorities and be consistent with and based upon the budget allocated by the Council to the service.
- #### 3.2 Budget Preparation
- 3.2.1 The Cabinet, in consultation with the Chief Finance Officer is responsible for determining the general budget strategy and issuing annual guidelines to Members and Chief Officers on:

- Preparing a detailed revenue budget for the following year
- Preparing the Medium Term Financial Plan (4 years)
- Preparing the capital programme
- The timetable for preparing and agreeing the Council's revenue and capital budget

3.2.2 The guidelines will take account of:

- Council priorities as reflected in the Council plan
- Spending pressures
- Savings plans
- What future funding is available
- What level of reserves are available
- The affordability, sustainability and prudence of capital investment plans
- Legal requirements
- Value for money and other relevant government guidelines
- Other internal policy documents
- Cross-cutting issues (where relevant)

3.2.3 The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures the consideration of the full Council's policy framework.

3.2.4 The Chief Finance Officer is responsible for ensuring that a detailed revenue budget is prepared on an annual basis and a general revenue plan on a four yearly basis (Medium Term Financial Plan) for consideration by Cabinet before submission to full Council.

3.2.5 The Chief Finance Officer is responsible for ensuring a capital programme is prepared on an annual basis for consideration by Cabinet before submission to the full Council.

3.2.6 It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the full Council on the adequacy of the reserves for the Council.

3.2.7 Chief Officers are responsible for ensuring that budget estimates are prepared in accordance with guidance issued by Cabinet and reflect agreed service performance plans.

### 3.3 Budget Approval

3.3.1 The full Council is responsible for agreeing the Council's Budget (including Prudential Indicators) and Policy Framework. The policy framework comprises of a number of statutory plans and strategies.



- 3.3.2 The Council's revenue and capital budget will be proposed by the Cabinet, (on the advice of the Chief Finance Officer), and will be approved by the full Council.
- 3.3.3 The full Council may amend the proposed budget or ask the Cabinet to reconsider it before approving it.

### 3.4 Budget Transfers

- 3.4.1 During the year Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- 3.4.2 Budget transfers within services should be agreed at Service Management Teams and then reflected in the budgetary control template which feeds into the monthly update reports to CMT and the quarterly update reports to Cabinet. ~~Once approved by CMT/Cabinet the budget can then be revised in Oracle.~~
- 3.4.3 Budget transfers between service groupings will require the agreement of both services before they can proceed.
- 3.4.4 Transfers to and from Earmarked Reserves need to be agreed by Service Management Teams and reflected during the year in the budgetary control template via the outturn position reporting. Cabinet will ultimately agree these transfers, the reason for which must be clear in the budgetary control report. ~~The budget will be adjusted in Oracle to reflect the transfers, once agreed by Cabinet.~~
- 3.4.5 After the Quarter 3 Outturn Report to Cabinet no further budget adjustments can be made between services or between subjective headings within the same service for the remainder of the financial year.
- 3.4.6 A capital budget cannot be transferred to a revenue budget head.
- 3.4.7 The transfer of capital budgets will require approval consideration by the Capital Member Officer Working Group (MOWG) and full approval by Cabinet. This will include:
- Re-profiling from one financial year to another
  - Significant transfers within capital programme areas
  - Transfers between capital programme areas within a service
  - Transfers between services

- 3.4.8 Any increase in overall capital budget e.g. new grant funding or approval to increase borrowing must be approved by CMT and MOWG before full approval by Cabinet.

### 3.5 Cash Limits

#### 3.5.1 What is the cash limit?

- All running costs of services which are under the control or influence of the Corporate Director.
- The Cash Limit Reserve is the balance which has been built up from any underspends in the year, or from previous years, that is earmarked for planned use by the service.

#### 3.5.2 What are cash limits for?

- To give services the flexibility to manage their budgets over a period of more than one financial year.
- To avoid inappropriate spending decisions by budget managers, who may rush to spend their budget allocation as they approach year end in the fear that the budget will be reduced if the spend is not incurred.

#### 3.5.3 What is not included in the cash limit?

- Corporate budgets (e.g. LGA and ANEC subscriptions)
- Members allowances and other costs
- Coroner's costs
- Investment income
- Capital charges and capital financing
- Recharges where Corporate Directors cannot influence the impact on their services (e.g. Central Admin, Customer Services, Design Services, Sustainable Transport Team and Corporate & Democratic Core)
- Other items as agreed by Cabinet

#### 3.5.4 What happens if excessive costs impact upon service groupings (e.g. extreme weather events such as flooding or severe winters)?

- Requests for excessive costs to be deemed to be outside the cash limit will require approval by Cabinet.
- If approved they will be reported to Cabinet as part of the Forecast of Outturn Report and ~~a budget transfer will be made to the service from~~ will be funded from contingencies.

3.5.5 At the end of each year any over or underspends of the cash limited element of the budget will be transferred to the cash limit reserve for each service grouping.

3.5.6 If any service grouping's cash limit reserve is insufficient to fund any overspends then the following year's budget will be ~~reduced~~ adjusted accordingly.

### 3.6 Budget Monitoring and the Control of Income and Expenditure

3.6.1 The Chief Finance Officer is responsible for:

- Developing an effective framework of budgetary management and control.
- Providing appropriate financial information to enable budgets to be monitored effectively.
- Reporting to Cabinet on the overall Council budget monitoring position on a quarterly basis.
- Reporting to all relevant Scrutiny Committees on a quarterly basis.
- All payments to employees, Members and creditors.
- Maintaining the Council's tax records.
- Advising Chief Officers on all taxation issues that affect the Council.
- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- Agreeing arrangements for the collection of income due to the Council.
- Agreeing banking, borrowing and other credit requirements, e.g. leasing.
- Agreeing the write-off of bad debts in accordance with the Council's Debt Recovery Policy.

3.6.2 The Cabinet is responsible for approving contractual arrangements for any work for third parties or external bodies unless the responsible Chief Officer is authorised in this respect under the Officer Scheme of Delegations at Part 3 of this Constitution.

3.6.3 Separate financial procedures for schools have been incorporated into the Council's Scheme for Financing Schools and relate to those matters where decisions have been delegated to school governing bodies.

3.6.4 It is the responsibility of Chief Officers to:

- Control income and expenditure within their service area.

- Monitor performance in conjunction with the budget taking account of financial information provided by the Chief Finance Officer.
- Report on spending variances within their own areas.
- Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

### 3.7 Reporting Council Spending at Year End

3.7.1 The Audit Committee is responsible for approving the annual audited Statement of Accounts.

3.7.2 The Chief Finance Officer is responsible for:

- Publishing a timetable for the closure of the accounts annually.
- Ensuring that the Council's annual Statement of Accounts is prepared in accordance with the most up-to-date Code of Practice on Local Authority Accounting produced by CIPFA/LASAAC, the latest Accounts and Audit Regulations (England) and any other relevant guidelines.

3.7.3 It is the responsibility of Chief Officers to ensure that arrangements are put in place each year to deliver the Council's closure timetable.

### 3.8 Use of Council Reserves

3.8.1 The Chief Finance Officer is responsible for advising Cabinet and/or the full Council on levels of reserves for the Council. The advice will be based upon an annual review and risk assessment of the prudent levels of reserves the Council should maintain.

3.8.2 The Chief Finance Officer will manage the Council reserves in accordance with decisions taken by the Cabinet and full Council.

## 4. RISK MANAGEMENT AND CONTROL OF RESOURCES

### 4.1 Risk Management

4.1.1 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant Strategic and Operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

- 4.1.2 The Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.
- 4.1.3 The Council has nominated the Chief Finance Officer as the lead officer Risk Management Champion and the Deputy Leader as the Member Risk Champion.
- 4.1.4 The Chief Finance Officer is responsible for preparing the Council's Risk Management Policy Statement, promoting it throughout the Council and for advising the Cabinet on proper insurance cover for material risks where appropriate.
- 4.1.5 The Corporate Risk Management Group supported by the Corporate Risk Manager is responsible for reviewing strategic risks and reporting progress on the management of strategic risk to Cabinet.
- 4.1.6 It is the responsibility of Chief Officers to ensure that there are regular reviews of risk within their areas of responsibility, having regard to advice from the Council's Corporate Risk Manager and other specialist officers (e.g. crime prevention, fire prevention, Health & Safety).

## 4.2 Internal Control

- 4.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- 4.2.2 Internal control systems relate to all aspects of management, not just financial management, but it is particularly important that financial internal control systems are effective to safeguard the use of public funds, ensure that the financial accounts of the council are accurate, all transactions are legal and to prevent and detect fraud, misuse or irregularity.
- 4.2.3 The Chief Internal Auditor and Corporate Fraud Manager is responsible for advising on effective systems of internal control. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that risk management is embedded across the Council as internal controls are established to manage identified risks.
- 4.2.4 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to effectively manage risks which may prevent them from

agreed actions in response to external audit findings and recommendations.

- 4.4.6 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, Ofsted, Care Quality Commission who have statutory rights of access. These bodies together with internal and external audit provide valuable assurance to the Audit Committee on the effectiveness of the Council's corporate governance arrangements because of their independence and objectivity.
- 4.4.7 Chief Officers are responsible for taking relevant action in response to findings and recommendations arising from the work of all assurance providers, internal or external, or accepting the residual risk if no action is taken.
- 4.4.8 The Chief Internal Auditor and Corporate Fraud Manager is responsible for providing an annual audit opinion on the adequacy and effectiveness of the Council's entire internal control environment. This opinion will be reported in an annual audit report which is considered by both the Corporate Management Team and the Audit Committee. Any significant issues arising from this report will be reflected in the Annual Governance Statement.

## 4.5 Preventing Fraud and Corruption

- 4.5.1 The Council recognises its responsibility to protect the public purse and acknowledges that the public is entitled to expect the Council to conduct its affairs with integrity, honesty and openness and demand the highest standards of conduct from those working for it.
- 4.5.2 The Council is committed to maintaining an ethical culture which does not tolerate fraud and corruption. Any such issues will be thoroughly investigated and, if confirmed, dealt with rapidly in the strongest possible way. We will seek the strongest possible sanctions against those who seek to defraud the Council. This includes taking appropriate action against staff, members, contractors, external individuals and organisations.
- 4.5.3 The Chief Finance Officer has overall financial responsibility for the prevention of fraud and corruption and is liable to be called to account for specific failings. The Chief Finance Officer is responsible for ensuring that the Council is adequately resourced to respond to the fraud risk and has effective internal audit, counter fraud and investigatory resources to help Chief Officers prevent, detect and investigate potential cases of fraud and irregularity.

- 4.5.4 The Audit Committee will review and endorse the Council's Counter Fraud and Corruption Strategy and will seek assurance on its effectiveness and that of other fraud related policies and procedures.
- 4.5.5 Internal Audit independently monitors the existence, appropriateness and effectiveness of internal controls and assists managers to fulfil their responsibilities to prevent and detect fraud and corruption through the strengthening of internal controls.
- 4.5.6 Chief Officers are responsible for establishing, implementing and maintaining adequate systems of internal control, and to ensure that the Council's resources are properly applied. They should be familiar with and assess the types and risks of fraud or corruption that might occur within their area of responsibility and ensure that these risks are effectively managed.
- 4.5.7 Chief Officers are responsible for ensuring that their employees are aware of the Council's counter fraud and corruption strategy and know what to do, and what not to do, if they suspect fraud.
- 4.5.8 Chief Officers are responsible for ensuring that all cases of suspected fraud and corruption are investigated and are required to report all suspected cases to the Chief internal Auditor as soon as they arise.
- 4.5.9 Internal Audit and Corporate Fraud will:
- Lead on awareness raising and facilitate corporate learning.
  - Review the effectiveness of the policies and practices the Council has established to safeguard itself against the risk of fraud and corruption.
  - Provide advice and guidance to managers and staff on the Counter Fraud and Corruption Strategy and the Fraud Response Plan.
  - Provide advice on related legislation application e.g. Human Rights Act and Regulation of Investigatory Powers Act.
  - Maintain a central record of reported fraud and corruption cases.
  - Report to the Chief Officers and the Audit Committee on the use of resources to counter fraud and corruption and of any investigatory work undertaken.
- 4.5.10 The Chief Internal Auditor and Corporate Fraud Manager will take whatever steps are considered necessary, on behalf of the Chief Finance Officer, to ensure all suspected irregularities are investigated and reported in accordance with the Counter Fraud and Corruption Strategy, and Fraud Response Plan. Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration where fraud is suspected.

## 4.6 Use of and Disposal of Assets

- 4.6.1 Council assets include land, buildings, furniture, vehicles, plant and equipment, computer systems, stocks and stores, money and investments, data and information.
- 4.6.2 The Chief Finance Officer is responsible for issuing procedures to safeguard the use and disposal of Council assets, with the exception of land and buildings which are the direct responsibility of the Head of ~~Planning and Asset Management~~ Corporate Property and Land.
- 4.6.3 Chief Officers are responsible for ensuring that adequate and effective arrangements are in place for the care and custody of all assets within their Service area and ensuring that assets are disposed of in accordance with procedures approved by the Chief Finance Officer and/or the Head of Planning and Asset Management.

## 4.7 Confidentiality, Security and Protection of Information

- 4.7.1 All employees of the Council have a personal responsibility for the protection and confidentiality of information, whether held in manual or computerised records, as specified in the Employee Code of Conduct set out in Part 4 this Constitution.
- 4.7.2 Specific guidance is given on current IT legislation, risks and security threats in relation to IT use in the Council's Information Security Manual.
- 4.7.3 It is the responsibility of Chief Officers to ensure that all computerised systems within their Service areas are operated in accordance with legal requirements and all appropriate officers are familiar with the guidance provided (e.g. ICT Policy, Personal Information Security Policy ).
- 4.7.4 Financial records, manual and computerised, should be retained and disposed of in accordance with the Council's Document Retention Policy.

## 4.8 Treasury Management

- 4.8.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice.
- 4.8.2 Accordingly, the full Council is responsible for approving a Treasury Management Policy Statement, on an annual basis, stating the policies and objectives of its treasury management activities.



4.10.2 The Council has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007.

4.10.3 Accordingly, the Cabinet is responsible for approving the Council's Money Laundering Policy.

4.10.4 Responsibility for the implementation and administration of the Council's Money Laundering Policy has been delegated to the Chief Finance Officer who is responsible for nominating an officer (and deputy) to act as the Council's Money Laundering Reporting Officer.

4.10.5 Chief Officers are responsible for:

- Ensuring all income is held securely.
- Ensuring compliance with income and banking arrangements specified by the Chief Finance Officer.
- In consultation with the Chief Finance Officer reviewing fees and charges, at least annually.
- Ensuring that all income is banked and allocated promptly and efficiently.
- Carrying out reconciliations in an accurate and timely manner.

#### 4.11 **Grant and External Funding**

4.11.1 Chief Officers are responsible for ensuring that any bids for external funding (including grants) are made in consultation with the Chief Finance Officer.

4.11.2 Chief Officers must ensure that any project to be funded by external funding does not commence until proper approval has been obtained and the source of external funding confirmed.

4.11.3 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Chief Officers are responsible for providing all necessary information to enable this to be achieved.

#### 4.12 **Debt Collection**

4.12.1 The Cabinet is responsible for approving the Council's debt recovery policy.

4.12.2 The Chief Finance Officer is responsible for maintaining records of debts and the implementation of the Council's debt recovery policy.

4.12.3 Chief Officers are responsible for:

- Ensuring effective systems are in place to allow sums due to the Council to be easily identified.

## **4.15 Contracts, Agreements and Purchasing**

- 4.15.1 All contracts, agreements and purchases are subject to the requirements of the Council's Contracts Procedure Rules specified in this Constitution, and the procedures and financial limits which they prescribe (as revised from time to time), including any advice contained in the Procurement Advice Centre.
- 4.15.2 The Corporate Procurement Manager is responsible for developing the Corporate Strategy for Commissioning and Procurement and providing advice on procurement issues.
- 4.15.3 The Head of Legal and Democratic Services is responsible for agreeing the content and format of contracts and agreements and for signing any contract or legal agreement involving a charge upon assets or property.
- 4.15.4 The Chief Finance Officer is responsible for issuing guidance notes to Chief Officers on the procedures to be adopted in relation to:
- Placing requisitions for goods, supplies and services.
  - Placing of official orders.
  - Potential financing options e.g. buy, rent or lease.
  - Receipt of goods.
  - The authorisation of invoices, interim certificates and final accounts for building or construction contracts.
  - The system and timescales for the payment of creditors.
  - Records and procedures required in relation to monitoring and control of contracts.
- 4.15.5 The Chief Finance Officer has overall responsibility for ensuring safe and efficient arrangements for all payments.
- 4.15.6 Chief Officers are responsible for ensuring that:
- Before entering into purchasing commitments, the estimated cost is covered by financial provision in the budget to which it relates.
  - Contract Procedure Rules, procurement and payments procedures are applied within their service areas, including adherence to any procurement guidance in the Procurement Advice Centre.
  - Appropriate records are maintained to substantiate decisions made under delegated powers.
  - All employees within their Service area are aware of the guidance issued by the Chief Finance Officer and for ensuring that effective internal controls are established to ensure compliance.

- All employees within their service area are aware of the Council's Employee Code of Conduct and how this relates to this area.

## 4.16 HR and Employees

- 4.16.1 The full Council is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.
- 4.16.2 The Chief Executive is responsible for providing overall effective management to employees and for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 4.16.3 The Chief Finance Officer is responsible for paying employees securely, accurately and on time and for the payment of travel and subsistence claims.
- 4.16.4 Chief Officers are responsible for ensuring the operation of adequate and effective procedures for payroll and personnel matters to allow the Chief Finance Officer to fulfil their responsibilities.
- 4.16.5 Chief Officers are responsible for ensuring compliance with Council policies in relation to claims for travel and subsistence, and for arranging the most cost effective means of travel and subsistence.
- 4.16.6 Chief Officers are also responsible for controlling employee numbers by:
  - Advising the Cabinet on the annual budget necessary to cover estimated staffing levels.
  - Adjusting the staffing levels to that which can be funded within approved budget provision and varying the provision as necessary within that constraint in order to meet changing operational needs.
  - The proper use of recruitment and appointment procedures.
  - Monitoring employee costs through monthly budget reports.
  - Monitoring vacancies.

## 5. FINANCIAL SYSTEMS AND PROCEDURES

### 5.1 General

- 5.1.1 Sound systems and procedures are essential for an effective framework of accountability and control.
- 5.1.2 The Chief Finance Officer is responsible for:

- The operation of the Council's accounting and financial systems.
- The form of accounts and any supporting financial records.
- Advising Chief Officers on the establishment and operation of trading accounts and business units.

5.1.3 Any changes proposed by Chief Officers to the existing financial systems or the establishment of new systems must first be approved by the Chief Finance Officer.

5.1.4 It is the responsibility of Chief Officers to:

- Ensure the proper operation of financial processes in their own Services and agree with the Chief Finance Officer any changes to these processes to meet their own specific Service needs.
- Ensure that their employees receive relevant and appropriate financial training that has been approved by the Chief Finance Officer.
- Ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection Legislation.
- Ensure that their employees are aware of their responsibilities under Freedom of Information and Data Protection Legislation.

## **~~5.2 — Contracts, Agreements and Purchasing~~**

~~5.2.1 All contracts, agreements and purchases are subject to the requirements of the Council's Contracts Procedure Rules specified in this Constitution, and the procedures and financial limits which they prescribe (as revised from time to time), including any advice contained in the Procurement Advice Centre.~~

~~5.2.2 The Corporate Procurement Manager is responsible for developing the Corporate Strategy for Commissioning and Procurement and providing advice on procurement issues.~~

~~5.2.3 The Head of Legal and Democratic Services is responsible for agreeing the content and format of contracts and agreements and for signing any contract or legal agreement involving a charge upon assets or property.~~

~~5.2.4 The Chief Finance Officer is responsible for issuing guidance notes to Chief Officers on the procedures to be adopted in relation to:~~

- ~~i. Placing requisitions for goods, supplies and services.~~
- ~~ii. Placing of official orders.~~
- ~~iii. Potential financing options e.g. buy, rent or lease.~~
- ~~iv. Receipt of goods.~~
- ~~v. The authorisation of invoices, interim certificates and final accounts for building or construction contracts.~~

- ~~vi. The system and timescales for the payment of creditors.~~
- ~~vii. Records and procedures required in relation to monitoring and control of contracts.~~

- ~~i. The Chief Finance Officer has overall responsibility for ensuring safe and efficient arrangements for all payments.~~

~~5.2.6 Chief Officers are responsible for ensuring that:~~

- ~~• Before entering into purchasing commitments, the estimated cost is covered by financial provision in the budget to which it relates.~~
- ~~• Contract Procedure Rules, procurement and payments procedures are applied within their service areas, including adherence to any procurement guidance in the Procurement Advice Centre.~~
- ~~• Appropriate records are maintained to substantiate decisions made under delegated powers.~~
- ~~• All employees within their Service area are aware of the guidance issued by the Chief Finance Officer and for ensuring that effective internal controls are established to ensure compliance.~~
- ~~• All employees within their service area are aware of the Council's Employee Code of Conduct and how this relates to this area.~~

## 5.2 Payment of Members Allowances

- 5.2.1 The Chief Finance Officer is responsible for operating secure and reliable systems to process Members Allowances.
- 5.2.2 It is the responsibility of Members to submit properly certified claims in accordance with the format and timescales specified by the Chief Finance Officer.

## 5.3 Taxation

- 5.3.1 The Chief Finance Officer is responsible for ensuring that appropriate advice and guidance is available to Chief Officers on all taxation issues that affect the Council, having regard to guidance issued by appropriate bodies and relevant/applicable legislation.
- 5.3.2 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all payments, receiving tax credits and submitting tax returns by their due date, as appropriate, and complying with HM Revenue and Customs regulations.
- 5.3.3 Chief Officers are responsible for compliance with any guidance issued by the Chief Finance Officer.

## 5.4 Council Tax Collection Fund

- 5.4.1 The Chief Finance Officer is responsible for the establishment and maintenance of the Collection Fund and will make suitable arrangements for it to be administered in accordance with the Local Government Finance Acts 1987 and 1988 and any other Enactments relating to the proper administration of public funds.
- 5.4.2 The Chief Finance Officer will undertake the day to day management and administration of the Collection Fund, including the maintenance of a Collection Fund Account for administering the raising and recovery of Council Tax and for paying precepts and demands on those funds.

## 5.5 Business Rates Retention Scheme

- 5.5.1 The Chief Finance Officer is responsible for the establishment and maintenance of a separate Collection Fund in respect of Business Rates and will make suitable arrangements for it to be administered in accordance with Schedule 7B of the Local Government Finance Act 1988.
- 5.5.2 The Chief Finance Officer will undertake the day to day management and administration of the Collection Fund including the maintenance of a Collection Fund Account for administering the raising and recovery of Business Rates and for paying precepts and demands on those funds.

## ~~Housing Revenue Account~~

- ~~5.7.1 The Chief Finance Officer is responsible for:~~
- ~~• Making arrangements for the preparation of annual Housing Revenue Account Budgets, (revenue and capital) as part of the Council's budget setting process.~~
  - ~~• Making recommendations to the Cabinet and full Council to allow the Council to fulfil its statutory duties in relation to Housing Rent determinations and securing decent homes compliance.~~
  - ~~• Preparing annual final accounts for the Housing Revenue Account to be incorporated into the Councils' Annual Statement of Accounts.~~

## 6 PARTNERSHIPS

- 6.1 The Cabinet is the focus for forming partnerships with other local, public, private, voluntary and community sector organisations. The Cabinet is responsible for approving any delegations of its powers, to address local needs.
- 6.2 The Council or the Cabinet can delegate its functions, including those relating to partnerships, to officers. Details are set out in the Scheme of Delegation

## Appendix A - FINANCIAL MANAGEMENT STANDARDS

FMS01	Introduction to Financial Management Standards
FMS02	Budget Preparation and Medium-Term Financial Planning
FMS03	Budget Monitoring and Reporting
FMS04	Preparation and Monitoring of the Capital Programme
FMS05	Annual Statement of Accounts
FMS06	Maintenance of Reserves and Provisions
FMS07	Risk Management
FMS08	Internal Control
FMS09	Insurance
FMS10	Audit Requirements
<u>FMS11</u>	<u>Use and Disposal of Assets</u>
FMS12	Treasury Management
FMS13	Banking
FMS14	Income Collection
FMS15	Grants and External Funding
FMS16	Debt Recovery
FMS17	Voluntary Funds and Trust Funds
FMS18	Corporate Procurement Cards
FMS19	Ordering and Paying for Work, Goods and Services
FMS20	<del>Payroll and HR Requirements</del> <u>HR and Employee Requirements</u>
FMS21	Financial Management Systems
FMS22	Accounting Policies

FMS23 Accounting Records and Returns

FMS24 Taxation

FMS25 Council tax, Business Rates and Collection Fund

FMS26 Partnerships



- (a) Have regard to the guidance in the Advice Centre,
- (b) Keep the records required by Rule 19 of these CPRs,
- (c) Take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs,
- (d) Prior to letting a contract on behalf the Council, check whether:
  - the Council already has an appropriate contract in place in the Corporate Contracts Register, or:
  - an appropriate national, regional or other collaborative contract is already in place.

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

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

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

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

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

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

## 3.2 Chief Officers

### 3.2.1 Chief Officers will:

- (a) Ensure their Service Grouping complies fully with the requirements of these CPRs,
- (b) Ensure contracts are recorded in the corporate Contracts Register as held and maintained by Corporate Procurement, through the use of the Procurement Acceptance Report as detailed in Rule 19,
- (c) Ensure that their Service Grouping provides the requisite information to allow the Council to maintain the Procurement Work Programme, including the submission of a Procurement Initial Request Form at as early a stage as possible.

Procurement Requests can be made via the Advice Centre along with documentation for ~~Copies of the~~ Procurement Acceptance Report ~~and Delegated Decision Records and Procurement Initial Request Form are~~ available from the Advice Centre.

## 4. VARIATIONS TO CONTRACT PROCEDURE RULES

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

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

- (a) with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;
- (b) involving cases of genuine, unforeseen urgency, where it is not possible to comply with the CPRs;
- (c) for the purchase of a work of art or museum specimen, to meet the specific requirements of an artistic, cultural, or performing arts event, or otherwise for the protection of exclusive rights which cannot be procured competitively due to the nature of the requirement;

- (d) in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this; or
  - (e) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.
- 4.3 The appropriate Officer must complete an Application for Variation, ~~as contained within the Advice Centre~~, which must be authorised by their Head of Service before being submitted to Corporate Procurement. Corporate Procurement will review the Application for Variation before obtaining a decision from the Corporate Director, Resources (or other officer as delegated).
- 4.4 Committing to expenditure with a supplier, without a valid contract or a Variation in place, is a breach of these CPRs. Therefore, where a Variation is being sought retrospectively, for expenditure to which a Service Area has already committed, ~~the retrospective application must be authorised by their Corporate Director~~, must authorise the variation request by exercising their delegated powers in order that Corporate Procurement may publicly record the contract and authorise payments, and to make them aware of the breach, before it is submitted to Corporate Procurement.
- 4.5 Every Variation form will be recorded on a master register to be maintained by Corporate Procurement.
- 4.6 Where a Variation is being applied for by Corporate Procurement, it must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.
- 4.7 The use of e-procurement does not negate the requirement to comply with all elements of these CPRs. The circumstances under which an exemption to the use of e-procurement can be requested are detailed in Rule 12.
- 4.8 Where a service area has requested and been approved a Variation to these rules the service area must undertake due diligence regarding the supply organisation including the agreement of Terms and Conditions to ensure risk to the Council is mitigated.

## 5. EXEMPTIONS

- 5.1 The following contracts and/or payments are exempt from these CPRs:
- (a) Contracts for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. Such statutory undertakers include:
    - i. British Telecom – specifically for telecoms infrastructure works.

- ii. Network Rail – specifically for works affecting the railway infrastructure.
- iii. Northern Gas Networks – specifically for gas supply infrastructure works.
- iv. Northern PowerGrid – specifically for electricity infrastructure works.
- v. Northumbria Water – specifically for water and sewerage infrastructure works.
- vi. Highways England – specifically for works to the core road network under their management.

(b) Statutory fees payable:

- i. to the Driver & Vehicle Licensing Agency and/or Drive & Vehicle Standards Agency (formerly VOSA).
  - ii. to the Disclosure & Barring Service.
  - iii. to the Care Quality Commission under section 85(1) of the Health and Social Care Act 2008.
  - iv. set by government for education or inter-agency adoption funding.
  - v. to Ofsted for the inspection of a school, children's home, or other facility,
  - vi. for TV licenses in Council owned or operated premises.
  - vii. for Phonographic Performance Ltd or PRS for Music, for the playing of recorded music in public, or for the use of the musical composition and lyrics in that recording.
  - viii. to NHS Business Services Authority for prescription charges.
  - ix. for fees incurred for Parking Charge Notices issued by the Council.
  - x. Fees payable to Public Health England with respect to the Child Death Notification Service.
  - xi. Payments in relation to external auditors as directed by central government.
- (c) For the creation of imprest account relating to contracts let that have followed a compliant procurement process.
- (d) Contracts for the carrying out of statutory public health funerals under the Part 3 of the Public Health (Control of Disease) Act 1984.
- (e) Contracts for the purchase of newspaper advertising for statutory notices, and contracts for the purchase of broadcasting time, including for the placing of radio and television advertising.
- (f) Contracts to provide sponsorship to events, awards schemes, or other promotional activity being organised by a third party.

- (r) Accreditation and membership, fees payable to an awarding or professional body for the accreditation or certification, or fees for services required to undertake a service being provided by the Council.
- (s) Fees payable for Royal Mail postage, including franking machine credits, and for financial transaction services required by the Council.
- (t) Agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or:
- (u) The payment of grants to third parties.

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

- (v) Where the Council is providing a payment processing facility to a non-profit body, and where this does not make the Council the accountable body for the contracts or transactions in question.
- (w) Payments for services with regard to high needs or special education (including maintained schools Communities of Learning and Behaviour Panels), social care, health, safeguarding, or urgent operational needs, if in the opinion of the relevant Corporate Director it is considered to be in the Council's interests or necessary to meet the authority's obligations under relevant legislation. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.
- (x) Those relating to residential and/or nursing care, or independent living services, to a person or persons to whom the Council has a duty or power to provide under the Care Act 2014, and other relevant legislation relating to, homelessness, social care, health and safeguarding. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.
- (y) Services relating to health care as defined by the Health Care Services (Provider Selection Regime) Regulations 2022 will be applied removing those health care services from regulation under the PCRs. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.

## 6. RELEVANT CONTRACTS

- (a) for the purchase of goods which are patented or have such special technical characteristics that they may be considered unique, and where these goods are only available from one supplier; including cases where technical compatibility is required with an existing requirement that has been previously competitively procured;

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

Or:

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

Or:

- (c) for the execution of works or services, where there is considerable benefit to the Council in negotiating with a particular proposed supplier, and where this does not expose the Council to unacceptable risk.

Or:

- (d) where an open or restricted Tender, or an openly advertised Request for Quotation, has been undertaken, and in which no compliant bids were received.

9.2.3 The use of this process may be invalidated by prior negotiation or discussion (of any kind), between a Service Area and a proposed supplier, without the involvement of Corporate Procurement, where such negotiation may distort or restrict the potential market or otherwise prejudice the Council's position. Corporate Procurement reserves the right to refuse the award of a contract via this process where such unauthorised negotiation has taken place. Where a service area has been notified by Corporate Procurement that they may contract with a proposed supplier the service area must undertake due diligence regarding the supply organisation including the agreement of Terms and Conditions, that may require seeking advice from Legal Services, to ensure risk to the Council is mitigated.

9.2.4 Contracts awarded under the provisions of this Rule may have a duration of no more than three years, unless agreed in writing with the Chief Procurement Officer.

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

## 10. INVITATION TO TENDER / REQUEST FOR QUOTATION

- 10.1 Invitations to Tender, Requests for Quotation, Further Competitions and Quick Quotes must be issued in accordance with the requirements of these CPRs, with particular attention to Rule 7, Rule 9 and Rule 17. The Procurement Officer must ensure they are familiar with, and adhere to, the minimum current threshold values, as published on the Advice Centre.
- 10.2 Above the single quotation threshold, all Invitations to Tender, Requests for Quotation and Quick Quotes must be issued via the Council's e-tendering system. Procurement documents must be issued via the e-tendering system.
- 10.3 Where Quick Quotes are used the service area must, as first option, identify 2 Durham based organisations to be invited to the Quick Quotes competition issued via the Council's e-tendering system.
- 10.4 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically or, for example, where there is a failure of the electronic system, and where the value is below the relevant PCR's financial threshold, permission to conduct a procurement process by alternative means must be obtained from the Chief Procurement Officer using the relevant exemption form. This can be found in the Advice Centre. This exemption must be sought before requesting quotations or tenders.
- 10.5 When advertising a contract, the Procurement Officer will also ensure that a notice is placed on the Contracts Finder website, as required by Regulations 106 and 110 of the PCRs (2015).

## 11. SHORTLISTING

- 11.1 Any shortlisting (i.e. Selection Questionnaire (SQ)) must have regard to the economic, financial and technical standards relevant to the contract and the Evaluation Criteria. Special rules apply to contracts covered by the PCRs (2015) and must be issued using the Council's version of the Government Standard Selection Questionnaire template. Officers should refer to any further guidance contained in the Advice Centre.
- 11.2 Where the likely value of the procurement is less than the PCRs threshold for *goods and services* (even where the contract is not for goods or services), no shortlisting phase or SQ may be used.
- 11.3 Where applying financial turnover threshold as a shortlisting criteria, the threshold used must be no more than two times the estimated total value of the proposed contract.



- 11.4 When shortlisting as part of a Restricted tender process, a minimum of five bidding organisations should be shortlisted to tender, except in cases where fewer than five compliant SQ responses are received, or minimum threshold advised is not met. In a Competitive Dialogue or Competitive Procedure with Negotiation, the minimum shall be three, except in cases where fewer than three compliant SQ responses are received.

## 12. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS

### 12.1 Tenders

- 12.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where Part 2 of the PCRs (2015) applies, Chapter 2 of the Regulations lays down specific minimum time periods for tenders.
- 12.1.2 As in Rule 10 (above) tenders, except those which have been approved as exempt from electronic tendering, must be submitted electronically via the e-tendering system. Tenders submitted by any other means must not be accepted.

### 12.2 Quotations

- 12.2.1 As in Rule 10 (above), responses to Requests for Quotation and Quick Quotes must be submitted electronically via the e-tendering system, except where specifically exempt under Rule 10.4. Quotations submitted by any other means must not be accepted.

### 12.3 Electronic Arrangements

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

### 12.4 Hard Copy Arrangements

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



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

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

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

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

## 12.5 Late Submissions

12.5.1 Tenders, Quotations or Selection Questionnaires which are received after the stated deadline shall be automatically rejected, except in the following circumstances:

- (a) Where the delay in submission is the result of a failure of the electronic system, and where this can be verified to be the case, or:
- (b) Where only one submission is received, and where this submission has arrived late, but is compliant in every other respect, and with the approval of Corporate Procurement.

## 13. EVALUATION CRITERIA AND STANDARDS

### 13.1 Evaluation Criteria

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

- (a) Offers the lowest price, or:
- (b) Offers the most economically advantageous balance between quality **and**, price **and social value, as applicable.**

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost

15.2.1 The written notifications sent to bidders, in accordance with Rule 15.1.1 above, shall include feedback explaining the outcome of the evaluation process, with specific reference to the evaluation criteria, so that bidders can understand why they were, or were not, successful.

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

### 15.3 Notification of Awarded Contracts on Contracts Finder

15.3.1 For all contract awards with a value of £25,000 (less VAT) or greater, the Procurement Officer shall issue a notice on the Contracts Finder website, giving details of the contract award, as required by Regulations 108 and 112 of the Public Contracts Regulations (2015). This includes any contracts awarded without prior advertisement, as well as contracts awarded via a Further Competition.

## 16. CONTRACT DOCUMENTS

### 16.1 Format of Contract Documents

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

### 16.2 Contract Signature

16.2.1 Contract signature must be undertaken as expressly stated in the contract terms and conditions, this would be:

- (a) Where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in the form of an agreement, either:
  - (i) be signed by at least two officers of the Council authorised as required by the Constitution, or:
  - (ii) be formalised by the sending of an award letter **and** the subsequent issuing of a purchase order.

The Procurement Officer should also follow any guidance on the use of deeds and agreements, and / or electronic signature as found in the Advice Centre.

## 16.3 Legal Services Review of Tenders and Contracts

16.3.1 To ensure the integrity of the procurement process:

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

## 17. APPROVED LISTS AND FRAMEWORK AGREEMENTS

### 17.1 Approved Lists

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

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

### 17.2 Framework Agreements

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

17.2.2 The term of a Framework Agreement must not exceed four years, except where:

- (a) a longer duration is permitted under the terms of the light-touch rules for social and other specific services set out in Part 2, Chapter 3 of the Public Contracts Regulations (2015), or
- (b) where exceptional circumstances justify a longer duration, as provided for in Regulation 33(3) of the Public Contracts Regulations (2015).

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

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

## 21. CONTRACT MANAGEMENT / MONITORING

- 21.1 All contracts must have an appointed Contract Manager. The responsible Head of Service must ensure a Contract Manager is designated prior to award. All due diligence and monitoring of contract delivery shall be the responsibility of the designated Contract Manager for the entirety of the contract.
- 21.2 The Contract Manager must ensure they track the extension periods and expiry dates of contracts under their responsibility, to ensure that appropriate arrangements are in place to maintain contract coverage where ongoing requirements exist.
- 21.3 Where an original Procurement Acceptance Report does not include all extension options and contract values (for example where there is no current schedule end date), then the Contract Manager must submit the appropriate procurement extension report to identify contract extension period and the additional budget. This must be authorised via the Service's Principal Accountant and recorded with an appropriate Delegated Decision Record.
- 21.4 Contract management, monitoring, evaluation and review must be conducted in line with guidance detailed in the Advice Centre.

## 22. INTERNAL PROVIDERS

- 22.1 Where a Service Area intends to procure goods, services, or works which could potentially be delivered by an in-house provider, the commissioning service shall consult with that in-house provider before proceeding to issue any Invitation to Tender, Request for Quotation, or Quick Quote.
- 22.2 If the in-house provider has the capability and capacity to meet the requirement and can deliver this within the appropriately established budget allocated by the commissioning service, then the in-house service ~~shall~~ must be used, and no procurement exercise should take place. A procurement exercise via the e-tendering system should only be undertaken if it can be established that the in-house service cannot meet the requirement (or if it has been previously agreed by the appropriate Head of Service that external contractors may be engaged as part of an out-sourcing study or project).
- 22.3 Where an in-house provider is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider and external bidding organisations.

## **Part 5 – Codes and Protocols**

### **Table of Contents**

5A: Code of Conduct for Members

5B: Code of Conduct for Employees

5C: Protocol on Member Officer Relations

5D: Code of Practice for Members and Officers Dealing with Planning Matters

5E: Highways Committee Representation Procedure

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the council must be familiar with its Financial Procedure Rules and Financial Management Standards.

You must not benefit from any contract or sponsorship that is given to or by the council, or show any favour to a partner, spouse, relative, friend or associate.

You must ensure that any sponsorship accepted is related to council business and is approved by your Head of Service.

### **Intellectual property**

'Intellectual property' is a generic legal term, which refers to the rights and obligations in relation to: inventions, patents, creative writings and drawings, including for example - reports, policy, training, computer programmes and technical documents and materials. Some aspects of the work you carry out or produce on behalf of the council will be classed as 'intellectual property' and therefore belongs to the council, rather than to you personally.

You must not make use of the council's intellectual property to conduct private work.

### **Commitments outside of work**

Outside work means any paid or unpaid work, including voluntary work, undertaken in addition to your council employment. Any requests to undertake outside work will be considered and will not be unreasonably refused, however the council must consider whether or not such outside working would be in conflict with council interests or weaken public confidence in the council, or adversely impact upon your ability to carry out your role with the council.

Approvals will be reviewed should any concerns arise as to the impact the outside commitment on your ability to carry out your role within the council.

Before doing any outside work, you must complete form CCE3 for authorisation and if there are any subsequent changes relating to your outside work you may need to complete a further CCE3 form.

### **Gifts and hospitality**

Gifts, hospitality or benefits in kind offered to you must be treated with caution to avoid any suggestion of improper motives or conduct. Approval must be given by the appropriate authorising manager, as detailed in the CCE4 form.

#### **You must always:**

- declare to your Head of Service, by completing form CCE4, if you are offered, or you wish to offer, any gifts, hospitality (for example attendance at sporting events, formal dinners or conferences), or other advantage.

- inform your Head of Service, by completing form CCE4, if you have been offered gifts, hospitality or advantage, even if your intention is to reject the offer, and you are not seeking permission to accept.
- use tact and courtesy if you need to refuse a gift or hospitality. Even where gifts are refused, this should still be recorded using the CCE4 form.
- report to your Head of Service any approaches made to you which may be an attempt to gain some form of preferential treatment.

#### Specifically, in relation to gifts:

- in circumstances where a gift is delivered and cannot be declined or returned, you should complete a CCE4 form to request permission to personally accept the gift or for the gift to be passed on to the Chairman's Charity.
- there is no requirement to seek approval for token gifts such as chocolates, mugs, key rings, mouse mats, pens, flowers etc from service users.
- you must not accept gifts or legacies from current or former service users/clients (you personally or members of your family).
- gifts of money or alcohol should never be accepted (but alcohol may be donated to the Chairman's Charity if refusal to accept would cause offence).

#### Specifically, in relation to hospitality:

- only accept hospitality (eg meals/refreshments/event tickets) if there is a genuine need to convey information or to represent the council.
- you need to be sure that accepting the hospitality does not create a conflict of interest.
- there is no requirement to seek approval to accept light refreshments which are offered during meetings, conferences, etc. (eg tea/coffee/snacks/sandwiches).
- if invited to attend and/or speak at conference or events where travel expenses, accommodation costs and subsistence expenses are paid for by the organiser, these should be declared as hospitality in advance of the event.
- should hospitality be offered at short notice and it is not possible to decline without causing offence, a declaration must be made immediately after the event.

### Using council equipment, materials and property

Council assets and facilities, including computers, laptops, mobile phones, photocopiers, vehicles, and offices must only be used for official council business and not for personal use. You must comply with health and safety regulations and use personal protective equipment (PPE) as required. All council resources must be used with care to avoid wastage, loss or damage and, where applicable, returned on leaving employment.



## Appendix 27: Table of Proposed Amendments

<b>PART</b>	<b>PROPOSED CHANGE</b>
<b>Front Cover</b>	<ul style="list-style-type: none"> <li>• Update corporate logo.</li> <li>• Remove list of alternative languages.</li> </ul>
<b>Throughout</b>	<ul style="list-style-type: none"> <li>• Add section headers.</li> <li>• Incorporate corporate colours.</li> <li>• Add content pages to each Part.</li> <li>• Adjust page numbering.</li> </ul>
<b>Part 1: Summary and Explanation</b>	
Summary and Explanation	No change.
Glossary of Terms	<ul style="list-style-type: none"> <li>• Correct definition of 'Exempt Information'.</li> <li>• Amend 'political party' to 'political group'.</li> <li>• Amend definition of 'Scheme of Delegation' to reflect proposed changes.</li> </ul>
<b>Part 2: Articles</b>	
Article 1: The Constitution	No change.
Article 2: Members of the Council	No change.
Article 3: Citizens and the Council	No change.
Article 4: The Full Council	<ul style="list-style-type: none"> <li>• Add introductory paragraph.</li> <li>• Replace paragraph 4.2 with "4.2 The functions of full Council are set out in Part 3A of the constitution."</li> <li>• Move paragraphs 4.4 – 4.17 to new Part 3A, "Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees &amp; Sub-Committees of the Council".</li> </ul>
Article 5: Overview and Scrutiny Arrangements	<ul style="list-style-type: none"> <li>• Re-order Articles 5 and 6 so that Article 5 becomes 'The Executive' and Article 6 'Overview and Scrutiny Arrangements'.</li> <li>• Move paragraphs 5.2 – 5.6 (terms of reference of various O&amp;S committees) to new Part 3A.</li> </ul>
Article 6: The Executive	Move paragraph 6.8 (responsibility for functions) to new Part 3B, "Terms of Reference

	and Delegation of Duties to the Cabinet and Portfolio Holders”.
Article 7: The Standards Committee	Move paragraphs 7.2 and 7.3 (Composition and Role and Function) to Part 3A.
Article 8: Joint Arrangements	Move paragraph 8.6 (Existing Joint Arrangements) to Part 3A.
Article 9: Officers	No change.
Article 10: Decision Making	No change.
Article 11: Finance, Contracts and Legal Matters	No change.
Article 12: Review, Revision and Suspension of the Constitution	No change.
<b>Part 3: Allocation of Responsibilities</b>	
<b>Part 3: Allocation of Responsibilities</b>	Rename Part 3 ‘Allocation of Responsibilities’.
Part 3A: Matters Reserved to the Council and Terms of Reference and Delegation of Duties to Committees & Sub-Committees of the Council	<ul style="list-style-type: none"> <li>• Create new Part 3A and move matters reserved to full Council and the terms of reference and delegation of duties to committees and sub-committees (including joint arrangements here.</li> <li>• Re-order terms of reference as follows: <ol style="list-style-type: none"> <li>1. Full Council</li> <li>2. Committees &amp; Sub-Committees <ol style="list-style-type: none"> <li>i. Overview and Scrutiny Committees</li> <li>ii. Regulatory Bodies</li> <li>iii. Other Bodies</li> <li>iv. Joint Arrangements</li> </ol> </li> </ol> </li> </ul>
Standards Committee	Add delegations for the approval of the Local Assessment Procedure, Local Determination Procedure and appointment of Independent Person.
Police and Crime Panel	Add a sentence clarifying that independent co-opted members are entitled to vote in proceedings of the Panel.
Part 3B: Terms of Reference and Delegation of Duties to the Cabinet and Portfolio Holders	Create new Part 3B and move the terms of reference and delegation of duties to the Cabinet and Portfolio Holders here.
Part 3C: Delegations to Officers	Rename this Part 3C.
Table 1: General Delegations to all Chief Officers	No change.

<p>Table 2: Delegations to the Chief Executive</p>	<p>Add:</p> <ul style="list-style-type: none"> <li>• Approval of officer severance payments between £20k and £100k in consultation with Leader and Portfolio Holder Finance.</li> <li>• To discharge any function of the Executive in relation to communications.</li> <li>• To carry out any executive function in relation to Corporate Affairs, Policy, Planning, Performance and Communications.</li> </ul> <p>Add Delegated to the Head of Corporate Affairs:</p> <ul style="list-style-type: none"> <li>• To develop, implement and keep under review an effective internal and external communications strategy, which maintains the strong brand and reputation of the Council.</li> <li>• To lead on the development of the Council Plan.</li> <li>• To develop, implement and keep under review an effective performance management framework.</li> </ul>
<p>Table 3: Delegations to the Director for Regeneration, Economy and Growth</p>	<p>Under 'Executive Functions':</p> <ul style="list-style-type: none"> <li>• Delete 'Communications' and move to Table 2.</li> <li>• Add 'Neighbourhood Planning'.</li> </ul> <p>Under 'Specific Delegations':</p> <ul style="list-style-type: none"> <li>• Approval of property acquisitions up to £500k where the property is to be used as a children's home, in consultation with the s. 151 officer and relevant portfolio holders.</li> </ul> <p>Under the list of delegations to the Head of Planning and Housing:</p> <ul style="list-style-type: none"> <li>• Amend references to the Head of Development and Housing to Head of Planning and Housing.</li> <li>• Add providing assistance to parish councils etc producing a Neighbourhood Plan or Order.</li> </ul>

	<ul style="list-style-type: none"> <li>• Add responding to consultations on Planning, Housing, Transport and Economic Policy.</li> <li>• Move responsibility for CCTV from the Head of Transport and Contract Services to the Head of Planning and Housing.</li> </ul> <p>Under the list of delegations to the Head of Corporate Property and Land:</p> <ul style="list-style-type: none"> <li>• Add to serve, receive and act upon legal notices and apply for permissions relating to land and property.</li> </ul>
<p>Table 4: Delegations to the Corporate Director of Adult and Health Services</p>	<p>Under 'Executive Functions':</p> <ul style="list-style-type: none"> <li>• Insert 'who have social care needs' in relation to prisoners.</li> <li>• Insert 'AHS' in relation to corporate complaints.</li> <li>• Add delegation to establish and amend a charging policy for Adults Social Care.</li> <li>• Amend wording in relation to violent or sexual offenders.</li> <li>• Insert 'wellbeing' and 'who have social care needs in relation to adults and young persons.</li> <li>• In relation to functions arising under the Care Act 2014, add: <ul style="list-style-type: none"> <li>• Working with the NHS to ensure safe hospital discharge of people with care and support needs.</li> <li>• Providing access to advocacy etc.</li> <li>• To have in place a Safeguarding Adults Board.</li> </ul> </li> </ul> <p>Under Specific Delegations:</p> <ul style="list-style-type: none"> <li>• Replace 'CCG' with 'North East and North Cumbria ICB'.</li> <li>• Delete reference to the Director of Integrated Community Services.</li> <li>• Delete reference to the Head of Integrated Strategic Commissioning.</li> </ul>

	Move delegations to the Director of Public Health to a separate table.
Table 5: Delegations to the Director of Public Health	<ul style="list-style-type: none"> <li>• Move delegations to the Director of Public Health to a separate table and renumber subsequent tables accordingly.</li> </ul>
Table 6: Delegations to the Corporate Director of Children and Young People's Services	<ul style="list-style-type: none"> <li>• Renumber exiting Table 5 as 'Table 6'.</li> <li>• Add "To act as the statutory officer under section 18(1) of the Children Act 2004" etc.</li> <li>• Add "To manage the Council's function as Local Education Authority" etc.</li> <li>• Amend wording in relation to mental health services for children and young people.</li> <li>• Delete reference to Cooperation Agreements and Partnerships.</li> <li>• Add reference to section 39(1) of the Crime and Disorder 1998 in relation Youth Justice Services.</li> <li>• Amend wording in respect of SEND services.</li> <li>• Add approval of foster parents and maintenance of an adoption service.</li> </ul>
Table 7: Delegations to the Corporate Director of Neighbourhoods and Climate Change	<ul style="list-style-type: none"> <li>• Renumber existing table 6 as 'Table 7'.</li> <li>• Amend 'Head of Property and Land' to 'Head of Corporate Property and Land'.</li> <li>• Amend 'Head of Technical Services' to 'Head of Highway Services'.</li> <li>• Add planning for refugees and asylum seekers to the matters delegated to Head of Partnerships and Community Engagement.</li> </ul>
Table 8: Delegations to the Corporate Director of Resources	<ul style="list-style-type: none"> <li>• Renumber existing table 7 as 'Table 8'.</li> <li>• Under 'Executive Functions', delete reference to: <ul style="list-style-type: none"> <li>○ Service Review and Improvement;</li> <li>○ Archives and Records; and</li> <li>○ Transformation Programme.</li> </ul> </li> <li>• Under Transactional and Support Services: <ul style="list-style-type: none"> <li>○ Add policy development and administration of Government funded financial support schemes;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Move functions relating to council tax from Corporate Finance and Customer Services;</li> <li>○ Delete repetitious entries; and</li> <li>○ Make minor amendments to wording.</li> <li>● Move the following functions from Corporate Finance and Commercial Services to the Head of Legal and Democratic Services: <ul style="list-style-type: none"> <li>○ Appointment of Assistant Coroners.</li> <li>○ Payment of Coroner's expenses.</li> <li>○ Authorisation of expenditure for civic hospitality.</li> </ul> </li> <li>● Under Corporate Finance and Commercial Services: <ul style="list-style-type: none"> <li>○ Amend wording relating to the exercise of budgetary control functions.</li> <li>○ Add 'operation and development of the Council's financial systems'.</li> <li>○ Delete reference to insurance.</li> <li>○ Delete reference to EU financial sanctions.</li> </ul> </li> <li>● Under Pensions: <ul style="list-style-type: none"> <li>○ Amend wording relating to payment of death grants.</li> <li>○ Amend wording relating to dependents' pensions.</li> <li>○ Amend wording relating to employee admission to Pension Fund.</li> <li>○ Add reference to Local Pension Board in relation to member training.</li> <li>○ Amend 'Statement of Investment Principles' to 'Investment Strategy Statement'.</li> <li>○ Insert reference to 'responsible investment'.</li> <li>○ Amend wording relating to 'identified risks'.</li> <li>○ Add provision for 'alternative investments'.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ Add provision for quarterly reporting to the Local Pension Board.</li> <li>● Move coordination of the Member Training and Development Programme from HR and Employee Services to the Head of Legal and Democratic Services.</li> <li>● Under HR and Employee Services: <ul style="list-style-type: none"> <li>○ Amend wording in relation to the offering of alternative employment to employees in potential redundancies situations etc.</li> <li>○ Add the operation and development of HR and payroll systems.</li> </ul> </li> <li>● Under a new heading 'Procurement, Sales and Business Services' add: <ul style="list-style-type: none"> <li>○ Contractual approval functions under the Contract Procedure Rules.</li> <li>○ To ensure appropriate contractual arrangements in relation to receiving goods, works and services.</li> <li>○ To ensure appropriate procurement arrangements in respect of pooled DCC and NHS (or other partner) monies held by DCC.</li> <li>○ Approval of contract variations.</li> <li>○ Authorisation of the collection of income from commercial activities.</li> <li>○ Authorisation of the use of professional services.</li> </ul> </li> <li>● Move Internal Audit, Fraud, Risk and Governance functions to a separate heading.</li> <li>● Insert "Maintain effective corporate fraud service".</li> <li>● Insert Digital Services: <ul style="list-style-type: none"> <li>○ Taking operational decisions necessary to secure the provision of digital and ICT services and/or discharge statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Procedure Rules etc.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• Re-order paragraphs to show functions specifically delegated to the Head of Legal and Democratic Services and add: <ul style="list-style-type: none"> <li>○ Temporary appointments of Independent Persons.</li> <li>○ Approval of officer severance payments below £20k.</li> <li>○ Appointment of Assistant Coroners.</li> <li>○ Payment of Coroner's expenses.</li> <li>○ Authorisation of expenditure for civic hospitality.</li> </ul> </li> </ul>
Table 9: Delegations for Major Programmes	Renumber existing table 8 as 'Table 9'.
<b>Part 4: Rules of Procedure</b>	
Council Procedure Rules	<ul style="list-style-type: none"> <li>• Delete rule 4.2 (duration of meetings).</li> <li>• Amend rules 9.3 and 9.9 to require notice of questions to be submitted to a dedicated email address.</li> <li>• Amend rules 9.5 (scope of questions) to apply to both Members and the public and delete rule 9.13.</li> <li>• Amend rule 10.2 to require notice of motions to be submitted to a dedicated email address.</li> <li>• Amend rule 10.7 (time allowed for motions) to provide that the Chair alert the meeting when 15 minutes remaining.</li> <li>• Amend the title of rule 12.2 to "requirement to submit motions in writing".</li> <li>• Add new rule 22 to give the Chair discretion to make reasonable adjustments for disabled persons.</li> </ul>
Executive Procedure Rules	No change.
Overview and Scrutiny Procedure Rules	No change.
Budgetary and Policy Framework Procedure Rules	No change.
Access to Information Procedure Rules	No change.



Financial Procedure Rules	<ul style="list-style-type: none"> <li>• Under paragraph 2 ‘Financial Management: General Roles and Responsibilities’: <ul style="list-style-type: none"> <li>○ Add additional wording to ‘The Role of the Audit Committee’.</li> <li>○ Add new paragraph setting out ‘The Role of Overview and Scrutiny Committees’.</li> <li>○ Add additional wording to ‘The Role of the Chief Finance Officer’.</li> </ul> </li> <li>• Under paragraph 3, ‘Financial Planning’: <ul style="list-style-type: none"> <li>○ Add reference to savings plans.</li> <li>○ Delete reference to Oracle.</li> </ul> </li> <li>• Under paragraph 4, ‘Risk Management and Control of Resources’: <ul style="list-style-type: none"> <li>○ Add reference to grant funding.</li> <li>○ Move paragraph dealing with Contracts, Agreements and Purchasing from ‘5. Financial Systems and Procedures’.</li> </ul> </li> <li>• Under paragraph 5, ‘Financial Systems and Procedures’: <ul style="list-style-type: none"> <li>○ Delete reference to the Housing Revenue Account.</li> </ul> </li> <li>• At Appendix A: <ul style="list-style-type: none"> <li>○ Add additional Financial Management Standards.</li> <li>○ Re-order.</li> </ul> </li> </ul>
Contract Procedure Rules	<ul style="list-style-type: none"> <li>• At paragraph 3.1.3, delete reference to EU.</li> <li>• At paragraph 3.2.1, amend wording in relation to procurement requests.</li> <li>• At paragraph 4.3, delete reference to the Advice Centre.</li> <li>• At paragraphs 4.4 and 4.8, amend wording in relation to variations.</li> <li>• At paragraph 5.1, insert: <ul style="list-style-type: none"> <li>○ Payments to external auditors.</li> <li>○ Services relating to health care.</li> </ul> </li> <li>• At paragraph 9.2.3, add additional wording in relation to due diligence.</li> </ul>

	<ul style="list-style-type: none"> <li>• At paragraph 10.3, add additional wording in relation to Quick Quotes and Durham-based organisations being first option.</li> <li>• At paragraph 11.4, add additional wording in relation to shortlisting of tenders.</li> <li>• At paragraph 12.3.1, amend wording in relation to electronic submissions.</li> <li>• At paragraph 13.1.1, add 'social value' to evaluation criteria.</li> <li>• At paragraph 15.3.1, add 'less VAT' to contract value.</li> <li>• At paragraph 17.1, delete reference to Advice Centre.</li> <li>• At paragraph 21.1, add additional wording in relation to due diligence and contract monitoring.</li> </ul>
Officer Employment Procedure Rules	No change.
<b>Part 5: Codes and Protocols</b>	
Code of Conduct for Members	No change.
Code of Conduct for Employees	Amend wording in relation to the acceptance of token gifts.
Protocol on Member - Officer Relations	No change.
Planning Code	No change.
Highways Committee Representation Procedure	No change.
<b>Part 6: Members Allowances Scheme</b>	
Members Allowances Scheme	No change.

**County Council****24 May 2023****Appointment of Council Bodies and  
Allocation of Seats to Political Groups  
under Section 15 of the Local Government  
and Housing Act 1989****Report of Corporate Management Team****Helen Lynch, Head of Legal and Democratic Services****Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To appoint Committees and the Corporate Parenting Panel in accordance with the Council's Constitution and within the terms of reference set out therein.
- 2 To determine the allocation of seats among the political groups represented on the Council on Committees in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989.

**Executive summary**

- 3 The Council is required at its annual meeting to decide which committees and sub-committees to establish for the year, their size and terms of reference, and determine the allocation of seats to political groups represented on the Council on Committees in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989.

**Recommendation**

- 4 The Council is recommended to:
  - (a) appoint the Committees as shown in Appendix 2 in accordance with the Constitution and with the Terms of Reference set out therein;

- (b) in respect of the total number of seats on Committees, to determine the total allocation of seats to each political group and, subject to any necessary adjustments arising from that determination, agree the allocation of seats on each as shown in the Appendix 2;
- (c) authorise the Head of Legal and Democratic Services, in consultation with the relevant Group Leader, to determine any further necessary adjustments to be made to individual Committee and Sub-Committee allocations in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989;
- (d) authorise the Head of Legal and Democratic Services to allocate seats to political groups in respect of any sub-committee which might be established from time to time, in accordance with the provisions of Sections 15 and 16 of the 1989 Act and to make any necessary adjustments in respect of Area Action Partnership representation.
- (e) to appoint the Corporate Parenting Panel in accordance with the Constitution and with the Terms of Reference set out therein, and determine the allocation of seats to each political group (Appendix 2) and, subject to any necessary adjustments arising from that determination, agree the allocation of seats on each as shown in the Appendix 2;
- (f) to appoint the Health and Wellbeing Board in accordance with the Constitution and with the Terms of Reference set out therein, and agree the allocation of seats as shown in Appendix 4.

## Background

- 5 Section 15 of the Local Government and Housing Act 1989 (Duty to Allocate Seats to Political Groups) sets out the requirements as to political proportionality on Council bodies and requires the Council, in allocating seats on committees and sub-committees of the Council to political groups, to give effect, so far as practicable, to the following four principles:
- (a) that not all seats on the committee/sub-committee are allocated to the same political group;
  - (b) that the political group having a majority of seats on the Council should have a majority on each committee and sub-committee;
  - (c) that, subject to (a) and (b) above, the number of seats on the Council's committees and sub-committees allocated to each political group, bears the same proportion to the total number of such committee/sub-committee seats as the number of members of that group bears to the membership of the full Council, and
  - (d) that, subject to (a) to (c) above, seats will be allocated on each committee and sub-committee in the same ratio as exists on the full Council.
- 6 Of the total of 126 members on the County Council the number of members in each political group and their proportion of 126 is as follows:

Political Grouping	Number of seats on Council	Percentage entitlement
Labour	56	44.44%
Conservative	22	17.46%
Liberal Democrat	17	13.49%
Durham Group	13	10.32%
Durham County Council Independent Group	9	7.14%
Spennymoor and Tudhoe Independent Group	3	2.38%
The Unaligned Group	3	2.38%
The County Durham Independent Group	3	2.38%
<b>Total</b>	<b>126</b>	<b>99.99%</b>

- 7 Section 15 of the Local Government and Housing Act 1989 (Duty to Give Effect to Allocations) requires the Council to give effect to these principles so far as reasonably practicable. This recognises that there cannot be an exact application of the rules.
- 8 The distribution of seats between groups has therefore been calculated on a proportional split of the 126 seats. In each case the determination of seat numbers has followed the general principle of rounding up or down.
- 9 There has been some adjustment to the resulting distribution to correct the consequences of this and to give effect to the principles in Section 15 of the Local Government and Housing Act 1989 as set out in paragraphs 5 and 7 above. The resulting allocation of seats is attached at Appendix 2.
- 10 Appendix 2 also sets out how the seats on the Corporate Parenting Panel and Statutory Licensing Committee would be allocated on the basis of political proportionality as in-line with previous years. The determination of seat numbers has followed the general principle of rounding up or down. Again, there has been some adjustment to the resulting distribution to correct the consequences of this and to give effect to the principles in Section 15 of the Local Government and Housing Act 1989 as set out in paragraph 5 above.
- 11 The Head of Legal and Democratic Services will consult and re-allocate seats with the relevant parties should the membership of Area Action Partnerships require adjustment.
- 12 The Health and Wellbeing Board which came into effect on 1 April 2013 is a committee of the Council, and its composition is set out in Appendix 4. Council is required to confirm the appointment of the Board, and the allocation of seats, whose terms of reference are contained in the Council's Constitution.

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**Contact:** Helen Lynch

Tel: 03000 269732

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## **Appendix 1: Implications**

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**Legal Implications** – As set out in the report to make appointments in line with the requirements of Sections 15 and 16 of the Local Government and Housing Act 1989.

**Finance** – None specific within this report

**Staffing** – None specific within this report

**Risk** – None specific within this report

**Equality and Diversity/ Public Sector Equality Duty** – None specific within this report

**Climate Change**- None specific within this report

**Accommodation** – None specific within this report

**Crime and Disorder** – None specific within this report

**Human Rights** – None specific within this report

**Procurement** – None specific within this report

**Disability Issues** – None specific within this report

**Consultation** – As set out in the report

## Appendix 2: Allocation of Seats

Committee	Seats	LAB	CON	LIB	DG	DCCIG	ST	TUG	CDI
Corporate Overview and Scrutiny Management Board	26	11	4	3	3	2	1	1	1
Adults, Wellbeing and Health Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Children and Young People's Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Economy and Enterprise Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Environment and Sustainable Communities Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Safer and Stronger Communities Overview and Scrutiny Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Appeals and Complaints Committee	30	13	5	4	3	2	1	1	1
Highways Committee	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		



<b>Committee</b>	<b>Seats</b>	<b>LAB</b>	<b>CON</b>	<b>LIB</b>	<b>DG</b>	<b>DCCIG</b>	<b>ST</b>	<b>TUG</b>	<b>CDI</b>
General Licensing and Registration Committee	27	12	5	3	3	2	Two seats between DCCIG/ST/TUG/CDI		
County Planning Committee	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Area Planning Committee (North Durham)	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Area Planning Committee (Central and East Durham)	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Area Planning Committee (South and West Durham)	16	7	3	2	2	1	One seat between DCCIG/ST/TUG/CDI		
Pension Fund Committee	11	5	2	2	1	1	0	0	0
Chief Officer Appointments Committee	11	5	2	2	1	1	0	0	0
Audit Committee	9	4	2	1	1	1	0	0	0
Standards Committee	11	5	2	2	1	1	0	0	0

<b>Committee</b>	<b>Seats</b>	<b>LAB</b>	<b>CON</b>	<b>LIB</b>	<b>DG</b>	<b>DCCIG</b>	<b>ST</b>	<b>TUG</b>	<b>CDI</b>
Corporate Parenting Panel	21	9	4	3	2	1	Two seats between DCCIG/ST/TUG/CDI		
Statutory Licensing Committee	15	7	3	2	2	1	0	0	0

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### **Appendix 3: Composition of the Health and Wellbeing Board**

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- Three representatives nominated by the Leader (currently being):-
  - Portfolio Holder for Adult and Health Services;
  - Portfolio Holder for Children and Young People's Services;
  - Deputy Leader and Portfolio Holder for Finance
- North East and North Cumbria Integrated Care Board;
- North East and North Cumbria Integrated Health System
- A representative from Healthwatch County Durham;
- Corporate Director of Adult and Health Services;
- Corporate Director of Children and Young People's Services;
- Corporate Director of Regeneration, Economy and Growth;
- Director of Public Health;
- Director of Integrated Community Services (a joint representative of Durham County Council, and Health partners);

**and nominated representation from each of the following:-**

- Chief Executive of Tees, Esk and Wear Valley NHS Foundation Trust;
- Chief Executive of County Durham and Darlington NHS Foundation Trust;
- Chief Executive of South Tyneside and Sunderland NHS Foundation Trust;
- Chief Executive of North Tees and Hartlepool NHS Foundation Trust;
- Chief Executive of Harrogate and District NHS Foundation Trust;
- Office of the Durham Police and Crime Commissioner;
- County Durham and Darlington Fire and Rescue Service;

24 May 2023

**Appointments to Joint Bodies and  
Other Bodies 2023/24**



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**Report of Corporate Management Team**

**Helen Lynch, Head of Legal and Democratic Services**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To agree the appointments process of Members to Joint and Other Bodies.

**Executive summary**

- 2 The Council is required to agree at its annual meeting the appointments to the joint bodies and other bodies to which the Council are invited to nominate representatives. The background and criteria for appointing to these bodies is set out in paragraph 4 of the report.

**Recommendation**

- 3 The Council is asked to:
  - (a) agree the allocation of seats on the County Durham Fire and Rescue Authority as detailed in Appendix 2.
  - (b) agree the allocation of seats to the Business Durham Advisory board as set out in paragraph 4(b) to the report.
  - (c) agree the allocation of seats on the Charter Trust as detailed in Appendix 3.
  - (d) agree the allocation of seats on the Police and Crime Panel as detailed in Appendix 4.
  - (e) agree that the Chair of the Audit Committee is nominated to serve on the Joint Audit Committee to assist the Durham Police

and Crime Commissioner, and Chief Constable, noting the nomination is subject to approval of the Durham Police and Crime Commissioner.

- (f) note the positions on the North East Combined Authority, and the North East Combined Authority and North of Tyne Combined Authority Joint Transport Committee, and authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s) to make appointments once the specifics of the determination of allocation to political groupings are advised to the council by the NECA secretariat.
- (g) authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), to make appointments to the other outside bodies to which the Council are invited to nominate, in accordance with the following criteria:-
  - (i) identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.
  - (ii) identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.

If a consensus on the allocation of seats to Members within the electoral division cannot be reached, should the division be represented by Members from different parties and agreement cannot be reached, the party with the largest proportion of seats on the Council would be allocated the seat.
  - (iii) the bodies which are not local to a particular electoral division, for example, those with a County or Regional remit, appointments be made in accordance with the overall political proportionality of the Council, except in the case of bodies providing services in one particular locality, in such circumstances the membership would be from that locality.
- (h) authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), to make any changes to memberships of the main outside bodies/ joint bodies approved by Council, which may become necessary during the course of 2023/24.

## Appointments Process

- 4 The Council is required to agree at its annual meeting the appointments to the joint bodies, and other bodies to which the Council is invited to nominate representatives. For those bodies not specifically referenced in paragraphs (a) to (f) below, the criteria for appointments is listed in paragraph (g). Where a joint body or other body has an annual meeting any changes of member representation would be effective from that date.

(a) County Durham and Darlington Fire and Rescue Authority

This is a joint body and seats are required to be allocated in accordance with political proportionality, as set out in Appendix 2.

(b) Business Durham Advisory Board

The Council agreed at its meeting on 14 July 2021 that the membership of the Board for the municipal year 2021/22 be:

- (i) The Chair of the Council, the Leader of the Council, the Deputy Leader of the Council and the Cabinet Portfolio Holder for Economy and Partnerships and the portfolio holder for Housing and Assets and to the Business Durham Advisory Board for the municipal year 21/22.
- (ii) To appoint the Cabinet member for Neighbourhoods and Climate to support on the wider and strategic linkages between climate change and business for the municipal year 21/22.
- iii) To appoint the Leader of the Labour Group to the board for the municipal year 2021/22 and include a provision for an official named substitute if the Leader of the Labour Group is unavailable to attend.

It is proposed that the agreed composition adopted in 2021/22 and 2022/23 continue for 2023/24.

(c) Charter Trust of the City of Durham

The Council agreed the composition of the Charter Trust on 20 March 2013 as a result of the Electoral Boundary Review of County Durham. The composition of the Trust is as set out in Appendix 3, and Council is required to confirm the appointments to the Trust. For the municipal year 2021/22 and 2022/23 the Council did not appoint to the three additional trustee positions as listed in paragraph 4 of Appendix 3.

(d) Police and Crime Panel

The Council agreed to the composition of the Police and Crime Panel, which is a joint committee with Darlington Borough Council, on 25 July 2012. Its composition of 12 members is made up of 7 elected representatives of Durham County Council, 3 elected representatives of Darlington Borough Council, and 2 independent co-opted members.

It is necessary to appoint members in accordance with legislation relating to political balance, and also as described in the Police and Reform and Social Responsibility Act 2011 - the "balanced appointment objective". This means that Councillors on the panel represent all parts of the relevant police area, represent the political make-up of the relevant authorities when taken together, and have the skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively.

The 10 seats to elected members will remain 7 elected representatives of Durham County Council, and 3 elected representatives of Darlington Borough Council. The political make-up of the relevant authorities when taken together is shown in Appendix 4.

(e) Representative – Joint Audit Committee

At each annual Council meeting since 2013, Council has agreed the nomination from the Authority for a representative to serve on the Joint Audit Committee to assist the Police and Crime Commissioner and Chief Constable. The Joint Committee's membership was to be enhanced by the appointment of two elected members, one from Durham County Council and one from Darlington Borough Council. In accordance with custom and practice, Councillor A Watson as the Chair of the Council's Audit Committee was nominated to this position at the annual council in May 2022. It is proposed that the Chair of the Audit Committee for 2023/24 is nominated to this position.

The appointee would receive reasonable travel and other expenses in connection with their role, and an allowance which would be reimbursed by the Police and Crime Commissioner, and Chief Constable. Council is required to determine the appointment for the ensuing year.

(f) North East Combined Authority

The Council is also required to agree appointments to the North East Combined Authority and to the North East Combined

Authority and North of Tyne Combined Authority Joint Transport Committees. The following positions will be required to be appointed to however the NECA secretariat have not yet provided the special requirements for appointment including whether there are any specific requirements of allocations to political groupings on the council and to take into account the local elections held on 4 May 2023. In the circumstances it is suggested that once the position has been confirmed by the NECA secretariat, the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s) make appointments.

#### North East Combined Authority

- One member to the Leadership Board;
- A substitute member to the Leadership Board;
- Two members to be representatives on the Overview and Scrutiny Committee
- Two substitute members to the Overview and Scrutiny Committee
- One member to the Audit and Standards Committee
- A substitute member to the Audit and Standards Committee
- One member to the Economic Development and Digital Advisory Board
- A substitute member to the Economic Development and Digital Advisory Board;

#### North East Combined Authority and North of Tyne Combined Authority Joint Transport Committees

- One member to the North East Joint Transport Committee;
- A substitute member to the North East Joint Transport Committee
- Two members to the North East Joint Transport Overview and Scrutiny Committee
- Two substitute members to the North East Joint Transport Overview and Scrutiny Committee

- One member to the North East Joint Transport Audit and Standards Committee
- A substitute member to the North East Joint Transport Audit and Standards Committee

(g) Other Bodies

In relation to the appointment to all other bodies to which the Council are invited to nominate the current criteria for appointment to these bodies is set out below:-

The Head of Legal and Democratic Services, in consultation with the appropriate Group Leaders, is authorised to make appointments to the other bodies to which the Council are invited to nominate, in accordance with the following criteria:-

- identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.
- identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.

If a consensus on the allocation of seats to Members within the electoral division cannot be reached, should the division be represented by Members from different parties and agreement cannot be reached, the party with the largest proportion of seats on the Council would be allocated the seat.

- the bodies which are not local to a particular electoral division, for example, those with a County or Regional remit, shall be appointed to in accordance with the overall political proportionality of the Council, except in the case of bodies providing services in one particular locality, when the membership would be from that locality.

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**Contact:** Helen Lynch

Tel: 03000 269732



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## **Appendix 1: Implications**

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**Legal Implications** – The Council is required at its annual meeting to decide the appointments to the joint bodies, and other bodies to which the Council is invited to nominate representatives. The allocation of seats to political groups must be in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989.

**Finance** – None specific within this report

**Staffing** – None specific within this report

**Risk** – None specific within this report

**Equality and Diversity/ Public Sector Equality Duty** – None specific within this report

**Climate Change**- None specific within this report

**Accommodation** – None specific within this report

**Crime and Disorder** – None specific within this report

**Human Rights** – None specific within this report

**Procurement** – None specific within this report

**Disability Issues** – None specific within this report

**Consultation** – As set out in the report

## Appendix 2: Joint Body – County Durham and Darlington Fire and Rescue Authority

### Seats to be allocated in accordance with political proportionality

	Combined number of Seats	126		126		126		126		126		126		126		126	
		Labour		Conservative		Liberal Democrat		DG		DCCIG		ST		TUG		CDI	
		56		22		17		13		9		3		3		3	
		44.44%		17.46%		13.49%		10.32%		7.14%		2.38%		2.38%		2.38%	
Combined Fire Authority	21	9	9.33	4	3.67	3	2.83	2	2.17	1*	1.50*	*	0.50	*	0.50	*	0.50

In 2022 the Durham County Council Independent Group, The Spennymoor and Tudhoe Independent Group, and The Unaligned Group all had equal shares to one seat. The seat was allocated to the Durham County Council Independent Group for 2022/23, the Unaligned Group for 2023/24 and the Spennymoor and Tudhoe Independent Group for 2024/25, provided that the political entitlement remained unchanged for those years. The order of allocation was determined by the drawing of lots.

However, following the recent formation of the County Durham Independent Group, the Durham Group is entitled to one less seat than last year. The Durham County Council Independent Group, the Spennymoor and Tudhoe Independent Group, the Unaligned Group and the County Durham Independent Group all have equal shares to two seats. On that basis the seats will be allocated to two groups in the year 2023/24 two groups in the second year 2024/25, provided that there is no change in political balance in those years. It has been agreed with the Group Leaders that the order of the allocations will be determined by drawing lots.

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## **Appendix 3: Membership of the Charter Trust for the City of Durham**

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### **Membership of the Charter Trust for the City of Durham**

1. Members representing any of the electoral areas as set out below which remain wholly within the original Charter Trustees boundary:-
  - Belmont
  - Brandon
  - Coxhoe
  - Durham South
  - Elvet and Gilesgate
  - Framwellgate and Newton Hall
  - Neville's Cross
  - Sherburn
2. The three Elected Members of the Deerness Electoral Division.
3. The Trustees representing the Trimdon and Thornley: Willington and Hunwick; and Esh and Witton Gilbert areas be one Member from each of these areas receiving the highest number of votes for their Electoral Division at the 2021 County Election.
4. The three additional Trustees representing the wider area are below.  
(NOTE: For the municipal year 2021/22 the Council did not appoint to the three additional trustee positions listed below).
  - The existing Chairman of the County Council (If the Chairman was a Charter Trustee as of right, the position would not be filled by another member)
  - A Cabinet Member
  - An additional Member appointed by the Leader of the Council.

## Appendix 4: Police and Crime Panel

The seats must be politically proportionate to the total number of councillors in the Force area as shown below (10 seats):-

Authority	LAB	CON	LD	DG	DCCIG	Ind (DBC)	Green (DBC)	Unaligned Group	S and T	CDI	Total
Durham	56	22	17	13	9			3	3	3	126
Darlington	24	15	3			1	7				50
<b>Total</b>	<b>80</b>	<b>37</b>	<b>20</b>	<b>13</b>	<b>9</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>176</b>

	Lab	Con	Lib Dem	DG	DCCIG	Ind (Darl)	Green (Darl)	Unaligned Group	S and T	CDI
Proportion	80/176	37/176	20/176	13/176	9/176	1/176	7/176	3/176	3/176	3/176
%	45.45	21.02	11.36	7.39	5.11	0.57	3.98	1.70	1.70	1.70
Actual Seats	<b>5 seats</b> (4.55)	<b>2 seats</b> (2.10)	<b>1 seat</b> (1.14)	<b>1 seat</b> (0.73)	<b>1 seat</b> (0.51)	<b>0 seats</b> (0.06)	<b>0 seats</b> (0.40)	<b>0 seats</b> (0.17)	<b>0 seats</b> (0.17)	<b>0 seats</b> (0.17)

### Durham County Council

7 seats - Labour 3; Conservative Group 1; Liberal Democrat 1; The Durham Group 1 and DCC Independent Group 1

### Darlington Borough Council

3 seats - Labour 2; Conservative 1

**County Council****24 May 2023****Chester-le-Street East By-Election**

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**Statement of County Returning Officer**

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Following a by-election held on 4 May 2023 in the Chester-le-Street East Electoral Division, I formally submit below a Statement for the information of the County Council showing details of the person elected as a County Councillor:

<b>ELECTORAL DIVISION</b>	<b>NAME OF PERSON ELECTED</b>
<b>CHESTER-LE-STREET EAST</b>	Julie <b>SCURFIELD</b>  <b>LABOUR</b>

**JOHN HEWITT**  
Returning Officer

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