

Cabinet

18 April 2012



Annual Review of the Constitution

Report of Colette Longbottom, Head of Legal and Democratic Services

Councillor Simon Henig, Leader of the Council

Purpose of the Report

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

Background

2. In accordance with the Local Government Act 2000, the County Council adopted the new Constitution for the unitary authority. Although legislation has been amended by the Localism Act, a Constitution is still required. The current form of Leader and Cabinet Executive is compliant with statute. An annual review of the constitution is carried out each year by the Monitoring Officer.
3. Amendments to the Constitution which have been approved by Full Council since last year's annual review have been incorporated into the Constitution which is kept updated and maintained on the Council's website and the intranet. Amendments made since the last annual review are;
 - (i) The delegations to the Corporate Directors of Regeneration and Economic Development, Neighbourhood Services, and Resources, and the Head of Planning have been amended to reflect the changes in responsibilities with Asset Management, to enter into agreements under Section 38 of the Highways Act 1980, and to remedy omissions in the powers which have requested as a result of the experience of dealing with these delegations (Part 3C – Tables 5, 6 and 7).
 - (ii) To include a Civic Protocol and Order of Precedence guidance document, for event organisers, where civic dignitaries would be invited to attend (Part 5).
 - (iii) Inclusion of the revised Code of Practice for Members and Officers in dealing with planning matters, to facilitate member engagement in pre-application planning proposals (Part 5).

- (iv) Incorporation of the revised Local Code of Corporate Governance (Part 5).
 - (v) The remit of the Corporate Issues Overview and Scrutiny Committee be extended to include the oversight role of RIPA (Regulation of Investigatory Powers Act 2000).
4. The Monitoring Officer has now carried out her annual review of the Constitution which includes a review of the delegations to the Chief Officers who have been consulted and asked to submit any amendments. The proposed revisions are attached as Schedules to Appendix 2.

Proposed Revisions

- (i) Changes to Article 11 (Officers) (Part 2) to reflect new legislation by including the designation and duties of an officer to discharge the functions relating to overview and scrutiny (Schedule 1).
- (ii) The delegations to the Corporate Directors of Adults Wellbeing and Health, Children and Young People's Services, Regeneration and Economic Development, Neighbourhood Services, and Resources (Part 3C – Tables 3-7) have been amended to reflect the changes which they have requested as a result of the experience of dealing with these delegations for the previous year, or to comply with the Localism Act 2011, and other legislation (Schedules 2-6).
- (iii) To include (Part 5 – Codes and Protocols) the procedural note for meetings of the Highways Committee where representations are made by members of the public (Schedule 7). This will address the inconsistencies in the Constitution as the procedure is included for the Planning Committee, but not for the Highways Committee.
- (iv) To amend Article 6 (Overview and Scrutiny Arrangements) (Part 2) in relation to the Terms of Reference of the Environment and Sustainable Communities Scrutiny Committee's to include arrangements to review and scrutinise flood and coastal erosion risk management functions, in line with new legislation with the Council being a lead flood risk authority (Schedule 8).
- (v) All references to Local Area Agreement (LAA) in the Constitution be deleted in line with changes made in legislation. Where appropriate those references be replaced with the Council Plan.
- (vi) To revise the Overview and Scrutiny Procedure Rules (Part 4- Rules of Procedure) to comply with legislation, in that all Members of the Authority shall be entitled to give notice to the Head of Legal and Democratic Services that they wish an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the relevant

agenda, providing that the matter is not one which would be excluded (Schedule 9).

5. Further revisions will be proposed to the Constitution in due course in line with the impact of the Localism Act 2011 on the Standards Regime, and on planning arrangements; and the governance arrangements to comply with the Police Reform and Social Responsibility Act 2011, and changes in legislation relating to Health. The Constitution will continue to be reviewed throughout the year.

Recommendations

6. The Cabinet are asked to:
 - (i) Approve the delegating of executive powers as set out in the officer scheme of delegations.
 - (ii) Recommend that Council agree the proposed revisions to the Constitution including the delegations to Chief Officers contained therein at the annual meeting of the Council on 16 May 2012.
 - (iii) Recommend that Council authorise the Head of Legal and Democratic Services, following consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.

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Appendix 1: Implications

Finance

None

Staffing

None

Risk

None

Equality and Diversity/ Public Sector Equality Duty

Provision will be made for the Constitution to be made available in a variety of formats and languages.

Accommodation

None

Crime and Disorder

None

Human Rights

None

Consultation

Consultation with Constitution Working Group and Chief Officers has taken place in relation to the proposed revisions.

Procurement

None

Disability Issues

None

Legal Implications

To comply with recent changes in legislation

Article 11 – Officers

11.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated Chief Officers:

Post	Main Functions and areas of responsibility
Chief Executive	<ul style="list-style-type: none"> • Overall corporate management and operational responsibility (including overall management responsibility for all officers) • Principal adviser to the Council on general policy • Overall responsibility for delivering the Council’s policies and programmes • Provision of professional advice to all parties in the decision-making process
Assistant Chief Executive	<ul style="list-style-type: none"> • Communications • Corporate Policy, Planning and Improvement • Community Engagement, Community Development and Area Action Partnerships • Equalities, Diversity and Cohesion • Performance Management and Research Information • Partnership Co-ordination and support for the County Local Strategic Partnership • Overview and Scrutiny • Civil Contingencies
Corporate Director Adults, Wellbeing & Health	<p>Adult Care Services including:</p> <ul style="list-style-type: none"> • In-House Care Provision • Integrated Social Work/Health Teams • Adult Protection • Carers <p>Commissioning Adult Care Services including:</p> <ul style="list-style-type: none"> • Supporting People • Commissioning and Contracts: Older People, Mental Health, Learning Disability, People with a Disability • Sensory Support • Personalisation <p>Libraries, Learning Culture Services including:</p> <ul style="list-style-type: none"> • Adult and Family Learning • Museums • Culture and Arts, Theatres, Galleries • Archives and Records • Events Management

Post	Main Functions and areas of responsibility
Corporate Director Adults, Wellbeing & Health (Cont.)	<p>Libraries Social Inclusion Services including:</p> <ul style="list-style-type: none"> • Health Improvement • Prevention • Community Safety • Gypsy and Travellers • Welfare Rights • Specialist Service User Involvement • LINK • Substance Misuse • Partnership Boards • Client Related Financial Services • Strategic Needs Assessment
Corporate Director Children & Young People's Services	<p>Access and Inclusion Services including:</p> <ul style="list-style-type: none"> • Learning Support Services • School Attendance • School Admissions <p>Achievement Services including:</p> <ul style="list-style-type: none"> • Education Development Services • School and Governor Support • Building Schools for the Future • School Place Planning • Schools Capital <p>Extended Services including:</p> <ul style="list-style-type: none"> • SureStart/Early Years • Youth Services • Connexions • Youth Offending Services <p>Safeguarding and Specialist Services including:</p> <ul style="list-style-type: none"> • Local Safeguarding Children's Board • Corporate Parenting • Disability Services • Secure Services • Children in Need <p>Strategic Commissioning including:</p> <ul style="list-style-type: none"> • Performance Management • Children's Trust • Health and Safety • Workforce Planning

Post	Main Functions and areas of responsibility
<p>Corporate Director Regeneration & Economic Development</p>	<p>Strategic Planning Policy Planning Applications and Appeals Building Control Mineral and Waste Applications Conservation, Archaeology & Ecology Environment Policy Sustainability & Climate Change Economic Policy & Programmes Economic Development Economic Regeneration Employability Business Services County Durham Development Company Housing Strategy & Policy Durham City Homes Housing Renewal and Improvement Prevention & Resolution of Homelessness Strategic Traffic Management Local Transport Planning Network Management Parking Policy Integrated Transport Unit Policy, Planning & Performance Management Countryside & Rights of Way Estates and Property</p>
<p>Corporate Director Neighbourhood Services</p>	<p>Access & Customer Services Strategy</p> <p>Business Regulation including:</p> <ul style="list-style-type: none"> • Trading Standards • Environmental Health • Licensing • Car Parking Enforcement • Scientific Services <p>Leisure – Sports, Leisure & Recreation including Leisure Centres</p> <p>Neighbourhood Services including:</p> <ul style="list-style-type: none"> • Highway Maintenance • Street Lighting • Street Cleansing • Public Realm/Open Space Maintenance • Bereavement Services • Building Services • Housing Maintenance • Neighbourhood Wardens • Parking Control

Post		Main Functions and areas of responsibility
Corporate Neighbourhood (Cont.)	Director Services	<ul style="list-style-type: none"> • Operational Community Safety • Waste Collection & Recycling • Fleet Management <p>Local Traffic Management/Road Safety Waste Management Policy, Planning & Performance Management</p>
Corporate Resources	Director	<p>Financial Management</p> <p>Council Tax Collection & Housing Benefits (Revs & Bens)</p> <p>Legal Services</p> <p>Corporate Procurement</p> <p>Human Resources & Organisational Development</p> <p>Information & Communication Technology</p> <p>Democratic Services</p> <p>Electoral Services</p> <p>Members' Services</p> <p>Land Charges</p> <p>Registration of Births, Deaths & Marriages</p> <p>Coroners</p>

(c) **Head of Paid Service, Monitoring Officer, Chief Finance Officer, and Scrutiny Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Corporate Director, Resources	Chief Finance Officer
Head of Legal & Democratic Services	Monitoring Officer
Overview and Scrutiny Manager	Scrutiny Officer

Such posts will have the functions described in Article 11.02 – 11.05 below.

11.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework, and whether any particular decision or proposed decision constitutes a key decision.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration,

financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (j) **Protocol.** In carrying out his functions the Monitoring Officer will observe such protocols as shall from time to time be approved by the Standards Committee.

11.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.05 Functions of the Scrutiny Officer

- (a) **Promotion of the role of the Overview and Scrutiny Management Board and its Committees-** The Scrutiny Officer will promote the role of the Overview and Scrutiny Management Board and its Committees.
- (b) **Support to Committees-** The Scrutiny Officer will provide support to the Overview and Scrutiny Management Board and its Committees, and to the Members of the Board and its Committees.

(c) **Support and Guidance-** The Scrutiny Officer will provide support to members of the Authority, members of the Executive, and Officers of the Authority, in relation to the functions of the Overview and Scrutiny Management Board and its Committees.

(d) **Restrictions on Posts-** The Scrutiny Officer cannot be Head of Paid Service, Monitoring Officer, or Chief Financial Officer.

11.06 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.07 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

11.08 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Table 3

Delegations to the Corporate Director, Adults Wellbeing and Health

1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 of these Delegations, the Corporate Director, Adults Wellbeing and Health, is authorised to discharge any function of the Executive in relation to:

1.1 Social Services as far as those functions relate to adults.

1.2 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including the acceptance and exercise of guardianships and receivership under the Mental Health Act 2007

1.3 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory complaints procedure.

1.4 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.

1.5 To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.

1.6 Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director, Resources.

1.7 Functions exercisable on behalf of, or in conjunction with an NHS body so far as those functions relate to adults.

1.8 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 including the development of Cooperation Agreements and Partnerships Agreements for joint working arrangements.

1.9 Protection and promotion of the welfare of vulnerable adults including vulnerable young people moving into adulthood.

1.10 To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adults Wellbeing & Health.

1.11 Provision, operation and commissioning of a Welfare Rights Advisory Service.

1.12 Provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Adults Wellbeing & Health.

1.13 Provision, operation and commissioning of services in relation to Gypsies and travellers.

1.14 Provision, operation and commissioning of public libraries, museums, art galleries, theatres, arts development, heritage facilities, the county record office and the county archives with the exception of major changes in the pattern of the provision including permanent closure of these facilities.

1.15 The provision, operation and commissioning of services in relation to Adult Learning.

1.16 The provision, operation and commissioning of vocational training and allied services for persons over compulsory school age and promotion of arrangements to assist persons to obtain employment and employers to obtain employees.

1.17 In consultation with the Corporate Director, Children and Young People's Services to coordinate the transition of service provision for children who will require services into adulthood.

1.18 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).

1.19 Provision, operation and commissioning of a Health Improvement service.

1.20 Provision, operation and commissioning of a Community Safety service.

2. Specific Delegations

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

2.2 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.

2.3 To provide advice on community safety issues to all council services and to provide support and advice to statutory partnerships in community safety/crime and disorder.

2.4 In consultation with the Head of Legal and Democratic Services and Corporate Director, Neighbourhood Services, take enforcement action under Sections 77, 78 and 79 of the Criminal Justice and Public Order Act 1994 in respect of the removal of unauthorised encampments and Section 1 of the Crime and Disorder Act 1998 and Section 85 of the Anti Social Behaviour Act 2003.

2.5 To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registerable staff.

2.6 To make applications procedures under the Forced Marriage (Civil Protection) Act 2007.

2.7 To produce, in consultation with the Director of Children and Young People's Services and the Director of Public Health, the Joint Strategic Needs Assessment pursuant to the Council's responsibilities set out in Section 116 Local Government and Public Involvement in Health Act 2007 for Health & Social Care needs.

2.8 To develop with partners a Joint Health and Wellbeing Strategy for County Durham.

2.9 In work with collaboration with partners in the development of the Safe Durham Partnership Strategic Assessment on behalf of the Safe Durham Partnership and to chair the Safe Durham Partnership.

Table 4

Delegations to the Corporate Director, 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, Children and Young People's Services, is authorised to discharge any function of the Executive in relation to:-

- The Council's role as Children's Services Authority
- Social Services so far as those functions relate to:
 - Children, or;
 - Children and young people leaving care
- Functions exercisable on behalf of a NHS body so far as it relates to children and young people
- The Council's role as Local Education Authority and its role in commissioning 14-19 education as determined by the Education and Skills Act 2008 and any subsequent legislation relating to education and training for young people.
- Meeting the requirements as set down by the General Social Care Council, the General Teaching Council and the Independent Safeguarding Authority and any successor bodies and the Department for Education, in relation to the employment, registration and training of all relevant staff.
- 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 2007.
- To exercise the powers set out in Table 8 relating to the Building Schools for the Future programme.

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

To license the employment of children under Part II of the Children and Young Person Act 1933 Bylaws made under that part, and Part II of the Children and Young Person Act 1963.

Table 5

Delegations to the Corporate Director, Regeneration and Economic Development

Executive Functions

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

- Spatial Planning
- Economic Policy and Programmes
- Regeneration
- Housing
- Transport Strategy
- Highways and Local Transport Planning
- Traffic Management, in consultation, where required with the Highways Committee, in relation to functions under the Road Traffic Regulation Act 1984
- Strategic Tourism
- Conservation and Archaeology
- Town Twinning
- Countryside and rights of way, including enforcement
- Common Land and Town and Village Greens
- Management of the Councils Land and Property Assets

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

Specific and non-executive delegations

1. To give consent on behalf of the Council to the County Durham Development Company Limited incurring expenditure of money provided by the Council.
2. To exercise all of the Council's functions relating to public right of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations except matters reserved to the Highways Committee.
3. To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths.
4. (a) To grant street-works licences under Section 50 of the New Roads and Streetworks Act 1991 (the 1991 Act)

- (b) To issue fixed penalty notices under Section 95A of the 1991 Act
- 5. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- 6. To exercise the Council's powers under the Traffic Management Act 1984 to;
 - (a) Issue fixed penalty notices to statutory undertakers who fail to issue correct notices to carry out works on the road network;
 - (b) Issue a penalty charge notice in connection with parking offences and part of the civil parking regime.
- 7. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
- 8. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.
- 9. 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.
- 10. To discharge the regulatory and enforcement functions of the Council under the legislation set out in the Appendix to this Table.
- 11. To enter into Section 38 of the Highways Act 1980 agreements to adopt and thereafter maintain highways at the public expense.
- 12. To review decisions made by the Head of Spatial Policy Planning, Assets and Environment, relating to the list of assets of community value.

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

- 13. 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 or notifications that any Member of the Council requests be determined by the Planning Committee. (such must be made in writing to the Head of Planning Services specifying material planning grounds on which the request is made and received by the Head of Planning Services within 21 days of publication on the weekly list);

- (b) those applications or notifications where a Member of the Council or an officer of the Regeneration and Economic Development Service has an interest in the property or land which is the subject of the application or notification;
- (c) those applications where despite a Town or Parish Council having expressed objection or support on material planning grounds the officer is minded to recommend the application contrary to the Town or Parish Council wishes and the local council have made a specific request in writing for the application to go before a planning committee which is received by the Head of Planning Services within 21 days of publication on the weekly list.;
- (d) Major developments (but not including Reserved Matters, applications for extension of time or applications for a material minor amendment) comprising –
 - (i) ten or more dwellings (detailed and outline applications) except where the application is for a substitution of house types on a scheme already benefiting from an extant planning permission;
 - (ii) industrial floor space of 5000 m² or more comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution); or
 - (iii) all other developments where the floor space is 1000 m² (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
- (e) those applications for planning permission or notifications likely to have, in the opinion of the Head of Planning Services, a significant impact on the environment or are by their nature particularly controversial;
- (f) those applications or notifications recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
- (g) those applications or notifications 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;

14. 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 13 above.

15. 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.

16. To authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

17. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements.
18. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
19. Authorise the taking of prosecution action applications for injunctions and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the enforcement of legislation relating to town and country planning.
20. Authorise the taking of default action under Sections 178 & 219 of the Town and Country Planning Act 1990.
21. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 & Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
22. Authorise the making, confirmation, revocation and variation of Tree Preservation Orders (including emergency orders).
23. 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).
24. Authorise individual named officers to exercise powers of entry contained in the following:
 - 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 Act 1996
 - Planning & Compensation Act 2004 (so far as is relevant)
 - or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority;
25. Act under and in respect of –
 - (a) Sections 16, 18 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
 - (b) Sections 71 to 73 and 77 to 83, Building Act 1984;

- (c) Building Regulation 14 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings
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 - (d) Sections 29-32, Local Government (Miscellaneous Provisions) Act 1982;
 - (e) Party Wall Act 1996;
26. 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 Part III, Fire Safety and Safety of Places of Sport Act 1987;
 27. 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.
 28. To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.
 29. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
 30. 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.
 31. To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council.
 32. To negotiate the acquisition of wayleaves, licences etc. required to facilitate the discharge of the Council's functions.
 33. 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.
 34. In consultation with the appropriate Service representative to grant leases for up to 21 years on any council owned property, whether or not it has been declared surplus.
 35. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
 36. 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.

37. 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.
38. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance.
39. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
40. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
41. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
42. To refer all unresolved objections to 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 to the General Licensing and Registration Committee for determination.
43. 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.
44. To exercise the Council's function in relation to housing including:-
 - (a) determining the conditions to be included in tenancy agreements;
 - (b) making any decisions necessary to comply with the Council's obligations to secure tenants in compliance with the legislation referred to in the Appendix to Table 5;
 - (c) the determination of any applications for grant assistance pursuant to the legislation listed in the Appendix at Table 5;
 - (d) the allocation of tenancies in accordance with policies approved by the Council;
 - (e) to determine all requests for consents required by the terms of tenancy agreements;
 - (f) to authorise action to enforce a breach of condition in tenancy agreements, including in consultation with the Head of Legal and Democratic Services where necessary, the institution of legal proceedings;
 - (g) the exercise of the Council's enforcement powers under the legislation listed in the Appendix to Table 5 in relation to private sector housing;
 - (h) to authorise the implementation of any action necessary to recover monies due to the Council as a result of its exercise of the powers contained in legislation listed in the Appendix at Table 5;
 - (i) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness in the legislation described in the Appendix at Table 5;
 - (j) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.

- (k) To amend agreements entered with Arms length Management organisations;
- (l) To respond on the Council's behalf to requests for consent to alterations to the Articles of Association of Large Scale Voluntary Transfer companies.

Appendix to Table 5

Acquisition of Land Act 1981
Building Act 1984
Commons Act 1876
Commons Act 2006
Commons Registration Act 1965
Countryside and Rights of Way Act 2000
Electricity at Work Act 1989
Environmental Protection Act 1990
Environment Act 1995
Gas Safety(Installation and use) Regulations 1998
Highways Act 1980
Home Energy Conservation Act 1997
Homelessness Act 2002
Housing Act 1985
Housing Act 1988
Housing Act 1996
Housing Act 2004
Housing and Regeneration Act 2008
Housing Grants Construction and Regeneration Act 1996
Inclosure Act 1857
Landlord and Tenant Act 1985
Leasehold Reform Housing and Urban Development Act 1993
Local Democracy, Economic Development and Construction Act 2009
Local Government (Miscellaneous Provisions) Act 1982
Local Government (Miscellaneous Provisions) Act 1976
Local Government Act 1972
Local Government Act 2003
Local Government and Housing Act 1989
Localism Act 2011
Local Transport Act 2008
New Roads and Street Works Act 1991
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1977
Public Health Act 1936
Public Health Act 1961
Railway Clauses Consolidation Act 1985
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Rights of Way Act 1991
Road Traffic Regulation Act 1984
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Transport Act 1985
Transport Act 2000
Warm Homes and Energy Conservation Act 2003
Wildlife and Countryside Act 1981

Table 6

Delegations to the Corporate Director, Neighbourhood Services

Executive Functions

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

- Highway design and maintenance
- Clean Neighbourhoods and Environment
- Open Spaces
- Leisure and Recreation
- Public Health and Pest Control
- Waste Management and Recycling
- Street Cleansing
- Parking Control
- Building and Technical Services
- Traffic Management, in consultation, where required, with the Highways Committee in relation to functions under the Road Traffic Regulation Act 1984.
- Community Safety
- The Waste Solution Programme as set out in Table 8
- Private Sector Housing Enforcement
- Animal Welfare/Infectious Disease Control
- Trading Standards and Consumer Protection
- Scientific Services
- Burial and Cremation
- Street Naming and Numbering

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 exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the 2000 Regulations:
 - (a) performances of hypnotism;
 - (b) premises for acupuncture, tattooing, ear piercing and electrolysis;
 - (c) pleasure boats and pleasure vessels;

- (d) night cafes and take-away food shops;
- (e) sale of non-medicinal poisons;
- (f) premises for the preparation of food including registration;
- (g) scrap yards;
- (h) pet shops and the breeding and boarding of dogs or other animals;
- (i) animal trainers;
- (j) knackers' yards;
- (k) charitable collections;
- (l) operation of loudspeakers;
- (m) street works licences;
- (n) movement and sale of cattle and pigs;
- (o) all the provisions of the Highways Act 1980;
- (p) storage of celluloid;
- (q) meat, fish, dairy and egg product establishments and butchers' shops;
- (r) motor salvage operations;
- (s) health and safety at work;
- (t) smoke-free premises;
- (u) caravan and camping sites and moveable dwellings.

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

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

The matters set out in paragraphs 3 to 14 below are, in addition, delegated to the Head of Environment, Health and Consumer Protection:

3. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under legislation set out in Appendix 1 to this Table and all associated secondary legislation as amended from time to time.
4. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.
5. Subject to Appendices 2, 3 and 4 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation set out in the Appendix 1 to this Table including all relevant statutory provisions.
6. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in paragraph 3 above and in accordance with PACE and the Home Office Guidance.
7. To authorise suitably qualified and competent staff within the Environment, Health and Consumer Protection Division and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in paragraph 3 above.
8. To authorise another local authority to institute legal proceedings in respect of a contravention of the legislation set out in Appendix 1 to this Table where related contraventions are being investigated by that authority.
9. To grant authorisations in relation to illegal money lending and unfair trading practices.
10. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
11. Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.
12. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
13. To authorise Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local government Act 1972 or to be represented by a duly instructed solicitor.

14. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 2, 3 and 4 to this Table.

The matters set out in paragraphs 15 to 19 below are, in addition, delegated to the Head of Direct Services and Head of Technical Services:

15. To exercise, in consultation with the Head of Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under legislation set out in Appendix 5 to this Table and all relevant statutory provisions, as amended from time to time.
16. To authorise suitably qualified and competent staff within Neighbourhood Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 5 to this Table.
17. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
18. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in Appendix 5 to this Table and in accordance with PACE and the Home Office Guidance.
19. To discharge the regulatory and enforcement functions of the Council under the legislation set out in Appendix 5 to the Table.

Appendix 1 to Table 6

Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agricultural Produce (Grading and Marking) Acts 1928 and 1931
Animal Boarding Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Breeding of Dogs Act 1971
Breeding of Dogs Act 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Business Names Act 1985
Caravan Sites and Control of Development Act 1960
Caravan Sites Act 1968
Children and Young Persons (Protection from Tobacco) Acts 1933 and 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Copyright, Design and Patents Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Courts and Legal Services Act 1990
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Education Reform Act 1988
Employment of Women, Young Persons and Children Act 1920
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1975 to 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Food Act 1984
Food Hygiene (England) Regulations 2006
Food and Environment Protection Act 1985
Food Safety Act 1990
Gambling Act 2005
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
House to House Collections Act 1939
Housing Act 2004
Insurance Brokers (Registration) Act 1977
International Health Regulations 2005
Intoxicating Substances (Supply) Act 1985
Land Drainage Act 1976

Land Drainage Act 1991
Land Drainage Act 1994
Licensing Act 2003
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Localism Act 2011
Medicines Act 1968
Mock Auctions Act 1961
Motor Vehicle Salvage Operators Regulations 2002
National Assistance Act 1948
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Performing Animals (Regulation) Act 1925
Pesticides Act 1995
Pesticides (Fees and Enforcement) Act 1989
Pet Animals Act 1951 and Amendment Act 1983
Poisons Act 1972
Pollution Prevention and Control Act 1999
Prevention of Damage of Pests Act 1949
Prices Acts 1974 and 1975
Property Misdemeanors Act 1991
Protection of Animals Act 1911 (as amended)
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Public Health (Ships) Regulations 1979
Public Health (Ships)(Amendment)(England) Regulations 2007
Riding Establishments Acts 1964 and 1970
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Acts 1988 and 1991
Road Traffic Offenders Act 1988
Road Traffic (Consequential Provisions) Act 1988
Scrap Metal Dealers Act 1964
Shops (early Closing Day) Act 1995
Slaughter of Poultry Act 1967
Slaughterhouse Act 1974
Solicitors Act 1974
Sunbeds (Regulations) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Act 1968
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Town and Country Planning Act 1990
Trade Descriptions Acts 1968 and 1972
Trade Marks Act 1994
Trading Representations (Disabled Persons) Act 1958 and 1972
Trading Stamps Act 1964
Traffic Management Act 2004
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Water Industries Act 1991
Weights and Measures Act 1985
Young Persons (Employment) Acts 1938 and 1964
Zoo Licensing Act 1987

Appendix 2 to Table 6 - Delegation of Licensing Act 2003 responsibilities

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

Appendix 3 to Table 6 - Gambling Act 2005 – Scheme of Delegations

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

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

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

Appendix 4 to Table 6 - Hackney Carriage and Private Hire Licensing

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

Appendix 5 to Table 6

Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Burial Act 1853
Burial Act 1857
Civic Amenities Act 1967
Clean Neighbourhoods and Environment Act 2005
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Criminal Justice and Public Order Act 1994
Criminal Damage Act 1971
Crime and Disorder Act 1998
Dangerous Dogs Act 1991
Directives and Regulations Dogs (Fouling of Land) Act 1996
Dogs (Fouling of Land) Act 1996
Environment Act 1995
Environmental Protection Act 1990 (Part II, III and IV and all associated EU Directives and Regulations) (Part VIII)
Highways Act 1980
Household Waste and Recycling Act 2003
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Localism Act 2011
Local Authorities Cemeteries Order 1977
Local Transport Act 2008
New Roads and Street Works Act 1991
Open Spaces Act 1906
Parochial Registers and Records Measure 1978
Police Reform Act 2002
Public Health Act 1925 - Street Naming and Numbering Functions
Public Health Act 1936
Public Health Act 1961
Refuse Disposal (Amenity) Act 1978
Registration of Burials Act 1864
Road Traffic Regulation Act 1984
Town and Country Planning Act 1990
Town Improvement Clauses Act 1847 – Street Naming and Numbering Functions
Town Police Clauses Act 1847
Transport Act 2006
Waste Minimisation Act 1998

Table 7

Delegations to the Corporate Director, Resources

Executive Functions

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

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

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

Specific and Non-Executive Delegations

Finance and Corporate Services

1. The collection of revenue, council tax and national non-domestic rates.
2. The administration of benefits.
3. To exercise the budgetary control functions referred to the Corporate Director under the Council's Financial Procedure Rules.
4. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
5. To maintain an effective internal audit service.
6. To act as lead officer for the Audit Committee.
7. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
8. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement
9. To make appropriate banking arrangements on behalf of the Council.

10. To insure against risks where he considers this appropriate.
11. The operation of the Council's accounting systems and payroll.
12. In consultation with the Leader and Deputy Leader, to authorise the release of funds from contingencies as set out in the Revenue Budget.
13. 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.)
14. In relation to the Pension Fund:
 - (a) To exercise the County Council's function as administering authority relating to the Local Government Pension Scheme.
 - (b) To exercise those discretions under the Local Government Pension Scheme Regulations as appear from time to time in Pension Fund Statements of Policy;
 - (c) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund this is necessary in order to protect the interests of the Fund.
 - (d) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
 - (e) To maintain all necessary accounts and records in relation to the Pension Fund, including the calculation of and payment of benefits, reconciliation and investment of contributions, preparation of the Annual Accounts and preparation of membership data for actuarial valuation purposes.
 - (f) To maintain the system of internal control.
 - (g) To manage the triennial valuation of the Pension Fund.
 - (h) To accept for admission into the Pension Fund employees of authorities and bodies as prescribed in Regulations including transferee and community Admissions which are considered as 'exceptional circumstances', subject to an approved Admission Agreement, and subject to any necessary indemnities as appropriate
 - (i) To be the local referee for disputes under the Local Government Pension Scheme

- (j) To set the appropriate funding target for the Fund under the rules of the Local Government Pension Scheme.
 - (k) To carry out, in consultation with the Pension Fund Committee, the requirement to monitor and review the investments made by the Fund Managers and report to each meeting of the Pension Fund Committee on the exercise of this delegation.
 - (l) To manage cash flow, allocate funds between investment managers in order to ensure that the Fund's asset allocation is maintained and invest the residual cash balances.
 - (m) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee.
 - (n) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement
 - (o) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Statement of Investment Principles.
 - (p) To produce as part of the Funding Strategy Statement, an assessment of all the specific risks that can be identified in relation to the management of the Pension Fund.
15. To administer the Council's car loan and leasing schemes.
 16. To write off debts.
 17. To deal with the payment of Coroner's remuneration and expenses.
 18. To ensure appropriate financial arrangements across the Council.
 19. To approve premises for the solemnization of marriages and the registration of civil partnerships.
 20. To appoint Coroners.
 21. To authorise expenditure within the approved budget for civic hospitality.
 22. The Corporate Director, Resources also has the powers set out in Table 8 relating to the Building Schools for the Future Programme and the Waste Solution Programme.
 23. To agree the terms of loans permitted under law.
 24. To make a statutory declaration of local authority mortgage interest.

25. To respond to notices in relation to EU financial sanctions.
26. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2, of the Localism Act 2011.

Human Resources and Organisational Development

27. To implement the Council's decisions in relation to Single Status and Job Evaluation.
28. To approve the regrading of posts up to and including Head of Service level.
29. 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.
30. To determine applications for the extension of sick pay.
31. To approve applications for leave of absence in cases not covered by the Council's policies.
32. To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
33. To approve overtime payments for employees above spinal column point 28.
34. To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance.
35. 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.

Legal and Democratic Services

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

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

- (b) To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.
- 38. To carry out the Proper Officer functions relating to freemen under the Durham City Council Act, 1985.
- 39. 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.
- 40. To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.
- 41.
 - (a) To prepare all contracts for the sale or purchase of Council Land and property and all leases, tenancy agreements or other agreements affecting Council land or property including easements or any interest in land.
 - (b) To settle legal documents other than those mentioned above relating to or affecting the functions of the Council.
 - (c) To sign the documents referred to in sub-paragraph (a) above and all other formal documents intended to give effect to decisions of a council body.
- 42. To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.
- 43.
 - (a) Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.
 - (b) To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
- 44. 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 with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.
- 45. To settle claims from staff for damage to personal property in accordance with the Council's policies.
- 46. In consultation with the Chairman of the Standards Committee, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000.

47. To:
- (a) appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and
 - (b) give consent to written resolutions of any company of which the Council is a shareholder.
48. 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.
49. To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
50. To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
51. To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).
52. 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).
53. In consultation with the Corporate Director, Neighbourhood Services and the Chairman and Vice-Chairman of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.

HIGHWAYS COMMITTEE

REPRESENTATION PROCEDURE

1. Proposers and objectors will be informed that their written representations will be taken into account but that they also have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do this and, if so, they will be invited to the meeting at which the issue is debated.
2. Where there is a group of objectors, only one representative will be heard. Where possible, groups of objectors should decide on a single spokesperson.
3. At the meeting the officers will present their reports first.
4. The proposers (if any) will make their representations, subject to a time limit of 10 minutes (except at the discretion of the Chairman), and may be asked questions by the Committee.
5. The objectors will then make their representations, subject to a time limit of 10 minutes (except at the discretion of the Chairman), and may be asked questions by the Committee.
6. Officers may comment on the representations and the merits of the proposal.
7. The Committee will proceed to debate the proposal.
8. In the case of Definitive Map Modification Orders, the evidence will have been circulated to all parties for comment prior to submission to the Committee. It will therefore not be permissible to introduce new evidence at the Committee.

Schedule 8

Committee	Scope
<p>Environment and Sustainable Communities Scrutiny Committee</p> <p><i>Membership</i></p> <ul style="list-style-type: none"> • 21 Members of the Council; • Chair and Vice-Chair of Overview and Scrutiny Management Board ex officio; • Up to 6 non-voting co-optees. 	<ul style="list-style-type: none"> • Local Environment • Protection of the Environment • Neighbourhood Services • Sustainable Communities • Housing • Flood and Coastal Erosion Risk Management Functions <p>Relevant SCS (long term goals) themes:</p> <ul style="list-style-type: none"> • A high quality clean, green, attractive and accessible environment. • A high quality local built and historic environment that meets the needs of communities. • A balanced natural environment with a reduced impact on climate change. • Strong, cohesive communities.

Overview and Scrutiny Procedure Rules

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

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

2. **Who may sit on Overview and Scrutiny Committees?**

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

3. **Co-optees**

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

4. **Education representatives**

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

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

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

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

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

6. Adults, Well-Being and Health Scrutiny Committee

The Adults Well-Being and Health Scrutiny Committee shall have powers to deal with routine matters within its jurisdiction subject to reporting for information to the Overview and Scrutiny Management Board. However, where policy issues are concerned, including consultations about substantial changes in relation to Health Services, a report shall be submitted to the Overview and Scrutiny Management Board and to the Council's Executive for information.

7. Quorum

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

8. Who Chairs Overview and Scrutiny Committee meetings?

- (a) There shall be a Chair and a Vice-Chair of the Overview and Scrutiny Management Board and each Scrutiny Committee.
- (b) In the absence of a Chair the Vice-Chair can exercise the powers of the Chair.

- (c) The Chair and the Vice-Chair of the Overview and Scrutiny Management Board shall be entitled to attend each Scrutiny Committee as an ex-officio member.

9. **Work programme**

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

10. **Agenda items**

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

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

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

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

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