



PART 3

Responsibility for Functions

Responsibility for Council Functions

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1.0 Introduction

1.1 The Local Government Act 1972 (section 101) permits the Council to arrange for the carrying out of its powers and duties by a Committee, Sub-Committee or an officer, or by another Local Authority. The Act does not permit the Council to arrange for a single Member to make decisions.

1.2 The Local Government Act 2000 introduced new forms of political management arrangements. This Council adopted a modified Committee system, otherwise known as alternative arrangements or “fourth option”, in 2001. Since that time there have been some minor revisions to that system but the overriding principle is that all of the functions of the local authority rest with the Council rather than individual Members.

1.3 The Council has established the following Committees and has delegated to them a range of functions and responsibilities. These are described below in order to support transparency and accountability:

- Corporate Board
- Appeals Committee
- Appeals Sub-Committee
- Audit, Governance and Standards Committee
- Licensing Committee
- Licensing Hearings Sub-Committee
- Planning Committee
- Scrutiny Committee 1
- Scrutiny Committee 2
- Standards Hearings Panel

1.4 Appointment to the Committees will be made in accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990 which are generally known as the rules of proportionality (does not apply to hearings panels).

2.0 Full Council

2.1 The responsibility for Council functions is as follows:

- (a) Approving the strategic financing of the Council upon recommendations from the Corporate Board including*:
- determination of the Financial Strategy

- approval of the Revenue Budget
 - approval of the Capital Programme
 - setting the Council Tax base
 - setting the Council Tax
 - determination of borrowing limits
 - utilisation of reserves
- (b) Approval of all strategic policies or plans including such plans that the Council must formulate by statute (together known as the Policy Framework)*.
- (c) Approving any application to the Secretary of State in respect of any Housing Land Transfer*.
- (d) Approval of key decision matters*.
- (e) Receiving the annual report from Overview and Scrutiny Committees*.
- (f) Approval of the work plan for Overview and Scrutiny Committees*.
- (g) Adoption of the Council's constitution and any changes to it including Standing Orders, Delegations, Financial Regulations and Members' Allowances Schemes*.
- (h) Confirming the appointment of Head of Paid Service*.
- (i) Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them*.
- (j) Appointments to Outside Bodies unless delegated to a Committee.
- (k) Changing the name of the area and conferring the title of Honorary Alderman of the District of Richmondshire*.
- (l) Electoral, boundary and parish issues*.
- (m) Making, amending or revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills*.
- (n) Urgent items.
- (o) Considering matters of district wide importance.
- (p) Holding the Leader, Committee Chairpersons and Spokespersons to account.
- (q) Determining any matter delegated to officers not within the remit of any Committee.
- (r) All other matters which by law must be reserved to Council*.

2.2 Other functions of the Council are delegated in accordance with the following table but note that these functions must be read in conjunction with the Scheme of Officer delegation.

Committee	Membership	Functions	Delegation of Functions
Corporate Board	Eleven Members of the Authority including the Leader of Council who shall act as Chair. (Note: the Chairman of the Council is permitted to sit on the Board (Minute DC61, 22/04/14)).	The formulation of the policy framework and budget for submission to the full Council and the implementation of these in respect of Council functions and services not otherwise the responsibility of any other Committee. Specific functions as described in the Functions Schedule Part A.	For delegations to officers refer to the Scheme of Delegations
Appeals Committee	Seven Members of the Authority	Dealing with staff appeals and appeals for discretionary rate relief as listed in the Functions Schedule Part F	n/a
Appeals Sub-Committee	Three Members of the Appeals Committee on a rota basis - who must all attend appropriate training	Dealing with staff appeals (including disciplinary, grievance, capability and ill health) in accordance with the Council's agreed procedures.	n/a
Audit, Governance and Standards Committee	Eleven Members of the Authority who are not members of the Corporate Board. (DC88, 28/04/09)	All aspects of internal audit. All aspects of external audit. The review of any issue referred to it by the Chief Executive or Chief Officer or any Council body. All aspects of counter fraud and anti-corruption. To keep the Constitution under review. Specific functions as described in the Functions Schedule Part B and Standards as set out under Article 8.	For delegations to officers refer to the scheme of delegations
Standards Hearings Panel	Three Members of the Authority sitting on the Audit Governance and Standards Committee One non Member co-optee and one Parish co-optee	To undertake hearings relating to alleged breaches of the Members Code of Conduct as listed in the Functions Schedule Part B	n/a

Committee	Membership	Functions	Delegation of Functions
Licensing and Other Regulatory Functions Committee	Eleven Members of the Authority	<p>To act as Licensing Committee under the Licensing Act 2003 and to exercise all functions of the Licensing Committee which are designated by the Act and/or listed in the Functions Schedule Part C.</p> <p>To recommend to Council the statement of licensing policy for determination and publication. (DC88,28/04/09).</p> <p>To approve the Council's Service Plans for Food Safety and Health and Safety. (DC88, 28/04/09).</p> <p>To approve the Councils policies and procedures in relation to all matters relating to Environmental Health.</p>	For delegations to Officers refer to the Scheme of Delegations
Licensing Hearings Sub-Committee	Three Members of the Licensing Committee on a rota basis (the Chairman or Vice-Chairman being given precedence) - who must all attend appropriate training and, in respect of Licensing Act hearings, cannot be the Ward Member for the area in which the premises is located.	To determine all hearings under the Councils' licensing and registration functions	n/a
Planning Committee	Eleven Members of the Authority who must all attend appropriate training.	<p>To exercise the functions relating to planning and development control as set out in the Functions Schedule Part D.</p> <p>To advise the Council on consultative planning guidance issued by Government and other local authorities.</p> <p>To advise Council on the need to adopt Supplementary</p>	For delegations to Officers refer to the Scheme of Delegations

Committee	Membership	Functions	Delegation of Functions
		Planning Documents. (DC88, 28/04/09)	
Scrutiny Committee 1	Twelve Members of the Authority who are not Members of the Corporate Board	All aspects of scrutiny as set out generally in Article 6 and covering the service areas set out in the Functions Schedule Part E	n/a
Scrutiny Committee 2	Twelve Members of the Authority who are not Members of the Corporate Board	All aspects of scrutiny as set out generally in Article 6 and covering the service areas set out in the Functions Schedule Part E	n/a

Functions Schedule

Note: In this schedule any reference to “Legislation” shall include any Act of Parliament or Statutory Instrument and shall include any amendment, modification or re-enactment of the same.

3.0 Part A - Corporate Board

3.1 Principles

To achieve and deliver its functions by:

- working on a cross Group and proportionate basis
- supporting the principle of collective responsibility
- supporting the principle of accountability
- developing working relationships of trust and respect
- acting as one body
- ensuring appropriate consultation and levels of involvement within and outside the Corporate Board membership
- ensuring the free flow of information
- working corporately focusing on strategic and not operational issues

3.2 Functions

All functions not listed elsewhere in this section which are not reserved to full Council including in particular:

- (a) To provide overall leadership and direction for the Council.
- (b) The formulation of the policy and budget framework for approval by Council and the implementation of these where not the responsibility of full Council.
- (c) To ensure the strategic direction and co-ordination for the Council’s policies and objectives.
- (d) To ensure the effective performance of the Council in relation to its policies and functions and to co-ordinate all matters related to performance and the pursuit of best value for submission to Council for approval.
- (e) To make recommendations to Council on all strategic financing matters including proposing an overall revenue budget and capital programme and recommending the amount of Council Tax to be set.

The Corporate Board may allocate Lead Member responsibility in a particular area to enable the Member to make a significant contribution to the Council’s expertise, knowledge and development of strategy in that particular area. The Lead Members shall be known as ‘Spokespersons’. The service areas for the time being are:

- Resources/Internal Council
- Strategy & Planning
- Operational

The specific role of Lead Members/Spokespersons shall, if appointed, be as set out in the Member Job Descriptions in Schedule 2 of the Constitution.

Appointment of Chief Officers (note the appointment of the Head of Paid Service must be confirmed by Council).

4.0 Part B – Audit, Governance and Standards Committee

4.1 Purpose

The purpose of the Audit, Governance and Standards Committee is to:

- (a) Provide independent assurance of the adequacy of the risk management framework and the associated control environment.
- (b) Provide independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment.
- (c) Oversee the financial reporting process.
- (d) Promote high standards of governance and oversee all aspects of the operation of the Council's Member Code of Conduct.

4.2 Internal Audit Functions

- (a) Consideration of Internal Audit's Annual Report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (b) Consideration of summaries of specific internal audit reports as requested.
- (c) Approval and monitoring of the annual Audit Plan.
- (d) Consideration of reports dealing with the management and performance of the providers of internal audit services.
- (e) Consideration of reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (f) The commissioning of work from Internal Audit.

4.3 External Audit Functions

- (a) Consideration of the External Auditor's Annual Letter and relevant reports.
- (b) Consideration of specific reports as agreed with the External Auditor.
- (c) Commenting on the scope and depth of external audit work and to ensure that it gives value for money.
- (d) Liaison with the Audit Commission over the appointment of the Council's External Auditor.

- (e) The commissioning of work from External Audit.
- (f) Consideration of the external auditor's report arising from the audit of accounts.

4.4 **General Functions**

- (a) The review of any issue referred to it by the Chief Executive, Corporate Director, Manager, Corporate Board or any Council body.
- (b) All aspects of counter fraud and anti-corruption including:
 - Monitoring of Council policies on raising concerns at work, anti-fraud and anti-corruption and the Council's complaints process;
 - Monitoring the effective development and operation of risk management in the Council;
 - Overseeing the production of the Council's Statement on Internal Control and to recommend its adoption;
 - Consideration of the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
 - Reviewing and approval of the annual statement of accounts, specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (c) Maintaining an overview of the Council's Constitution and recommending revisions to Council.
- (d) To review the Annual Statement of Accounts and, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit which need to be brought to the attention of the Council.
- (e) To consider the External Auditor's report to those charged with governance on issues arising from the audit of accounts.

(Purpose and Functions taken from the CIPFA Practical Guidance for Local Authorities, 2005)

4.5 **Standards**

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted members.
- (b) Assisting Councillors and co-opted members to observe the Members' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (d) Monitoring the operation of the members' Code of Conduct.

- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
- (f) Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- (g) Providing guidance and advice on ethical matters or probity issues when requested by Members, the Chief Executive, the Monitoring Officer or Parish and Town Councils.
- (h) Reviewing current procedures and protocols in terms of their ethical consistency and impact on the Council's services and delivery.
- (i) Undertaking audits of the authority's ethical performance across all aspects of its operation and considering reports from the authority's external auditors that cover matters of conduct, probity or ethics.
- (j) Considering reports related to conduct, ethics and probity issued by regulatory bodies, making recommendations where appropriate and monitoring their implementation.
- (k) Advising Members and employees on the management of statutory registers of interest and the inventory of gifts and hospitality received and ensuring that they are kept up to date and accessible.
- (l) Being responsible for maintaining and conducting the Authority's procedures for investigating and hearing complaints under the Code of Conduct and ensure that the Authority's complaint procedures are accessible and consistent.
- (m) Maintaining an overview of complaints handling and Ombudsman investigations.
- (n) Liaising with external agencies, in particular the Local Government Ombudsman and the District Auditor, in connection with any matter within the Committee's terms of reference.
- (o) Recommending to the Council representations to the Secretary of State or the Local Government Association on any matter relating to the general principles of conduct and Code of Conduct.
- (p) Any function delegated to the Committee by Statute.

5.0 Part C - Licensing Committee

5.1 Functions

- (a) To exercise all of the Council's functions under the Licensing Act 2003 except for the function of the determination and publication of the statement of licensing policy.
- (b) To exercise all of the Council's functions under the Gambling Act 2005.

- (c) To exercise the Council's powers and duties relating to the licensing of taxis and private hire vehicles.
- (d) To exercise all of the Council's functions under the Sunbed (Regulation) Act 2010. (A&G 29/03/11 & ratified 19/04/11).
- (e) To exercise any miscellaneous licensing powers or functions of the Council as set out in current legislation.
- (f) To exercise any of the Council's powers set out in legislation relating to Environmental Health and to approve any associated policies or procedures.
- (g) To discharge the council's functions relating to Health and Safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974 otherwise than in the Council's capacity as employer.

The Statutory powers available to this Committee are as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time and can be viewed on request to the Monitoring Officer.

6.0 Part D - Planning Committee

6.1 Functions

- (a) To exercise the Council's powers and duties in relation to all Town and Country Planning, Conservation, planning related regeneration and Development Control matters arising from all current planning legislation.
- (b) To exercise miscellaneous statutory functions relating to public rights of way, hedgerows, high hedges and preservation of trees.
- (c) To exercise powers in relation to part 8 of the Anti-Social Behaviour Act 2003.
- (d) To advise the Corporate Board on consultative planning guidance and development plans issued by Government and other local authorities.

The statutory powers available to this Committee are as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time and can be viewed on request to the Monitoring Officer.

7.0 Part E - Scrutiny Committees

7.1 Functions

- (a) Committee 1 – Scrutiny functions for all internal aspects of Council service delivery.
- (b) Committee 2 – Scrutiny functions for all external aspects of Council service delivery including Crime and Disorder.

7.2 Specific Functions

(a) Policy Development

Within its terms of reference each Scrutiny Committee will:

- (i) Assist the Council and the policy committees in the development of the budget and policy framework by in-depth analysis of policy issues.
- (ii) Conduct research, community and other consultation in the analysis of policy issues and possible options.
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (iv) Question Members of Committees and chief officers about their views on issues and proposals affecting the area.
- (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny and Review

Within its terms of reference each Scrutiny Committee may:

- (i) Review and scrutinise the decisions made by and performance of committees and council officers both in relation to individual decisions and over time.
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- (iii) Question Members of Committees, chief officers, Corporate Directors and Managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- (iv) Make recommendations to the appropriate Committee and/or Council arising from the outcome of the scrutiny process.
- (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance.
- (vi) Question and gather evidence from any person (with their consent).

In deciding what reviews are to be undertaken, Members will take the following into account:

- (i) Will the outcome make a difference?

- (ii) Discussions with Senior Management Team on reviews which can be undertaken to assist with the workload of the Council's service areas.
- (iii) Local views and priorities (what the community would want Scrutiny to get involved in to improve service delivery?)

(c) **Crime and Disorder**

Within its terms of reference Scrutiny Committee 2 may:

- (i) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- (ii) Make reports or recommendations to Council with respect to discharge of those functions.
- (iii) Have at least one meeting each municipal year dedicated to scrutinising crime and disorder matters.

(d) **Finance**

Any suggested topics for future review with financial implications will be submitted first to the Audit, Governance and Standards Committee.

(e) **Annual report**

Scrutiny Committees must submit an annual report to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate. The annual report will be monitored to ensure that the outcomes of each review undertaken have improved, or made suggestions to improve services delivery.

8.0 Part F – Appeals Committee

8.1 Functions

- (a) To determine appeals by employees where the right to such an appeal is conferred by the employee's conditions of service.
- (b) To determine appeals against decisions taken under delegated authority in relation to applications in respect of discretionary rate relief, applications in respect of hardship relief in accordance with the Local Government Finance Act 1988 as amended and applications in respect of discretionary rural rate relief.
- (c) To determine appeals against decisions taken under delegated authority in respect of the grant, variation or refusal of applications for licences.
- (d) To determine any other decision of an appellate nature which needs to be determined by Members.

Scheme of Delegation - Delegations to Officers

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9.0 Scheme of Delegation - Delegations to Officers

9.1 General

- (a) Richmondshire District Council has functions given to it by statute. These powers can be delegated to officers under section 101 of the Local Government Act 1972 and the Council has arranged for a number of its functions to be discharged by its chief officers in the manner set out in this scheme of delegation. The Committee with ultimate responsibility for a particular function is set out in Part 2 of this Constitution.
- (b) The following posts are designated chief officer posts:
- Chief Executive
 - Corporate Directors

9.2 Proper Officers

- (a) In addition to the specific powers delegated to chief officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council and maintained by the Democratic Services Manager. The list can be viewed upon request.
- (b) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

9.3 The Statutory Officers

By law the Council must appoint officers to the following posts which are given certain powers and duties by statute.

- (a) **The Head of Paid Service.** (s4 Local Government and Housing Act 1989)
Acknowledged post holder - The Chief Executive (DC38, 23 October 2012 & DC60, 19 April 2016).

- (i) Duty to prepare a report regarding proposals for the co-ordination of the Authority's functions and the number and grades, organisation of and appointment and proper management of the Authority's staff.
- (b) **The Monitoring Officer.** (s5 Local Government and Housing Act 1989)
Acknowledged post holder - Corporate Director (DC38, 23 October 2012)
- (i) Duty to prepare a report if it appears to him/her that any proposal, decision or omission would give rise to any contravention of law or any maladministration or injustice.
- (ii) Duty to investigate a complaint against a Member of the Authority where the complaint has been referred to him/her under section 60 Local Government Act 2000.
- (iii) Duty to arrange for the determination of a complaint against a Member of the Authority referred to him/her under section 64 Local Government Act 2000.
- (iv) To undertake all functions in connection with Legal Service including:
- The commencement, defence, settlement and general conduct of legal proceedings (the Monitoring Officer will use their legal and professional judgement and identify those issues which may have political significance or fall under the exceptions protocol and refer such matters to Members);
 - The issue and/or service of any Notice or Order which is not the responsibility of another chief officer.
- (v) To administer and co-ordinate the Council's policy and procedures in respect of the Regulation of Investigatory Powers Act 2000.
- (c) **The Chief Finance Officer.** (s151 Local Government Act 1972)
Acknowledged Post holder – Corporate Director (DC38, 23 October 2012)
- (i) Responsibility for the administration of the Authority's financial affairs.
- (ii) Duty to prepare a report if it appears to him/her that any decision will incur unlawful expenditure or any course of action which if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the authority.
- (iii) To have overall control of the Council's finances and to act as financial advisor to the Council and Committees and Senior Management Team.
- (iv) To undertake the management of the Council's internal and external audit requirements.
- (v) To undertake all functions in connection with finance including:
- Financial reporting

- Financial management (including the management of funds and reserves)
- Treasury management (including borrowing and investments)
- Exchequer services (including payroll, insurances and pension matters)

(vi) To control all funds and reserves.

9.4 General provisions applying to all delegated powers

- (a) Delegated powers must be exercised in accordance with:
- (i) Any statutory restrictions
 - (ii) The budget and policy framework set by Council and any other Council policy
 - (iii) Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
 - (iv) Any applicable code of conduct agreed by Council
 - (v) Any provision contained within this Constitution and in particular the Scheme of Delegation Protocols
- (b) Any delegation does not include:
- (i) Any matter reserved to full Council
 - (ii) Any matter which by law may not be delegated to an Officer
 - (iii) Any matter which falls within the definition of a Key Decision
- (c) Any reference in this Scheme of Delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or re-enactment of the same.
- (d) Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- (e) The arrangements made in this Part for the discharge of functions by officers does not prevent the full Council from exercising those functions and an officer may refer any matter to the appropriate Committee or to Council if he/she deems it appropriate to do so.
- (f) Unless prohibited by statute a chief officer may delegate any power to another chief officer and authorise any other officers to exercise defined powers. However the chief officer originally designated under this scheme remains responsible and accountable for those functions.

- (g) Officers must keep Members properly informed of actions taken within the scope of these delegations in accordance with the Member/Officer Protocol set out in Part 5 of this Constitution.
- (h) In exercising delegated powers officers shall have regard to any report by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer under their statutory responsibilities.

9.5 General powers delegated to all chief officers

- (a) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which he/she is responsible.
- (b) To take all necessary action to achieve and implement the objectives and actions set out in the Council Plan 2015-2019, and any approved policies, strategies or other plans.
- (c) To deal with the following employment matters in accordance with Council procedures:
 - (i) The employment of all employees below chief officer level including determining the most appropriate means of recruitment and selection;
 - (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas;
 - (iii) Application of conditions of service including the authorisation of leave of absence and payment of honoraria;
 - (iv) Suspension or dismissal of employees below chief officer level;
 - (v) Re-grading of posts below chief officer level following job evaluation;
 - (vi) Determination of job sharing applications;
 - (vii) Changes to the staffing establishment, structure and job roles which incur no additional budget requirement.
- (d) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- (e) To acquire, dispose of, grant and obtain rights in land, premises vehicles and other equipment and property on such terms and conditions as considered appropriate.
- (f) To commission goods, services and works.
- (g) To provide grants and other financial assistance.
- (h) To deal with media enquiries and press releases.

- (i) To represent the views of the Council in responding to consultations with the Council by any outside body where the period for a response does not allow the consultation paper to be reported to Members.
- (j) To vire between the budget heads which the chief officer is responsible for (except that this delegation does not authorise virement between the General Fund and the Housing Revenue Account) in accordance with Financial Regulations.
- (k) To work with partners to achieve and implement the objectives and actions set out in the Council Plan 2015-2019 any any policies, strategies or other plans.

9.6 Functions Delegated to Specific Officers

(a) Chief Executive

- (i) To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.
- (ii) 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.
- (iii) To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.
- (iv) To take such action as he/she considers appropriate in any urgency (as defined by the Chief Executive) in consultation with such Members and officers as he/she considers the circumstances will allow. Any decisions taken under this paragraph shall be reported by the Chief Executive to the next meeting of the Full Council explaining the reasons for the decision.
- (v) In the absence of any chief officer the Chief Executive shall have the power to exercise any of the powers delegated to the chief officer or nominated officer.
- (vi) To perform all functions relating to elections including the duties of electoral Registration Officer and Returning Officer.
- (vii) To undertake all functions relating to Parish Councils including acting with the Chairman of a Parish Council as a Parish Trustee.
- (viii) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- (ix) To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.

(b) **Corporate Directors**

- (i) To exercise the authority delegated to the Chief Executive above, in the absence of the Chief Executive excluding those delegations given to the Head of Paid Service.
- (ii) To undertake all functions as authorised by the Chief Executive under his/her delegation.

(c) **Corporate Directors (General)**

- (i) **Partnerships.** To undertake all functions in respect of Partnerships including:
 - Local Strategic Partnerships
 - Community Safety
 - Any other partnerships which support or contribute to the Council policies, strategies and plans
- (ii) **Housing.** To undertake all functions in respect of Housing including:
 - Facilitating the provision of housing
 - Homelessness
 - Harassment / unlawful eviction
 - Developing and implementing the Housing Improvement Programme
 - Administering the Lifeline Scheme
 - Determining appeals on housing related matters
- (iii) **Leisure and Culture.** To undertake all functions in respect of Leisure and Culture including:
 - Leisure services
 - Culture and the Arts
- (iv) **Customer Services.** To undertake all functions in connection with the Council's customers including:
 - Community Office and Administration Services
 - Other customer access channels
- (v) **Economic Development and Tourism.** To undertake all functions in respect of Economic Development including:
 - Management of the Council's portfolios of industrial units
 - Administration of business grants and loans schemes
 - Inward investment and external funding support
 - Tourism
- (vi) **Information.** To undertake all functions in respect of information including:
 - Information and Communications Technology

- Freedom of Information/Data Protection information
- (vii) **Communications.** To undertake all functions in respect of communications including:
- Communication
 - Media/PR
 - Community Engagement
- (viii) **Policy and Performance.** To undertake all functions in respect of policy and performance including:
- Corporate Policy
 - Planning Policy
 - Strategic Housing
 - Performance Management
 - Transport Strategy
- (ix) **Planning Matters.** To undertake all functions in respect of:
- Town and Country Planning
 - Planning Policy
 - Fly posting and high hedges
- (x) **Building Control.** To carry out all functions in connection with Building Control matters and dangerous structures.
- (xi) **Licensing.** To discharge all functions in respect of:
- Any Premises licensing matter which is not the responsibility of another chief officer
 - Any other licensing matter not delegated to another chief officer
 - Animal welfare licensing
 - Caravan site licensing
 - Premises licensing
 - Hackney carriage and private hire licensing
 - Charitable collections
 - Gambling
 - Lotteries
- (xii) **Environment.** To undertake all functions relating to the environmental matters including:
- Public health
 - Food Sales, safety and standards
 - Caravan sites
 - Health and Safety at Work
 - Pollution Control
 - Pest Control
 - Shops and Sunday trading
 - Animals

- Home Safety
 - Water Supply, Standards and Safety
 - Housing Conditions, Standards and Safety
 - Housing Improvement and Renovation
 - Public Nuisance
 - Drainage and Sewers
 - Smoking in public places.
- (xiii) **General.** To undertake all functions in relation to the naming and numbering of streets
- (xiv) **Democratic Services.** To undertake all functions in connection with Democratic Services, including:
- The operation of the Council's Constitution
 - Member and meeting support in respect of the Council and Committees
 - Corporate Learning and Development opportunities for Members
 - The administration (on behalf of the Chief Executive) of the register of electors and the electoral registration service.
 - To support the Scrutiny function.
- (xv) **Human Resources.** To undertake all functions in connection with Human Resources including:
- HR policies and procedures (including the Council's People Strategy)
 - Corporate Learning and Development opportunities for officers
 - Advisor to Members in respect of chief officer recruitment.
- (xvi) **Revenues and Benefits.** To undertake all functions in connection with Revenue and Benefits, including:
- Housing and Council Tax Benefits (including associated benefits)
 - Council Tax administration
 - National Non domestic Rates (Business Rates) administration
- (xvii) **Council Tax and National Non Domestic Rates.** To undertake all functions relating to Council Tax and National Non Domestic Rates and other revenues.
- (xviii) **Procurement.** To undertake all functions in connection with Procurement, including:
- To facilitate the sourcing of goods, works and services
 - To provide advice and guidance on procurement legislation and the contract
 - To co-ordinate the delivery of the Council's Procurement Strategy and action plans.

Scheme of Delegation - Exceptions Protocol

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10.0 Scheme of Delegation - Exceptions Protocol

10.1 Under the Council's Scheme of Delegation most operational and administrative matters are delegated to chief officers. This protocol sets out the exceptions i.e. those decisions which, in addition to others set out in the Constitution, shall be referred to the Corporate Board or Council.

(a) Chief Executive

No additional exceptions identified.

(b) Corporate Directors

(i) Housing matters

- Changes to the Housing Allocation Policy.
- Rent and service charge setting.

(ii) Customer, communications and policy matters

- PR/Communication matters which are of a political nature.
- Consultation on County Structure Plan, Regional Planning Guidance, Government Planning Policy and policy documents from neighbouring Authorities will be reported to Corporate Board for determination.
- The documents which make up the Council's Local Development Plan will be approved by the Corporate Board prior to submission to Council for adoption.

(iii) Planning Matters

- Listed below are the circumstances in which any planning application or planning matter would be reported to the Planning Committee for determination. The Planning and Development Manager will determine all other planning applications and planning matters unless the decision would be contrary to the written views of any Member and their reasons for those views, submitted within 25 days from notification of that application to Members.

- Matters to be reported to Planning Committee:
 - Proposals which are contrary to the provisions of the Development Plan or approved Council planning policies, standards or guidance and which are recommended for approval
 - Proposals which are “major” applications (as defined by legislation) excluding non-intensive agricultural buildings and applications to vary conditions attached to planning permissions for “major” developments.
 - Proposals submitted by or on behalf of the Council for its own developments, or on Council owned land except for the approval of “minor” or other developments (as defined by legislation) or works to trees to which no objection has been received
 - Proposals submitted by or on behalf of a Member or employee of the Council (or in each case their spouse or partner), where this has been confirmed on the completed application form and objections have been received.
 - Proposals submitted where a Member or officer has submitted representations to the applications as a private individual.
 - Enforcement matters where the case involves a Member or employee of the Council or in each case their spouse or partner.
 - Enforcement matters where there is a contravention of planning control involving the Council’s own development.
 - Retrospective proposals submitted by or on behalf of a Member or employee of the Council (or in each case their spouse or partner) where this has been confirmed on the completed application form. (DC88, 28/04/09)

(iv) Licensing

- Where an un-resolved representation is lodged to a licence application the matter will be referred to the Licensing Committee for determination.
- If consideration is being given to the revocation of any licence, registration or permit then this will be referred to the Licensing Committee for determination.

(v) Financial Matters

- The annual approval of the following:
 - Financial Strategy
 - Revenue Estimates
 - Capital Estimates
 - Borrowing Limits and Prudential Indicators
 - Utilisation of Reserves
- The Monitoring of the following:
 - Quarterly Revenue position
 - Quarterly Capital position
 - Quarterly utilisation of Reserves
 - Bi-Annual performance of Treasury Management

(vi) Democratic Services

- Any review and/or amendments to the Constitution (excluding minor and consequential amendments required by organisational or legislative changes, typographical errors and minor changes in layout which may be made by a Corporate Director).
- Review of Polling Places (stations, boundaries and locations).

(vii) Human Resources

- All proposals to alter the Councils staffing establishment which cannot be met within existing budgets will be presented to the Corporate Board for determination.

(viii) Revenues and Benefits

- The approval of the Annual Council Tax Base.
- The setting of the Council Tax.

(c) **Monitoring Officer**

The Monitoring Officer will use his/her professional judgement to keep Members informed of the progress of any legal action brought either by or against the Council.

(d) **All Chief Officers**

- (i) Any proposals to dispose of land shall be discussed with the relevant Ward Member(s) and notice of the proposal shall be placed in the Members' Bulletin.
- The Officer may only proceed to dispose of the land in question if no Member has requested that the matter be the subject of a report Corporate Board.
 - Any Member wishing to refer a proposed disposal to Corporate Board shall do so by 5:15 pm on the date stated in the Members' Bulletin.
 - Any disposals that involve Members or Officers in their personal capacity will be referred to Corporate Board.
- (ii) Acquisitions/disposals of property will only be undertaken after receiving advice from a fully qualified valuer. If the chief officer wishes to adopt a course of action contrary to the valuation advice then the matter shall be reported to the Corporate Board.
- (iii) The definition of a 'disposal' of land shall mean the sale of the Council's freehold interest or a lease of seven years or longer.