

PART 3

RESPONSIBILITY FOR FUNCTIONS

1. INTRODUCTION

- 1.1.** This part of the Constitution sets out which bodies and individuals are responsible for particular functions of the Authority.
- 1.2.** These functions are described in more detail in this part of the Constitution.
- 1.3.** Also included in this part of the Constitution are details of the Committees and Working Groups, the Scheme of Delegation to Officers, and the list of Proper Officer designations.
- 1.4.** The list of Proper Officer designations sets out the officers responsible for certain functions under a particular piece of legislation.

2. COUNCIL FUNCTIONS

In some instances, decision can only be taken at a meeting of the Full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a Committee or an Officer - where this is the case, it is identified in this part of the Constitution.

Function	Reservation or Delegation of Function
All those functions for which the Council is responsible relating to town and country planning and development control	Development Control Committee Director of Finance and Transformation
All those functions for which the Council is responsible relating to the protection and treatment of hedgerows and the preservation of trees	Development Control Committee Director of Finance and Transformation
All those functions for which the Council is responsible relating to public rights of way	Development Control Committee Director of Services
All those functions for which the Council is responsible relating to licensing and registration and the grant of consents and refusals	Licensing and Regulatory Committee Director of Services

Function	Reservation or Delegation of Function
All those functions for which the Council is responsible governing health and safety at work (other than in the Authority's capacity as an employer)	Director of Services
All those functions relating to elections	Council Chief Executive Returning Officer Electoral Registration Officer
Functions relating to the name and status of areas and individuals	Council
Power to make, amend, revoke, re-enact or enforce byelaws or orders	Council
Power to promote or oppose local or personal bills	Council
Power to make and amend procedure rules	Council
Power to make contract standing orders	Council
Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council Chief Executive Director of Services
Duty to make arrangements for the proper administration of financial affairs	Council
Power to appoint officers for particular purposes (appointment of Proper Officers)	Council Monitoring Officer
Duty to designate an officer as the head of the Authority's paid service	Council
Duty to designate an officer as the monitoring officer and to provide staff	Council

Function	Reservation or Delegation of Function
Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts	Policy Finance and Development Committee
Power to make a closing order on a takeaway food shop	Licensing and Regulatory Committee Head of Law and Governance
Functions under local Acts	Council Heads of Service
The conduct of best value reviews under Local Government Act 1999	Policy Finance and Development Committee Chief Executive
The discharge of any function relating to the control of pollution or the management of air quality	Licensing and Regulatory Committee Director of Services
The service of an abatement notice for a statutory nuisance	Licensing and Regulatory Committee Director of Services
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply	Council
Inspections for statutory nuisance	Licensing and Regulatory Committee Director of Services
Investigation of any complaint as to the existence of a statutory nuisance	Licensing and Regulatory Committee Director of Services
Obtaining information under Section 330 Town and Country Planning Act 1990 as to interests in land	Policy Finance and Development Committee Director of Finance and Transformation
Obtaining of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976	Policy Finance and Development Committee Service Delivery Committee Heads of Service

Function	Reservation or Delegation of Function
The appointment or revocation of appointment of any individual to any office/body other than the Council	Council Chief Executive
The making of agreements with other local authorities and external agencies for the placing of staff and joint working arrangements	Council Chief Executive
All those functions for which the Council is responsible relating to Community Governance Reviews as set out in Chapter 3 of the Local Government and Public Involvement in Health Act 2007	Council Chief Executive

3. FULL COUNCIL

Membership: 26 Members

Quorum: 7 Members

Functions:

Only the Full Council will exercise the following functions:

- 3.1.** Subject to Article 14, adopting and changing the Constitution;
- 3.2.** Approving or adopting the Policy Framework, the Budget and any application to the Secretary of State for a Housing Land Transfer
- 3.3.** Appointing the Leader of the Council annually;
- 3.4.** Agreeing and/or amending the responsibility for functions of any committees or other bodies appointed by the Full Council, deciding on their composition and making appointments to them;
- 3.5.** Appointing representatives to outside bodies unless has been delegated by the Council
- 3.6.** Adopting an allowances scheme or assessing, revoking or replacing any such scheme;
- 3.7.** Changing the name of the area and conferring the title of Honorary Alderman or Freeman;
- 3.8.** Confirming the appointment or dismissal of the Head of Paid Service;
- 3.9.** Making arrangements for the proper administration of financial affairs;
- 3.10.** Designating an officer as the Monitoring Officer;
- 3.11.** Appointing an Electoral Registration Officer;
- 3.12.** Appointing a Returning or Acting Returning Officer for Parliamentary, local, European and Police Commissioners elections and referenda
- 3.13.** Making, amending, revoking, re-enacting or adopting bylaws and orders and promoting or opposing the making of local legislation or personal Bills;
- 3.14.** Determining senior management structures of the organisation;
- 3.15.** Agreeing procedure rules, standing orders and financial regulations;
- 3.16.** Proposals relating to district boundaries, electoral wards and the number of Borough Councillors;
- 3.17.** Agreeing an Annual Schedule of Meetings;
- 3.18.** Adopting and amending the Authority's Code of Conduct for members and other codes and protocols comprising the ethical framework;
- 3.19.** Power to resolve not to issue casino licences;
- 3.20.** Subject to any matters delegated to Committees or other bodies or officers, determining all local choice functions set out in Part 3 of this Constitution;

3.21. Accepting the delegation of a power or function from another local authority; and

3.22. All matters which, by law, must be reserved to Council.

In the absence of any express statutory prohibition, every Committee appointed by the Council may appoint Sub-Committees and Working Groups for purposes and duration to be specified by the Committee. They may also make specific delegations to Officers.

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4. POLICY, FINANCE AND DEVELOPMENT COMMITTEE

Membership: 14 Members

Quorum: 4 Members

Functions:

- 4.1.** To be responsible for strategic and policy co-ordination;
- 4.2.** To recommend major new policies (and amendments or revisions of existing policies) to the Council for approval as a part of the Authority's Budget and Policy Framework (Article 4 of this Constitution);
- 4.3.** To prepare and agree other policies and strategies for implementation and to respond to consultation documents
- 4.4.** To recommend to the Council the annual budget, including the Capital and Revenue Budgets and the level of Council Tax and The Council Tax base;
- 4.5.** To consider, at least annually, the level of reserves, provisions, and balances held by the Authority and recommend any changes to the Council;
- 4.6.** To ensure that the annual budget is implemented and the underlying principles adhered to in any changes required from time to time. This will include recommending to Council any changes to policy that will materially reduce or increase the services of the Authority or create significant financial commitments in future years;
- 4.7.** To take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the full Council;
- 4.8.** To exercise the Authority's duty in Section 17 of the Crime and Disorder Act 1998 to reduce crime and disorder;
- 4.9.** To oversee the implementation of Value for Money;
- 4.10.** To consider and respond to recommendations and reports from other Council Committees and Bodies;
- 4.11.** To monitor expenditure on the capital programme;
- 4.12.** To receive and consider reports from the District Auditor (including the Management Letter) and agree any appropriate action
- 4.13.** To consider the reports of external review bodies on key aspects of overall service delivery;
- 4.14.** To ensure that the promotion of the rights, welfare and interests among all groups in society is given equal and primary consideration in all aspects of the Council's work and services;

- 4.15.** To carry out the Authority's responsibilities for improving the economic, social and environmental well-being of the District and increasing the availability and equality of access to employment;
- 4.16.** To review and monitor the Authority's strategy and overall implementation on e-Government, telecommunications, information systems and information technology, making recommendations to the Council as required;
- 4.17.** To manage and maintain the Authority's other property portfolio;
- 4.18.** To collect the Council Tax, National Non-Domestic Rates, periodic income and sundry debts;
- 4.19.** To exercise the Authority's powers for planning and responding to civil emergencies;
- 4.20.** To exercise the Authority's functions as Local Planning Authority (except to the extent that those functions are by law the responsibility of the Council), including supplementary planning guidance, and designating conservation areas;
- 4.21.** To oversee the Authority's overall policy on the voluntary and community sector;
- 4.22.** To approve the purchase, sale or appropriation of land and buildings where the market value of the transaction exceeds £30,000 and to approve leasing (or otherwise) property where throughout the term the annual rental will exceed £20,000
- 4.23.** To authorise the making of compulsory purchase and control orders;
- 4.24.** To write off debts of more than £10,000;
- 4.25.** To write off stocks, stores and other assets and to write off any losses of money or stores or to settle claims;
- 4.26.** To write off as non-refundable credits on accounts of more than £10,000;
- 4.27.** To accept tenders and award contracts, including those which exceed budgetary provision and are within the Council's agreed budget (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework);
- 4.28.** To receive reports on contract overspends in accordance with limits set out in the Financial Procedure Rules and agree the action to be taken;
- 4.29.** To give grants or loans to charitable, voluntary bodies or other bodies where permitted by law;
- 4.30.** To promote and develop international exchanges and links with towns and cities in other countries;
- 4.31.** To be the focus for forming partnerships with other local, public, private, voluntary and community sector organisations to address local needs;

- 4.32.** To confer with other local authorities, government departments, statutory bodies, voluntary bodies, the police or other external agencies in order to discharge the responsibilities vested in the Committee;
- 4.33.** To make decisions where no other tier of government has responsibility or where a policy or strategy does not exist;
- 4.34.** To be responsible for all corporate and financial services including Finance, Human Resources, Legal, the major financial aspect of Revenues & Benefits such as subsidy ICT;
- 4.35.** To scrutinise and approve the policies of the Council;
- 4.36.** To be responsible for considering the views and recommendations of the Place Shaping Working Group, Residents' Forums, Community Engagement Forum, Children and Young Peoples' Forum and Senior Citizens' Forum;
- 4.37.** Fulfil the Council's need for a "client" role if the Council tenders a service/contact that the Council wished to bid for itself;
- 4.38.** Consider the effectiveness of the Authority's risk management arrangements, the control environment, and anti-fraud and corruption arrangements;
- 4.39.** Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;
- 4.40.** Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it;
- 4.41.** Approve, but not direct, Internal Audit's strategy and plans and monitor performance;
- 4.42.** Review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
- 4.43.** Receive the annual report of Internal Audit;
- 4.44.** Consider plans of External Audit and inspection agencies;
- 4.45.** Monitoring of relevant reports and action plans;
- 4.46.** Ensure there are effective relationships between Internal and External Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted;
- 4.47.** Approve the Council's statement of accounts, income and expenditure and balance sheet and receive the External Auditor's opinion and reports to members, and monitor management action in response to the issues raised by External Audit;
- 4.48.** To deal with the Annual Audit and Inspection letter and in particular to:
- a.** consider matters raised in the annual governance report;
 - b.** agree, if necessary, to adjust the financial statements;

- c.** approve the representation letter on behalf of the Council;
- d.** consider and agree, if considered appropriate, any actions proposed in the annual governance report and statement;

4.49 To have delegated authority to deal with all matters relating to the Council's final accounts;

4.50 Promoting and maintaining high standards of conduct by councillors and co-optees;

4.51 Assisting the councillors and co-optees to observe the Members' Code of Conduct;

4.52 Advising the Council on the adoption or revision of the Members' Code of Conduct;

4.53 Monitoring the operation of the Members' Code of Conduct

4.54 Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;

4.55 Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set out in the Members Code of Conduct as appropriate;

4.56 To establish sub-committees for the Assessment or Determination on matters concerning allegations of Members Conduct; and

4.57 Oversee the ethical framework of the Council including oversight of:

- a.** the Whistle Blowing Policy;
- b.** Complaints Handling; and
- c.** Ombudsman investigations.

5. LOCAL ASSESSMENT OF MEMBER COMPLAINTS

5.1. Sub-Committees of the Policy, Finance and Development Committee

All Policy, Finance and Development Committee Members will form a pool from which Members will be drawn based on their availability and the requirements of the particular Sub-Committee as and when required.

5.1.1 Assessment Sub-Committee

Assessment of complaints in accordance with the Council's Guidance and to either:

- a. Accept the Monitoring Officer's recommendation of no failure to comply with the Code of Conduct;
- b. Refer the matter for full investigation; and
- c. Refer the matter for other action.

5.1.2. Review Sub-Committee

Consideration of requests for a review in accordance with the Council's Guidance.

5.1.3. Determinations Sub-Committee

To receive reports from the investigating officer and to decide either:

- a. to determine finding of no failure to comply with the Code of Conduct;
- b. to determine finding of failure to comply with the Code of Conduct and impose relevant sanctions; or
- c. Refer the matter for other action in accordance with the Council's Guidance.

5.1.4. Membership, Quorum and Other Matters

- a. The quorum is three Members.
- b. The Sub-Committee may co-opt at least one independent member as appropriate who will not have any voting rights.
- c. No Member who considered a complaint at the Initial

Assessment/Determination Sub-Committee may consider the same complaint at the Review Sub-Committee.

6. SERVICE DELIVERY COMMITTEE

Membership: 14 Members

Quorum: 4 Members

Functions:

- 6.1.** Responsible for the delivery and performance of services;
- 6.2.** Oversees the development and performance of services within the overarching strategic direction set by Policy, Finance and Development Committee;
- 6.3.** Responsible for all financial issues relating to its services within the budgets set by Council;
- 6.4.** To be responsible for the day to day operation of all services (except those that are the responsibility of the Policy, Finance and Development Committee);
- 6.5.** To manage and maintain the Authority's housing stock;
- 6.6.** To be responsible for all aspects of the Greening of the Borough initiative at a strategic and operational level;
- 6.7.** To be responsible for considering the views and recommendations of the Health and Wellbeing Board;
- 6.8.** To be responsible for all the policies relating to the above services;
- 6.9.** To be responsible for annual budget plans for recommendation to the Policy, Finance and Development Committee;
- 6.10.** To be responsible for the operation of Council buildings, Car Parks, Cemeteries, Parks and Open Spaces;
- 6.11.** Develop the Housing Business Plan in accordance with the strategic direction; and
- 6.12.** To fulfil the Council's need for a "contractor" role if the Council was to bid for itself.

7. DEVELOPMENT CONTROL COMMITTEE

Membership: 13 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
7.1. The determination of all decisions under the Planning Acts including all planning applications and applications for advertisement consent, listed building consent and conservation area consent is delegated to the Director of Finance and Transformation except where:	(a) The application is contrary to the provisions of an approved or draft development plan policy and is recommended for permission, and in the opinion of the Director of Finance and Transformation the application is likely to: (i) be potentially controversial, or (ii) be of significant public interest, or (iii) have a significant impact on the environment, or (iv) raise matters which should be referred to the Development Control Committee
	(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no objections have been received.
	(c) A legal agreement (section 106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.
	(d) A Ward Member has notified the Director of Finance and Transformation in writing or by e-mail within 3 weeks of the publication of the weekly list that the application should be determined by the

	<p>Development Control Committee, and</p> <p>(i) the notification is supported by one or more planning grounds, and</p> <p>(ii) where the item relates to a matter of local concern.</p> <p>Provided that this "call-in" shall not be exercised by any Member with a prejudicial interest.</p>

7.6. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

8. LICENSING AND REGULATORY COMMITTEE

Membership: 13 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
<p>8.1. To consider all outstanding licensing matters.</p> <p>8.2. To recommend to Council to resolve not to issue a casino licence.</p>	<p>To determine all licensing matters referred to with the exception of:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;</p> <p>(ii) The power to resolve not to issue a casino licence which shall be reserved to Council.</p>
<p>8.3. To exercise the Council's regulatory and enforcement powers and duties in respect of all other licensing authorisations, licenses, permits, consents or similar under all statutory provisions</p>	<p>To determine any matters referred to it.</p>
<p>8.4. To exercise the regulatory functions of Environmental Health, Building Control, and Car Parking enforcement</p>	<p>To determine any matters referred to it.</p>
<p>8.5. To recommend the implementation or amendment to byelaws and orders on all licensing matters to Council for adoption.</p>	<p>To determine any matters referred to it.</p>
<p>8.6. To adopt policies in relation to all Licensing & Regulatory policies (except the Statement of Licensing Policy and Gambling Policy and budgets) and setting of fees and charges.</p>	<p>To determine any matters referred to it.</p>

8.7. To exercise the powers and duties of the Authority under Sections 13, 14 and 14A of the Public Order Act 1986.

To determine any matters referred to it.

8.8. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

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9. LICENSING SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
<p>9.1. To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003.</p>	<ul style="list-style-type: none">(a) application for a personal licence where there are relevant unspent convictions.(b) The review of a premises licence or club premises certificate;(c) Decision to object when the local authority is the consultee and not the relevant authority considering the application;(d) Determination of a police objection to a temporary event notice.(e) Where a relevant representation has been made, except where the relevant representation is made upon a minor variation application;(f) Application for a premises licence where representations have been received and not withdrawn.(g) Application for a provisional statement;(h) Application for variation to a premises licence or club premises certificate where representations have been received and not withdrawn.(i) Application to vary a designated premises supervisor where representations have been received and not withdrawn.(j) Application for transfer of a premises licence where representations have been received and not withdrawn.

	(k) Application for interim authority.
9.2. To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.	<p>(a) Application for a premises licence where representations have been received and not withdrawn.</p> <p>(b) Application for variation to licence where representations have been received and not withdrawn.</p> <p>(c) Application for a transfer of a licence where representations have been received from the Gambling Commission.</p> <p>(d) Application for a provisional statement where representations have been received and not withdrawn.</p> <p>(e) Review of a premises licence.</p> <p>(f) Application for club gaming/club machine permits where objections have been received and not withdrawn.</p> <p>(g) Cancellation of club gaming/club machine permits.</p>

9.3. Members to be appointed as and when needed from the membership of the Licensing and Regulatory Committee.

9.4. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Sub-Committee.

10. TAXI AND PRIVATE HIRE SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
10.1. To consider all outstanding hackney carriage and private hire licensing issues.	To determine any matters referred to it.

10.2. Members to be appointed as and when needed from the membership of the Licensing and Regulatory Committee.

10.3. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

11. CHANGE MANAGEMENT COMMITTEE

Membership: 8 Members

Quorum: 3 Members

Functions:

- 11.1** To carry out the employment and staffing functions of the council which are not delegated to officers or reserved to Full Council. This includes the Local Authorities (Standing Orders) (England) Regulations of 2001 (as amended);
- 11.2** To provide oversight and scrutiny of any major change management projects being carried out in the organisation;
- 11.3** To provide oversight and scrutiny of any major staffing related issues that could affect the outcomes delivered by the Council;
- 11.4** To make any consequent recommendations arising out of the above to the appropriate Committee of the Council or to the Council; and
- 11.5** To provide overall guidance and direction on matters pertaining to the operation, review and amendment of the Council's Constitution.

12. INVESTIGATORY SUB-COMMITTEE

Membership: 3 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
12.1. To determine disciplinary cases involving chief officers.	To determine any matters referred to it.

12.2. Members to be appointed as and when needed from the membership of the Change Management Committee.

13. INDEPENDENT REMUNERATION PANEL

Membership: 3 Independent Members

Quorum: 3 Independent Members

Functions:

- 13.1.** To make recommendations to the Authority as to the amount of basic allowance that should be payable to its elected members;
- 13.2.** To make recommendations to the Authority about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance;
- 13.3.** To make recommendations to the Authority about the duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance;
- 13.4.** To make recommendations as to the amount of co-optees' allowance;
- 13.5.** To make recommendations as to whether the Authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and if it does make such a recommendation, the amount of this allowance and the means by which it is determined;
- 13.6.** To make recommendations on whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended;
- 13.7.** To make recommendations as to which members of an authority are to be entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972; and
- 13.8.** As to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

14. APPOINTMENTS SUB-COMMITTEE

Membership: 5 Members to include:

The Leader (or appointed nominee)

The Deputy Leader (or appointed nominee)

The Leader of the Opposition (or appointed nominee)

The Chair of the Service Delivery Committee (or appointed nominee)

The Chair of the Policy Finance and Development Committee (or appointed nominee)

Quorum: 5 Members

Functions	Matters Reserved for a Decision
14.1. To interview shortlisted candidates for Head of Paid Service, Chief Officer and Deputy Chief Officer posts.	To determine any matters referred to it.
14.2. Recommend to Full Council the appointment of the Head of Paid Service.	
14.3. Recommend to the Chief Executive (as Head of Paid Service) all permanent appointments to Chief Officer and Deputy Chief Officer posts.	
14.4. Undertake an annual appraisal of the performance of the Chief Executive.	

15. APPEALS PANEL

Membership: 17 Members

Quorum: 3 Members

Functions	Matters Reserved for a Decision
15.1. To determine appeals for internal personnel appeals	To determine any matters referred to it.
15.2. To determine other hearings and appeals that may be required	

15.3. 3 Members to be appointed as and when needed from the membership of the Appeals Panel.

15.4. The decision of an Officer may first be reviewed by a Head of Service and thereafter the Panel.

15.5. No Member may sit on this committee until he or she has undergone basic training on the law and procedure relating to the functions of this Panel.

15.6. Where any appeal arises from a decision delegated to any Officer, Committee or any Sub-Committee, neither that Officer, Member, Committee or Sub-Committee nor any Member of that Committee or Sub-Committee nor any person previously having had any part in the relevant decision shall be involved in the appeal decision.

16. AUDIT AND GOVERNANCE COMMITTEE

Membership: 10 Members

Quorum: 3 Members

Functions:

- 16.1.** Consider the effectiveness of the Authority's risk management arrangements, the control environment, and anti-fraud and corruption arrangements;
- 16.2.** Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;
- 16.3.** Be satisfied that the Authority's assurance statements properly reflect the risk environment and any actions required to improve it
- 16.4.** Approve, but not direct, Internal Audit's strategy and plans and monitor performance;
- 16.5.** Review summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
- 16.6.** Receive the annual report of Internal Audit;
- 16.7.** Consider plans of External Audit and inspection agencies;
- 16.8.** Monitoring of relevant reports and action plans;
- 16.9.** Ensure there are effective relationships between Internal and External Audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- 16.10.** Approve the Council's statement of accounts, income and expenditure and balance sheet and receive the External Auditor's opinion and reports to members, and monitor management action in response to the issues raised by External Audit;
- 16.11.** To deal with the Annual Audit and Inspection letter and in particular to:
 - a.** consider matters raised in the annual governance report;
 - b.** agree, if necessary, to adjust the financial statements;
 - c.** approve the representation letter on behalf of the Council;
 - d.** consider and agree, if considered appropriate, any actions proposed in the annual; governance report and statement;
- 16.12.** To have delegated authority to deal with all matters relating to the Council's final accounts;
- 16.13.** To carry out the employment and staffing functions of the council which are not delegated to officers or reserved to Full Council. This includes the Local Authorities (Standing Orders) (England) Regulations of 2001 (as amended);

- 16.14.** To provide oversight and scrutiny of any major change management projects being carried out in the organisation;
- 16.15.** To provide oversight and scrutiny of any major staffing related issues that could affect the outcomes delivered by the Council;
- 16.16.** To make any consequent recommendations arising out of the above to the appropriate committee of the Council or to the Council;
- 16.17.** Promoting and maintaining high standards of conduct by councillors and co-optees;
- 16.18.** Assisting the councillors and co-optees to observe the Members' Code of Conduct;
- 16.19.** Advising the Council on the adoption or revision of the Members' Code of Conduct;
- 16.20.** Monitoring the operation of the Members' Code of Conduct;
- 16.21.** Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- 16.22.** Granting dispensations to councillors who require such dispensations for more than one meeting or on more than one occasion from requirements relating to interests set out in the Members Code of Conduct as appropriate;
- 16.23.** To provide overall guidance and direction on matters pertaining to the operation, review and amendment of the Council's Constitution;
- 16.24.** Dealing with any report from the Monitoring Officer on any matter concerning Governance;
- 16.25.** To establish sub-committees for the Assessment or Determination on matters concerning allegations of Members Conduct; and
- 16.26.** Oversee the ethical framework of the Council including oversight of:
- a.** the Whistle Blowing Policy;
 - b.** Complaints Handling; and
 - c.** Ombudsman investigations.

17. PLACE SHAPING WORKING GROUP

Membership: 9 Members

Quorum: 3 Members

Reporting To: Full Council and Policy, Finance and Development Committee

Terms of Reference:

17.1 Overall Aim of Place Shaping Working Group

To co-ordinate the strategic planning policy, economic and housing function of the Council.
To deal only with matters of strategic significance that will influence the shape of the Borough of Oadby and Wigston over the long term. To oversee Strategic Asset Management and make recommendations to Policy, Finance and Development Committee.

17.2. Local Development Framework

- 17.2.1. To oversee the preparation of the Local Development Framework and its associated evidence base, including consideration and approval of evidence base reports prior to publication. To recommend to Council where necessary.
- 17.2.2. To consider the preparation of the Council's Local Development Scheme and the range of Development Plan Documents, Supplementary Planning Documents and other Local Development Documents that comprise the Council's local Development Framework. To monitor the Council's performance in meeting the milestones set out in the Local Development Scheme. To recommend to Council where necessary.
- 17.2.3. To oversee the establishment and implementation of Infrastructure and Delivery mechanisms that will enable the delivery of the policies and allocations contained within the Local Development Framework. To recommend to Council where necessary.
- 17.2.4. To oversee the preparation of Masterplans and site development briefs. To recommend to Council where necessary.
- 17.2.5. To facilitate the strong relationship that exists between the Local Development Framework, Local Strategic Partnerships and Sustainable Community Strategies. To ensure that the Local Development Framework provides the spatial context to allow the delivery of priorities contained within the Sustainable Community Strategies. To recommend to Council where necessary.
- 17.2.6. To oversee the preparation review and implementation of the Statement of Community Involvement. To consider the various methods for undertaking public

consultation at different stages of preparing the Local Development Framework, including chairing meetings and providing statements to the press through press releases and interviews. To recommend to Council where necessary.

- 17.2.7. To consider performance related to planning policy, including National Indicators, Indicators associated with the Local Area Agreement and Multi Area Agreement, County and Regional monitoring returns, Residential Land Availability Study, Housing Land Supply, Employment Land Study and Annual Monitoring Report. To recommend to Council where necessary.
- 17.2.8. To agree responses in relation to planning policy consultations that the Borough Council comment on, for example adjoining Local Development Framework Documents, Regional Planning and Government Initiatives and Guidance. To recommend to Council where necessary.
- 17.2.9. To develop a thorough understanding of the Local Development Framework process and other planning policy matters that are of relevance to the Borough.

17.3. Economic Development

- 17.3.1. To oversee the coordination of various initiatives and implementation of projects that contribute towards the delivery of the Borough Council's Economic Development Strategy. To recommend to Council where necessary.
- 17.3.2. To oversee future reviews of the Economic Development Strategy and to ensure that reviews are informed by area based consultation. To recommend to Council where necessary.
- 17.3.3. To oversee the coordination, development, delivery and review of action plans associated with the Economic Development Strategy. To recommend to Council where necessary.
- 17.3.4. To consider performance related to economic development, including the development and monitoring of the Local Area Agreement and Multi Area Agreement. To recommend to Council where necessary.
- 17.3.5. To progress the preparation, implementation and delivery of Masterplans related to the Centers of Oadby, Wigston and South Wigston. To recommend to Council where necessary.
- 17.3.6. To provide Member Representation at the Oadby and Wigston Business Breakfasts and to provide suggestions regarding the various topics for discussion.
- 17.3.7. To act as ambassadors to promote the Enterprise, Employment and Skills and Economic Regeneration Agenda.

17.4. Strategic Housing

- 17.4.1. To oversee the coordination of various initiatives and implementation of projects that contribute towards the delivery of the Borough Council's Housing Strategy. To recommend to Council where necessary
- 17.4.2. To oversee the preparation and implementation of the Strategic Housing evidence base that identify the housing needs and requirements within the Borough, such as the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment. To consider and approve the evidence base reports prior to publication. To recommend to Council where necessary.
- 17.4.3. To oversee the development of the Council's Strategic Housing role in the context of the housing and place shaping agenda, the Local Development Framework, the Local Strategic Partnerships and the Sustainable Community Strategies. To recommend to Council where necessary.
- 17.4.4. To oversee the role of Strategic Housing through the Council's Neighbourhood Management responsibilities. To recommend to Council where necessary.
- 17.4.5. To oversee the role of Strategic Housing in the preparation of Masterplans and site development briefs. To recommend to Council where necessary.
- 17.4.6. To consider issues associated with the provision and viability of affordable housing in the Borough. To recommend to Council where necessary.
- 17.4.7. To consider performance related to Strategic Housing, including the development and monitoring of the Local Area Agreement and Multi Area Agreement. To recommend to Council where necessary.

18. ARMED FORCES WORKING GROUP

Membership: 9 Members

Quorum: 3 Members

Reporting To: Full Council

Terms of Reference:

- 18.1.** To develop and monitor the commitments in the Armed Forces Community Covenant as they apply to Oadby & Wigston Borough Council;
- 18.2.** To consolidate and co-ordinate the Council's views and approach to any issues relating to celebration, commemoration or remembrance in respect of the Armed Forces;
- 18.3.** To consider any other ad hoc issues that require direction in relation to military and any related ceremonial events; and
- 18.4.** The Working Group will report to Council at least twice each municipal year.

SCHEME OF DELEGATION TO OFFICERS

1. SCOPE OF THE SCHEME

This scheme sets out the extent to which the powers and duties of the Authority are delegated to Officers.

2. EXERCISE OF DELEGATED POWERS

- 2.1.** Functions, tasks and responsibilities listed in this scheme of delegation may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks, or responsibilities.
- 2.2.** Where an officer has been given delegated authority by this scheme he or she may authorise any member of his or her staff to act on his or her behalf except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking
- 2.3.** An officer may always refer a delegated matter to Council or to one of its Boards or Committees for consultation or decision rather than take the decision him/herself
- 2.4.** When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- 2.5.** Before taking a decision under delegated powers, an officer shall notify the relevant Committee Chairman of any action, which is likely to be contentious or politically sensitive.
- 2.6.** The Chief Executive and Directors shall keep Committee Chairman informed of the work of their service area.
- 2.7.** When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- 2.8.** When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- 2.9.** The Chief Executive may authorise one officer to exercise the delegated powers of another officer in the absence of the latter except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.10.** This scheme does not delegate to an officer any matter which:
 - 2.10.1. has been reserved to the Full Council;
 - 2.10.2. has been reserved to Committee;

2.10.3. may not by law be delegated to an Officer.

3. GENERAL FUNCTIONS TO BE DISCHARGED BY THE CHIEF EXECUTIVE AND DIRECTORS

3.1. To take such action as may in his or her opinion be necessary or appropriate in connection with:

3.1.1. all operational management matters for these functions and service areas for which he or she has responsibility under this Constitution and the enforcement of all legislation relating to his/her functions and service areas;

3.1.2. persons and/or property for which he or she and his or her service has responsibility;

3.1.3. the implementation of decisions properly authorised by the Council or a board or committee of the Council or by an officer acting under delegated powers;

3.1.4. the performance of any action for which he or she is specified as responsible in any policy, procedure or other document approved or adopted by the Council or a board or committee of the Council, or by an officer acting under delegated powers.

3.1.5. The response to consultation documents following consultation with the relevant Committee Chairman.

3.2. To serve a requisition for information about an interest in land using powers relevant to the operation of the service area

3.3. To authorise officers to conduct directed surveillance or the use of covert human intelligence sources and the accessing of communications data in accordance with the Regulation of Investigatory Powers Act 2000. The use of juveniles and vulnerable individuals as covert human intelligence sources shall only be authorised by the Chief Executive.

3.4. To award contracts within budget up to the value of £100,000 unless the contract is in respect of a matter that has been previously approved by Full Council or Committee in which case the Director may award contracts of £100,000 or greater subject to it being within the approved budget for that scheme (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework).

3.5. To sign contracts of a value below £50,000 or some other officer authorised by him or her to do so.

3.6. And arising from his/her respective functions the Chief Executive and Directors are authorised:

3.6.1. To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures

3.6.2. To co-ordinate and monitor work through approved plans and policies, ensuring compliance with targets and performance to the relevant Committee

3.6.3. To determine the level of charges for Council services in order to maximise income and in accordance with agreed charging policies.

3.6.4. To ensure compliance with and discharge of all relevant legislation, Acts of Parliament orders, regulations and directives and the Council's policies and procedures (including all enforcement matters).

3.6.5. To provide and submit a bid for resources in accordance with the approved budget process.

3.6.6. To support members in their monitoring and community governance roles.

3.6.7. To recommend to the Head of Law and Governance the prosecution or instigation of any legal proceedings on behalf of the Council.

3.6.8. To issue licences and registrations relating to any of the approved functions.

3.6.9. To support the Council in the development of the Council's policy framework.

3.6.10. In the absence of the Chief Executive and in accordance with the agreed rota, to undertake on his/her behalf such actions as are required to enable the Council to fulfil its functions.

4. CHIEF EXECUTIVE

4.1. To exercise the functions of the Authority's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role:

4.1.1. to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);

4.1.2. to give professional advice to all parties in the decision making process (i.e. Monitoring Bodies, the Council, Committees and Working Groups);

4.1.3. to ensure that the Authority achieves and delivers its objectives; and

4.1.4. to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).

4.2. To co-ordinate, direct and monitor the Authority's initiatives to achieve Best Value in the delivery of its functions.

4.3. To be responsible for performance review issues.

- 4.4.** To lead the Senior Management Team
- 4.5.** After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.
- 4.6.** To suspend the Director of Services and Director of Finance and Transformation and Heads of Service where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct; the members of Policy Finance and Development Committee to be notified as soon as possible after the action is taken.
- 4.7.** To act as Returning Officer, Local, Acting or Deputy Returning Officer in:
- 4.7.1. Local Elections
 - 4.7.2. Parliamentary Elections
 - 4.7.3. European Elections
 - 4.7.4. Police Commissioners' Elections
 - 4.7.5. Referenda
- 4.8.** To undertake the duties of Electoral Registration Officer.
- 4.9.** To consider and co-ordinate any investigation by the Local Government Ombudsman.
- 4.10.** To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken.
- 4.11.** All activities in connection with the Council's Human Resources or civic/ceremonial function.
- 4.12.**
- 4.12.1. To determine all staffing matters in accordance with the Officer Employment Procedure Rules. This includes determining matters relating to structure (additions, reductions and other changes to the establishment) as she considers appropriate following consultation with the Leader and Deputy Leader.
 - 4.12.2. The appointment, dismissal or discipline of staff, except in relation to those posts listed in paragraph 1.2 of the said Rules.
 - 4.12.3. Where the decision of the Head of Paid Service taken under 4.12.1 above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Policy Finance and Development Committee, provided that the remit of the body shall be limited to decisions on financial matters only.
 - 4.12.4. The Head of Paid Service may delegate the discharge of this function to another officer.

- 4.13.** To make interim appointments to fill vacancies, and to make interim designations as Chief Finance Officer and Monitoring Officer where a vacancy arises in such position, the term of each such appointment or designation not to extend beyond 18 months without the confirmation of the Appointments Committee.
- 4.14.** To authorise the use of juveniles and vulnerable adults as covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.
- 4.15.** To take urgent action necessary to protect the interests of the Authority, some or all of the Authority's area or some or all of the inhabitants of the Authority's area.
- 4.16.** To make agreements with other local authorities and external agencies in compliance with the Council's CPRs for the placing of staff and joint working arrangements (including committing expenditure within authorised budgets).
- 4.16.1 Performance management.
- 4.16.2 Project management.
- 4.16.3 Local strategic partnerships/LEPs.
- 4.16.4 Risk management.
- 4.16.5 Corporate complaints procedure.

5. DIRECTOR OF FINANCE AND TRANSFORMATION

- 5.1.** Accountancy services.
- 5.2.** National Land and Property Gazetteer.
- 5.3.** Finance, financial planning and procurement.
- 5.4.** Revenues and benefits:
- 5.4.1. To administer all aspects of housing benefit and Council Tax benefit.
- 5.4.2. To discharge the Authority's responsibilities for billing, collection and enforcement of Council Tax, non-domestic rates and all valuation matters
- 5.4.3. To deal with demands and notices, liabilities, reliefs and exemptions, and for non-domestic rates to recommend to Policy Finance and Development Committee guidelines for the granting of discretionary rate relief, partially occupied properties and hardship relief and administer the scheme in accordance with the approved guidelines.
- 5.4.4. In addition to the Head of Law and Governance to represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings involving the functions referred to cat 5.4.1. and 5.4.3 above.
- 5.5.** Property development.
- 5.6.** Property/facilities management and maintenance (non-housing).

5.7. ICT.

5.8. Street naming and numbering and replacement of street nameplates.

5.9. Internal Audit.

5.10. All activities in relation to the discharge of the Council's function as Local Planning Authority, including planning policy, development control, land reclamation and drainage.

5.11. Subject to those matters reserved for decision by the Development Control Committee , to exercise all those functions for which the Council is responsible concerning town and country planning and development control set out in Regulation 2 and Schedule 1 of the Regulations and in particular:

5.11.1. to agree non-material variations to conditions of permissions and consents where no objections have been received and no demonstrable harm would be caused to an interest of acknowledged importance;

5.11.2. to decide details submitted in compliance with conditions on planning permissions;

5.11.3. to negotiate obligations under Section 106 of the Town and Country Planning Act 1990, including any obligations that may be required in connection with any appeal proceedings;

5.11.4. to serve building preservation notices or listed building notices in an emergency.

5.12. Subject to those matters reserved for decision by the Development Control Committee , to exercise all those functions for which the Council is responsible concerning the protection and treatment of hedgerows and the preservation of trees set out in Regulation 2 and Schedule 1 of the Regulations and in particular:

5.12.1. to give permission to cut down or lop trees protected by a tree preservation order or by virtue of their location in a conservation area;

5.12.2. to determine complaints received under the provisions of the High Hedges Regulations 2005 and specify remedial action to resolve the complaint in accordance with the national guidance and initiate enforcement action as necessary.

5.13. Subject to those matters reserved for decision by the Development Control Committee, to exercise all those functions for which the Council is responsible concerning public rights of way set out in Regulation 2 and Schedule 1 of the Regulations.

- 5.14.** All activities in relation to the discharge of the Council's functions as the Local Building Regulation Authority and "Building Control Body" (excluding street naming and numbering and replacement of street nameplates).
- 5.15.** Economic development and regeneration.
- 5.16.** Engineering design.
- 5.17.** Town centre management including markets/fairs (including farmers' markets).
- 5.18.** Awarding schedule of rates contracts.
- 5.19.** External resources, grants and bids support.
- 5.20.** To make or revoke a direction under Article 4 of the General Development Order 1995.
- 5.21.** To recommend the Full Council or Committee about the designation or extension of an area as a conservation area.
- 5.22.** To administer the Building Regulations.

6. DIRECTOR OF SERVICES

- 6.1.** All functions in relation to waste, recycling and street cleansing and street scene.
- 6.2.** Enforcement of byelaws and orders of the Council including car parking and street trading.
- 6.3.** Health and safety (internal).
- 6.4.** To exercise all those functions for which the Council is responsible concerning health and safety at work (other than in the Authority's capacity as an employer) set out in Regulation 2 and Schedule 1 of the Regulations.
- 6.5.** To exercise any function related to contaminated land.
- 6.6.** To inspect for a statutory nuisance and to investigate any complaint about the existence of a statutory nuisance.
- 6.7.** To serve an abatement notice for a statutory nuisance.
- 6.8.** To issue a closing order on a takeaway food shop.
- 6.9.** Communications and consultations.
- 6.10.** Media management, public relations and marketing.
- 6.11.** Corporate overview on diversity issues.
- 6.12.** Information management including Data Protection and Freedom Of Information.
- 6.13.** Elections and electoral registration.
- 6.14.** Legal services (without prejudice to the statutory role and function of the Monitoring Officer).
- 6.15.** Members' services and members' development.
- 6.16.** Strategic asset management including land sales.

- 6.17.** Administration of meetings of the Council, Boards, Committees and Sub-committees and typing and clerical services.
- 6.18.** All activities relating to the discharge of the function as a Licensing Authority under all relevant legislation.
- 6.19.** All activities in relation to the discharge of the environmental health function of the Council, including environmental protection/enforcement, occupational health and safety, food safety, animal welfare, environmental strategy, pest control, private sector housing (including affordable housing) and the appointment of Port Medical Officer(s) and/or Consultants for Communicable Disease Control.
- 6.20.** To grant and determine temporary lettings and licences of Council owned land and buildings.
- 6.21.** To enter into deeds of dedication on such terms as the Director sees fit.
- 6.22.** To agree perpetual and fixed term easements and wayleaves on such terms as the Director sees fit.
- 6.23.** To determine rent reviews and to instigate and participate in arbitrations.
- 6.24.** To agree terms for the surrender of leases.
- 6.25.** To authorise action to determine a lease in the event of rent arrears or other breach of covenant.
- 6.26.** To agree terms for waiving covenants, whether freehold or leasehold.
- 6.27.** To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 6.28.** To make and settle claims for dilapidation.
- 6.29.** To appropriate land belonging to the Authority at proper value.
- 6.30.** To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £20,000.
- 6.31.** To dispose of freehold land where the market value does not exceed £30,000.
- 6.32.** Following consultation with Asset Management Group, to approve the Asset Management Policy.
- 6.33.** Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the Chair of the Policy, Finance and Development Committee).
- 6.34.** Subject to those matters reserved for decision by the Licensing and Regulatory Committee, the Licensing Sub-Committee and the Taxi and Private Hire Sub-Committee, to exercise all those functions for which the Council is responsible concerning licensing

and registration and the grant of consents and the grant of consents and refusals set out in Regulation 2 and Schedule 1 of the Regulations including the determination of applications for licences, permits and registrations

6.35. Cemeteries and burials.

6.36. Public conveniences.

6.37. Fleet management.

6.38. Green space including allotments.

6.39. Sanitation including cesspools, septic tanks, etc.

6.40. All activities in relation to the discharge of the Council's function as Local Housing Authority.

6.41. Social inclusion.

6.42. Community safety and CCTV.

6.43. Community health, development and social regeneration.

6.44. Leisure facilities - management and operation including sports and recreation facilities.

6.45. Cultural services.

6.46. Arts, entertainment, heritage and tourism and tourist information.

6.47. Sports and leisure development.

6.48. Gypsies and travellers.

6.49. Community enterprise.

6.50. To operate the housing allocations scheme, allocate properties and make nominations to registered social landlords or other approved providers.

6.51. To determine whether people are homeless and whether they are in priority need.

6.52. To allocate temporary accommodation.

6.53. To collect rent, arrears of rent, charges and sundry debts.

6.54. In addition to the Head of Law and Governance, to institute, defend or participate in any legal proceedings in the county court insofar as they relate to:

6.54.1. former tenant rent arrears, and

6.54.2. rent possession hearings

and in conjunction with this to designate nominated officers to carry out this function on his or her behalf, including the signing of any related document necessary to any legal procedure or proceedings.

6.55. To represent the Authority and appear as an advocate on the Authority's behalf in any related legal proceedings.

6.56. To serve notice of seeking possession, notice to quit and applying for possession orders.

- 6.57.** To determine applications by tenants to alter their homes.
- 6.58.** To reimburse tenants for tenants' improvements.
- 6.59.** To transfer tenancies into joint names and vice-versa.
- 6.60.** To agree mutual exchange.
- 6.61.** To take immediate action to secure the removal of trespassers from housing land and property.
- 6.62.** To determine the eligibility of applicants to right to buy.
- 6.63.** To determine the future use of properties, including the redesignation, disposal or demolition of properties and to take such properties out of debit, subject to the approval by Full Council or Committee of such proposals.
- 6.64.** Enforcement of byelaws and orders of the Council.
- 6.65.** Land charges.

7. HEAD OF LAW AND GOVERNANCE

7.1. Monitoring Officer

- 7.1.1. To exercise the functions of the Authority's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 7.1.2. The Monitoring Officer is given delegated authority to make changes to the Constitution to reflect changes of fact and law, and decisions of the Council.

7.2. Legal Proceedings

- 7.2.1. Acting on the recommendations of the Chief Executive or a Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.
- 7.2.2. To negotiate and settle claims and disputes without recourse to court proceeding including the use of alternative dispute resolution.
- 7.2.3. To represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings.

7.3. Urgent Action

In any circumstances where urgent action is required, acting on the recommendation of the Chief Executive or a Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary

to give effect to a decision of the Council, or where otherwise duly authorised, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council and to take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the Authority to do so.

7.4. Authority to Sign Documents in Legal Proceedings

To sign the following on behalf of the Council:

7.4.1. Any document necessary in legal proceedings on behalf of the Council; and

7.4.2. Informations and complaints, and lay them on behalf of the Council for the purpose of Magistrates Court proceedings unless Statute provides otherwise.

7.5. Authority to Sign Contracts and Other Documents

To sign any contract and other documents whether under seal or not.

7.6. Arbitration

Acting on the recommendation of the Chief Executive or a Director, to refer contractual disputes to arbitration and to give agreement as to the appointment of such arbitrator.

7.7. Compensation

After consultation with the Chairman of the Policy Finance and Development Committee, to make compensation payments of up to £500 to victims of maladministration.

7.8. Counsel

To instruct Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Authority.

7.9. Proper Officers

To designate "Proper Officers" for the purpose of particular statutory functions and to make any changes needed to the table at Section 11 of this Scheme.

8. SPECIFIC DELEGATION TO OFFICERS IN CONSULTATION WITH OTHERS

8.1. Chief Executive

8.1.1. In consultation with the Director of Finance and Transformation, to negotiate and conclude agreements under Section 106 of the Town and Country Planning Act 1990 along lines previously approved by Development Control Committee.

- 8.1.2. Subject to consultation with the Highway Authority and the police and ward members, to make orders under Section 21 of the Town Police Clauses Act 1847 relating to the temporary closures of streets and temporary direction of traffic.
- 8.1.3. Subject to consultation with ward members, the Finance and Business Transformation to make public path orders under the Town and County Planning Act 1990 and to confirm unopposed orders.
- 8.1.4. Subject to consultation with ward members, the Finance and Business Transformation to respond to consultations made by Leicestershire County Council with regard to proposed public footpath orders where the orders are unopposed.
- 8.1.5. To determine applications for bonfires on Council land subject to consultation with ward members, the Finance and Business Transformation as appropriate and Fire Officer.
- 8.1.6. Subject to consultation with the Directors and relevant Heads of Service and ward members, to approve and issue licences for the temporary use of Council owned land.
- 8.1.7. Following consultation with the Finance and Business Transformation, to reject applications to purchase Council owned land.
- 8.1.8. The approval of lease cars to employees.

8.2. Director of Finance and Transformation

- 8.2.1. To lodge objections with traffic commissioners against applications for haulage licences subject to consultation with ward members and to report to next Development Control Committee (in connection with those objections lodged by the Local Planning Authority).
- 8.2.2. In consultation with ward members, to make responses to Leicestershire County Council and the Highways Agency on traffic proposals.

9. DESIGNATED AUTHORISED OFFICERS

9.1. Signatories to Financial Documents

- 9.1.1. Chief Executive
- 9.1.2. Director of Finance and Transformation
- 9.1.3. Head of Finance, Revenues and Benefits
- 9.1.4. Head of Law and Governance

10. JOINT ARRANGEMENTS

The Council has entered joint arrangements with neighbouring District Councils for the enforcement of decriminalised parking.

11. PROPER OFFICER DESIGNATIONS

The relevant post holders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive
S.88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
S.89(1)	Notice of casual vacancy	Chief Executive
S.100 (except 100(D))	Admission of public (including press) to meetings	Head of Law and Governance
S.100(b)(2)	The officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Head of Law and Governance

Legislative Provision	Function	Proper Officer
S.100(B)(7)	The officer to supply to newspapers copies of documents supplied to councillors	Head of Law and Governance
S.100(C)(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Head of Law and Governance
S.115(2)	Receipt of money due from officers	Director of Finance and Transformation
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Director of Finance and Transformation
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Director of Finance and Transformation
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Head of Law and Governance
S.225	Deposit of documents	Head of Law and Governance
S.228(3)	Accounts for inspection by any member of the Council	Director of Finance and Transformation
S.229(5)	Certification of photographic copies of documents	Head of Law and Governance
S.236(9) and (10)	Sending of copies of byelaws County Council	Head of Law and Governance
S.238	Certification of byelaws	Head of Law and Governance

Legislative Provision	Function	Proper Officer
S.248	Officer who will keep the Roll of Freemen	Head of Law and Governance
Schedule 12		
Local Government Act 1972		
Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Head of Law and Governance
Schedule 14		
Para 25	Certification of resolution passed under this paragraph	Head of Law and Governance
Schedule 16		
Para 28	Deposits of lists of buildings of special architectural or historic interest	Director of Finance and Transformation
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Head of Law and Governance
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director of Services
Representations of the People Act 1983		

Legislative Provision	Function	Proper Officer
S.9	Registration Officer	Chief Executive
S.24	Returning Officer for Local Elections	Chief Executive
S.28	Acting Returning Officer for a Parliamentary Election	Chief Executive
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive
Local Elections (Principal Area) Rules 1986		
Rule 46	Retention and public inspection of documents after an election	Chief Executive
Local Elections (Parishes and Communities) Rules 1986		
Rules 46, 47 and 48	Retention and public inspection of documents after an election	Chief Executive
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Head of Law and Governance
S.3	Employers certificate for exemption from politically restricted posts	Chief Executive
S.4	Head of the Paid Service	Chief Executive
S.5	The Monitoring Officer	Head of Law and Governance

Legislative Provision	Function	Proper Officer
S.15	Officers to receive notices relating to membership of political groups	Head of Law and Governance
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Head of Law and Governance
Local Authorities (Standing Orders) (England) Regulations 2001		
	Officer who will give written notice of appointment or dismissal of officers listed in Schedule 1, Part II, paragraph 3	Chief Executive
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive
Housing Act 1985		
S.606	Submission of reports on particular houses or areas by the Proper Officer	Director of Services