



# HARBOROUGH DISTRICT COUNCIL

## CONSTITUTION

### PART 3: Responsibility for Functions

#### *Who Makes the Decisions*

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## Part 3: Introduction – The Principles of Delegation

3.1 One of the primary purposes of the Constitution is to make it clear where responsibility for a particular function lies, and which person or body (Full Council, Committee, Sub-Committee, Cabinet or Officer) makes the decision that will result in an action being taken or not taken.

### 3.1.1 The Hierarchy of Decision-Making

#### 3.1.2 *The Full Council*

The Full Council will exercise the functions reserved by law to Full Council in **Article 4** of this Constitution and those determined locally to be functions for Full Council as set out in **Section B** of this Part of the Constitution.

#### 3.1.3 *The Cabinet*

The Cabinet will exercise the functions set out in **Section C** of this Part of the Constitution. The Cabinet is able to appoint **Cabinet committees**. Individual members of the Cabinet do not have decision-making responsibilities. However, the Leader shall allocate a portfolio of the Cabinet's areas of work to each Cabinet member so that the Cabinet member may:

- a. provide leadership on related issues within the Cabinet through portfolio expertise; and
- b. act as consultee in relation to a power delegated to an officer where such consultation is a requirement upon the officer exercising that function.

#### 3.1.4 *The responsibility for local choice functions*

The responsibility for local choice functions will be exercised in accordance with **Section A** of this Part of the Constitution.

#### 3.1.5 *Committees*

Committees will exercise the functions set out in **Section B** of this Part of the Constitution. Committees are able to appoint sub-committees and Scrutiny Panels are able to appoint sub-panels.

#### 3.1.6 *Officers*

Officers will exercise delegated functions set out:

- a. in column 4 of the table in **Section A** of this Part of the Constitution (Responsibility for Local Choice Functions);
- b. in column 4 of the table in **Section B** of this Part of the Constitution (Committees and Sub-Committees – Regulatory Panels, etc.);
- c. as specified in **Section C** of this Part of the Constitution (Executive Functions);
- d. under Section 1 of this Part of the Constitution (Principles); **\*\*\***
- e. in the Scheme of Officer Delegation; and **\*\*\***
- f. as provided for elsewhere in the Constitution.

3.2 If a function is delegated to the appropriate Chief Officer, the Head of Paid Service may nominate a substitute Chief Officer where this would, in the Head of Paid Service's opinion, be appropriate.

3.3 All references to "Chief Officer" means the Chief Executive, Deputy Chief Executive or Statutory Officer having primary responsibility for that function and area described in [Article 12](#) of this Constitution. Such Officer will have all necessary power and authority to implement any such decision in relation to the functions on behalf of the decision-making body.

#### 3.3.1 Limitations on and Parameters of Delegations

- a. The exercise of a delegated power, duty or function shall be subject to:
  - i. the Council's Policy Framework and Budget; and
  - ii. the Council's Constitution (including, but not limited to, the Procedure Rules, Contract Procedure Rules, Financial Procedure Rules and Protocols) and any corporate standards or equivalent which might be set by the Council from time to time;
- b. All delegated functions shall be deemed to be exercised on behalf of and/or in the name of the Council.
- c. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow. Such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power, etc., has control. Such authorisations should only be given where there is significant administrative convenience in doing so. The officer authorised by the other should act in the name of the officer who received the original delegation. No authorisation may be given if the relevant statute or law prohibits it. Authorisations of this kind should not be considered to be norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation.
- d. References to any enactment, regulation, order or byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
- e. Any reference to any Act of Parliament includes reference to regulations, subordinate and EU legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
- f. Where the exercise of powers is subject to prior consultation with a councillor or officer, that councillor or officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation on each proposal.
- g. Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
- h. All delegations are subject to:
  - i. the right of the delegating body to decide any matter in a particular case;
  - ii. the delegatee may in any case in lieu of exercising their delegated power refer to the delegating body for a decision; and

- iii. any restrictions, conditions or directions of the delegating body.
- i. In exercising delegated powers, the delegatee shall:
    - i. take account of the requirements of the Constitution and any corporate standards and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
    - ii. shall exercise the delegation so as to promote the efficient, effective and economic running of the Council, and in furtherance of the Council's visions and values; and
    - iii. shall, where and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
  - a. Except where otherwise expressly provided either within this part of the Constitution or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
  - b. Any post specifically referred to shall be deemed to include any successor post, or a post which includes within the job description elements relevant to any particular delegation which were also present in the earlier post, and shall include anyone acting up or seconded to and any interim appointments to the post.
  - c. Any reference to a Committee, Panel or Sub-Committee shall be deemed to include reference to a successor Committee, Panel or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee, Panel or Sub-Committee.
  - d. The Monitoring Officer shall have the power to amend the list of delegations to reflect re-organisations, changes in job titles and vacancies, where such changes result in re-distributing existing delegations and not the creation of new ones. Save in respect of any statutory roles that are not capable of delegation, any power conferred on a subordinate officer shall be exercisable by the relevant Chief Officer
  - e. Delegations to the relevant Chief Officer can also be exercised by the Chief Executive.
  - f. The Deputy Chief Executive is authorised to take decisions delegated to the Chief Executive in his or her absence or if there is another reason that the Chief Executive is unable to exercise that power or duty.
  - g. Where a power or duty is delegated, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the delegatee in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
  - h. If a matter is delegated, but that delegation cannot be implemented, that should be reported to the delegating body.
  - i. Functions, matters, powers, authorisations, delegations, duties and responsibilities, etc., within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.

j. For the avoidance of doubt, where a power or duty delegated under this scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such costs, fees or charges by way of civil debt or otherwise and shall be without prejudice to any other power to charge or recover costs that the Council may have under legislation.

k. Non-Executive functions are specified in Schedules 1 and 2 of the **Local Authorities (Functions and Responsibilities) (England) Regulations, 2000 (as amended)**. Any function that is not therein specified must be assumed to be Executive. Any mis-categorisation of a delegation as being Executive, non-Executive or other shall not invalidate a delegation.

l. Advice on procedures and matters to be taken into account in exercising delegated powers may be sought from the Monitoring Officer.



## Part 3, Section A: Responsibility for Local Choice Functions

### A.3.1 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The functions listed in the following table are functions which the Council may choose whether they shall be an Executive responsibility or not, as listed in Schedule 2 to the [Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 as amended](#) (“the Functions Regulations”). The Council has decided that these functions shall be the responsibility of the decision-making body shown against the functions.

	Function	Decision making Body
1	Any function under a local Act other than a function specified or referred to in <a href="#">regulation 2 or Schedule 1 to the Functions Regulations</a>	Cabinet
2	The determination of an appeal against any decision made by, or on behalf of, the authority.	Standing Cabinet Committee or Council Panel, as determined by the Head of Paid Service
3	Any function relating to contaminated land	Cabinet
4	The discharge of any function relating to the control of pollution or the management of air quality	Cabinet
5	The service of an abatement notice in respect of a statutory nuisance	Cabinet
6	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Cabinet
7	The inspection of the authority's area to detect any statutory nuisance	Cabinet

8	The investigation of any complaint as to the existence of a statutory nuisance	Cabinet
9	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet
10	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet
11	The making of agreements for the execution of highways works	Cabinet
12	The appointment of any individual - a) To any office other than an office in which he or she is employed by the authority; b) To any body other than: i) the authority; ii) a joint committee of two or more authorities; or c) To any committee or sub-committee of such a body, and the revocation of any such appointment.	Council at the annual meeting of the Council; otherwise (i) in relation to (a), the Council; and (ii) in relation to (b) and (c), the Cabinet (iii) as delegated to the Head of Paid Service, in consultation with the Group leaders.
13	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet
14	Functions under sections 106, 110, 111 and 113 of the Local Government and Public	Cabinet

	involvement in Health Act 2007 relating to local area agreements	
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## Part 3, Section B: Responsibility for Council Functions

**Notes:** All references in the scheme(s) of delegation to Officers which refer to a Chief Officer should be read as referring to the Head of Paid Service, Deputy Chief Executive and Directors.

### **B.1.1 PLANNING COMMITTEE**

The primary purpose of the Planning Committee will be to exercise and undertake those determinations which are the responsibility of the Council as local planning authority, which may be delegated under S101 of the Local Government Act 1972, and are not:

- Executive or overview and scrutiny functions;
- already delegated elsewhere by the Council;
- already delegated by the Council to Officers of the Council;
- exercisable only by the Council itself; or
- exercised in a way which breaches or has the effect of breaching policies, strategies and overall budgets approved by the Council or have adverse legal implications.

### **B.1.2 Membership**

- a) **Appointment.** The Planning Committee will consist of nine members appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989. There shall be no power to co-opt.
- b) **Chairman.** The Chairman and Vice-Chairman of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least five Members are present.

### **B.1.3 Functions**

The Planning Committee will exercise the following functions and those matters which flow from them (which are not Executive functions by virtue of Schedule 1 or 2 to the Functions Regulations), subject to the Referral up to Council by Planning Committee procedure **set out at B.1.4 below.**

<b>A(1).Functions relating to town and country planning and development control (applications)</b>
1. Power to determine application for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreement regulating development or use of land.
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.
15. Power to issue a temporary stop notice.
16. Power to issue an enforcement notice.
17. Power to apply for an injunction restraining a breach of planning control.

<b>A(1).Functions relating to town and country planning and development control (applications)</b>
18. Power to determine applications for hazardous substances consent, and related powers.

19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

20. Power to require proper maintenance of land.

21. Power to determine application for listed building consent, and related powers.

22. Duties relating to applications for listed building consent.

23. Power to serve a building preservation notice, and related powers.

24. Power to issue enforcement notice in relation to demolition of listed building in conservation area.

25. Powers to acquire a listed building in need of repair and to serve a repairs notice.

26. Power to apply for an injunction in relation to a listed building.

27. Power to execute urgent works.

**A(1). Functions relating to town and country planning and development control (applications): Delegation on to Officers:**

**Deputy Chief Officer – Development Management**

1. The issue of directions and imposing of conditions restricting applications for planning permission affecting classified roads (other than trunk roads) and unclassified roads required to be made by the Council in accordance with the arrangements with the Leicestershire County Council.
2. Approval, subject to adequate estimate provision of grants for Environmental Plant Scheme and the Amenity Plant Scheme which comply with Council Policy.
3. Applications delegated for determination:
  - 3.1 The following applications are delegated for determination, subject to **3.2 (a)- (h)**, where delegation is removed:
    - (a) all applications for planning permission, including applications for the discharge and variation of conditions and requests for minor amendments and non-material amendments or applications for lawful use or development (Town and County Planning act 1990, as

amended);

- (b) all applications for listed building consent or conservation area consent (Town and Country Planning Listed Buildings and Conservation Area Act 1990, as amended);
- (c) all applications for advertisement consent (Town and Country Planning Control of Advertisement Regulations 1992, as amended);
- (d) all agricultural, telecommunications and other 'prior notifications' and "prior approvals" under the Town and Country Permitted Development Order 1995, as amended, and any subsequent amendments, modifications or replacement orders or Regulations;
- (e) all applications for 'hedgerow removal' (Hedgerow Regulations 1997, as amended);
- (f) all applications to undertake works to trees subject to a Tree Preservation Order or within a Conservation Area (Town and Country Planning Trees Regulations 1999, as amended);
- (g) all applications for remedial notices in respect of high hedges (Anti Social Behaviour Act 2003, as amended);
- (h) all applications by other local authorities, for example, Leicestershire County Council and observations on 'County Matters' applications (Town and Country Planning General Regulations 1992, as amended);
- (i) all applications for Hazardous Substances Consent (Planning Hazardous Substances Act, 1990, as amended);
- (j) Applications for Reserved matters approval for schemes of ten dwellings or fewer;
- (k) Applications for Discharge of Conditions;
- (l) Screening and Scoping Opinions required under Environmental Regulations; and
- (m) Permission in principle.

In addition, Officers may exercise the power, on behalf of the Council, not to determine 'repeat applications' to give determinations in relation to 'permitted development' to confirm intended Tree Preservation Orders, to enter into legal agreements under Section 106 of the Town and Country Planning Act, to exercise the discontinuance of a use of land and the power to serve a building preservation notice and other related actions to secure the integrity of a listed building.

### 3.2 Circumstances by which delegation to Officers is removed:

- (a) Any application (other than Advertisement Consents; Prior Notifications and Prior Approvals; Hedgerow Removal Notices; Tree works applications; High Hedge applications; County Matters applications and Screening and Scoping requests) where any Member has requested determination of the application by the Planning Committee, within 28 days of the date of the publication of the weekly list on which that application appears. N.B. The request for consideration may be withdrawn at any time, and the application returned to delegated authority (subject to compliance with the other criteria explained below). Requests should be made to the Deputy Chief Officer – Development Management in writing (which includes email) and set out the planning reasons for the request (such as Highway safety, or the character of the surrounding area) for the request and should clearly state the impact of the development.
- (b) applications where the intended decision would depart from currently adopted and up to date development plan policy.
- (c) Where the application is made by a Councillor or by a Council Officer or immediate members of their family, or it involves land owned by any of them..
- (d) Applications for 25 or more dwellings (other than substitution of house types) and for commercial floor space of 10,000m/sq. or more.
- (e) Where the proposal involves the Council as applicant or land owner except where applications are for works to protected trees.
- (f) Matters which the Deputy Chief Officer – Development Management, in consultation with the Briefing Group, considers should be considered by the Planning Committee due to their size, nature or impact, or for any other reason, including probity.
- (g) The revocation of any planning or other permission, with or without the payment of compensation by the Council.
- (h) The discontinuance of use or alternation or removal of buildings or works with or without the payment of compensation by the Council pursuant to Section 102 of the Town and Country Planning Act 1990.

<i><b>Function:</b></i>	<i><b>Delegation on to:</b></i>
<b>A(2). Functions relating to town and country planning and development control (other than applications)</b>	

1. Power to serve a completion notice.	Chief Executive (in consultation with the relevant local Ward Councillors), including withdrawal and all enforcement within the Committee's powers.
2. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Chief Executive (in consultation with the relevant local Ward Councillors) including withdrawal and all enforcement within the Committee's powers.
3. Power to serve a temporary stop notice.	Development Planning Manager (in consultation with the relevant local Ward Councillors) including withdrawal and all enforcement within the Committee's powers.
4. Power to issue an enforcement notice.	Chief Executive (in consultation with the relevant local Ward Councillors) including withdrawal and all enforcement within the Committee's powers.
5. Power to apply for an injunction restraining a breach of planning control.	Chief Executive (in consultation with the relevant local Ward Councillors).
6. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Chief Executive (in consultation with the relevant local Ward Councillors) including withdrawal and all enforcement within the Committee's powers.
7. Power to apply for an injunction in relation to a listed building.	Chief Executive (in consultation with the relevant Ward Councillors).
8 Powers to acquire a listed building in need of report and to serve a repairs notice.	Chief Executive (in consultation with the relevant Ward Councillors).
9 Power to serve a notice requiring the proper maintenance of land.	Chief Executive (in consultation with the relevant local ward Councillors) including withdrawal and enforcement within the Committee's powers.

Function	Delegation on to:
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<b>B. Planning related functions</b>	
1. Powers relating to the preservation of trees under the Town and Country Planning Act 1990	Deputy Chief Officer – Development Management (a) Determination of applications for topping, lopping and felling and power to dispense with replanting; (b) Applications to fell trees in conservation areas and power to dispense with replanting; and (c) Emergency tree preservation orders.
2. Powers relating to the protection of important hedgerows under The Hedgerows Regulations 1997 (S.I. 1997/1160).	Deputy Chief Officer – Development Management

<b><i>Function</i></b>	<b><i>Delegation on to:</i></b>
<b>C. Public Rights of Way</b> (under the Highways Act 1980 except where otherwise stated)	
1. Power to create footpaths and bridleways and restricted byways.	No onward delegation
2. Power to create footpaths and bridleways and restricted byways by agreement.	No onward delegation
3. Power to stop up footpaths and bridleways and restricted byways.	Head of Paid Service
4. Power to determine application for public path extinguishment order.	Head of Paid Service
5. Power to make a rail crossing extinguishment order.	No onward delegation
6. Power to divert footpaths and bridleways and restricted byways.	No onward delegation

<b><i>Function</i></b>	<b><i>Delegation on to:</i></b>
7. Power to make a public path diversion order.	No onward delegation

8. Power to make a rail crossing diversion order.	No onward delegation
9. Duty to keep register with respect to applications under sections 118ZA, and 119ZA of the Highways Act 1980.	Deputy Chief Officer – Development Management
10. Power to decline to determine certain applications (section 121C of the Highways Act 1980).	No onward delegation
11. Power to extinguish certain public rights of way associated with compulsory purchase under the Acquisition of Land Act 1981.	No onward delegation
12. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1985).	No onward delegation
13. Power to authorise stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).	No onward delegation
14. Power to authorise stopping-up or diversion of footpath or bridleway or restricted byway under section 257 of the Town and Country Planning Act 1990.	No onward delegation
15. Power to extinguish public rights of way over land held for planning purposes under section 258 of the Town and Country Planning Act 1990.	No onward delegation

#### **B.1.4. Removal of Delegation**

##### Referral up to Council by Planning Committee

- a) At the beginning of a meeting of the Planning Committee any Member of the Committee may move that a specified planning application which is an item of business for that meeting be referred up to full Council. The Councillor must identify the grounds of significance justifying the motion. If the motion is seconded, the proposition shall be open to debate.



- b) A non-Planning Committee Member may also submit a written Motion on Notice to the Planning Committee requesting that a specified planning application which is an item of business for that meeting be referred up to full Council.
- c) There shall be no debate on the contents of the report relating to the specified planning application itself. Debate shall be limited to consideration as to whether the item is of such significance as to justify referral up to full Council notwithstanding the delegation of decision-making powers.
- d) If the motion to refer up is carried, the item shall not be determined at the meeting, but shall stand referred to the next ordinary meeting of the full Council. If the referral up is not made in time for the matter to be included on the agenda for the next ordinary meeting, it shall be considered at the first subsequent ordinary meeting of the full Council. However, if the Head of Paid Service considers that it is in the Council's interests to determine the matter before the next scheduled ordinary meeting, the matter may be considered at a special meeting of the full Council.
- e) If the motion to refer up is not carried, the item shall be dealt with in accordance with the Committee's delegated powers.

### **B.2.1 REGULATORY COMMITTEE**

The primary purpose of the Regulatory Committee will be to exercise and undertake those licensing, registration and regulatory functions of the Council that may be delegated under S101 of the Local Government Act 1972 and are not:

- Executive or overview and scrutiny functions;
- already delegated elsewhere by the Council, or are statutory committee functions (such as those matters under the Licensing Act 2003);
- already delegated by the Council to Officers of the Council;
- exercisable only by the Council itself; or
- exercised in a way which breaches or has the effect of breaching policies, strategies and overall budgets approved by the Council or have adverse legal implications.

### **B.2.2 Membership**

- a) **Appointment.** The Regulatory Committee will consist of nine Councillors, appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989. There shall be no power to co-opt.

- b) **Chairman.** The Chairman and Vice-Chairman of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- c) **Quorum.** Except where authorised by statute or ordered by the Council the quorum shall be one-quarter of the total membership of the Committee or three councillors, whichever is the greater.

### **B.2.3 Regulatory Panels (Sub-Committees)**

- a) **Appointment.** The Regulatory Committee will appoint one or more Panels to act as sub-committees to undertake hearings for regulatory licensing functions, consisting of four members of the Committee. Delegated decisions shall not be subject to call-in procedures because this body hears evidence and makes its decision in quasi-judicial circumstances.
- b) **Chairman.** The Chairman shall be appointed at the first meeting following the Annual Council meeting, and before proceeding to any other business.
- c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least three Members are present.

### **B.2.4 Functions**

The Regulatory Committee will exercise the following functions and those matters which flow from them (which are not Executive functions by virtue of Schedule 1 or 2 to the Functions Regulations)

<b>Function</b>	<b>Delegation on to:</b>
<b>A. General licensing and registration functions</b>	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	The Chief Officer responsible for Regulatory Functions
2. Power to license the use of moveable dwellings and camping sites.	The Chief Officer responsible for Regulatory Functions
3. Power to license hackney carriages and private hire vehicles.	The Chief Officer responsible for Regulatory Functions

4. Power to license drivers of hackney carriages and private hire vehicles.	The Chief Officer responsible for Regulatory Functions
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Function	Delegation on to:
<b>A. General licensing and registration functions</b>	
5. Power to license operators of hackney carriages and private hire vehicles.	The Chief Officer responsible for Regulatory Functions
6. Power to license sex shops and sex cinemas.	Reserved to Committee
7. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.	The Chief Officer responsible for Regulatory Functions
8. Power to license pleasure boats and pleasure vessels.	The Chief Officer responsible for Regulatory Functions
9. Power to license market and street trading.	The Chief Officer responsible for Regulatory Functions
10. Power to register and license premises for the preparation of food.	The Chief Officer responsible for Regulatory Functions
11. Power to license scrap yards.	The Chief Officer responsible for Regulatory Functions
12. Power to license premises for the breeding of dogs.	The Chief Officer responsible for Regulatory Functions
13. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	The Chief Officer responsible for Regulatory Functions

14. Power to register animal trainers and exhibitors.	The Chief Officer responsible for Regulatory Functions
15. Power to license zoos.	The Chief Officer responsible for Regulatory Functions
16. Power to license dangerous wild animals.	The Chief Officer responsible for Regulatory Functions
17. Power to license knackers' yards.	The Chief Officer responsible for Regulatory Functions
18. Power to license persons to collect for charitable and other causes.	The Chief Officer responsible for Regulatory Functions

Function	Delegation on to:
<b>A. General licensing and registration functions</b>	
19. Power to grant consent for the operation of a loudspeaker.	The Chief Officer responsible for Regulatory Functions
20. Power to authorise erection of stiles etc. on footpaths or bridleways.	The Chief Officer responsible for Regulatory Functions
21. Power to approve meat product premises.	The Chief Officer responsible for Regulatory Functions
22. Power to approve premises for the production of minced meat or meat preparations.	The Chief Officer responsible for Regulatory Functions

23. Power to approve dairy establishments.	The Chief Officer responsible for Regulatory Functions
24. Power to approve egg product establishments.	The Chief Officer responsible for Regulatory Functions
25. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	The Chief Officer responsible for Regulatory Functions
26. Power to approve fish products premises.	The Chief Officer responsible for Regulatory Functions
27. Power to approve dispatch or purification centres.	The Chief Officer responsible for Regulatory Functions
28. Power to register fishing vessels on board which shrimps or molluscs are cooked.	The Chief Officer responsible for Regulatory Functions
29. Power to approve factory vessels and fishery product establishments.	The Chief Officer responsible for Regulatory Functions
30. Power to register auction and wholesale markets.	The Chief Officer responsible for Regulatory Functions
31. Duty to keep register of food business premises.	The Chief Officer responsible for Regulatory Functions

<b>Function</b>	<b>Delegation on to:</b>
<b>A. General licensing and registration functions</b>	

32. Power to register food business premises.	The Chief Officer responsible for Regulatory Functions
33. Power to register motor salvage operators.	The Chief Officer responsible for Regulatory Functions

Function	Delegation on to:
<b>B. Powers relating to complaints about high hedges</b>	The Chief Officer responsible for Regulatory Functions

Function	Delegation on to:
<b>C. Functions relating to health and safety</b>	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, <i>which for the avoidance of doubt includes Section 19</i> , and Schedule 1 to that Act, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Chief Executive – who is authorised to appoint inspectors under the Health and Safety at Work Act to exercise the powers of an inspector for the purposes of the relevant statutory provisions and to institute, after consultation with the Monitoring Officer, such proceedings as they considers necessary.

### **B.3.1 LICENSING COMMITTEE**

The purpose of the Licensing Committee will be to act as the statutory committee under the Licensing Act 2003 and the Gambling Act 2005, charged by the Council to undertake and exercise its functions as licensing authority, together with any associated functions of the Council.

### **B.3.2 Membership**

- a) **Appointment.** The Licensing Committee will consist of nine Councillors, appointed by the Council at, or as soon as reasonably practicable after, the

Annual Council meeting. These will be those same Councillors as are appointed by the Council to the Regulatory Committee, whose appointments must be in accordance with the proportionality rules of the Local Government and Housing Act 1989. There shall be no power to co-opt.

- b) **Chairman.** The Chairman and Vice-Chairman of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- c) **Quorum and Proceedings.** The Committee may, subject to regulations made under the Licensing Act 2003 concerning proceedings, quorum, public access, publicity, agendas, records and access to information, regulate its own procedures.

### **B.3.3 Licensing Panels (Sub-Committees)**

- a) **Appointment.** The Committee will appoint sub-committees [panels] for the purpose of exercising the function of hearing and determining applications, licence reviews and other such matters that may be so delegated under the Licensing Act 2003 or the Gambling Act 2005.
- b) **Quorum and Proceedings.** The Committee may, subject to regulations made under the Licensing Act 2003 concerning proceedings, quorum, public access, publicity, agendas, records and access to information, regulate the procedures of its sub-committees (panels); which shall consist of three councillors.

### **B.3.4 Functions**

The Licensing Committee will exercise the following functions and those matters which flow from them (which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations).

<b>Functions relating to alcohol, entertainment and late night refreshment</b>
--

All functions, powers and duties conferred by the Licensing Act 2003 and regulations made under, or relating to, it, except the determination of the licensing authority's statement of licensing policy and the functions of making, and varying or revoking, an order under section 172A of the Act (early morning alcohol restriction order).

This includes the powers to:-

1. Determine applications for personal licences.
2. Determine applications for premises licences and club premises certificates.
3. Determine applications for the variation of premises licences and club premises certificates.
4. Register and deregister designated premises supervisors.
5. Determine applications for the transfer of premises licences.
6. Review premises licences and club premises certificates.
7. Determine police objections to temporary event notices.

### **Functions relating to gambling**

All functions, powers and duties conferred by the Gambling Act 2005 and regulations made under, or relating to, it.

This includes the powers to:-

1. Where representations are made and not withdrawn, determine applications for:
  - a. Premises licences.
  - b. Variation of premises licences.
  - c. Transfer of premises licences.
  - d. Provisional transfer of premises licences.
  - e. Club gaming and club machine permits.
2. Cancel club gaming and club machine permits.
3. Deciding to give counter notice to a temporary use notice.
4. Take action under section 202 as a result of a review.
5. Register a pool betting licence.
6. Grant a track betting licence.
7. License an inter-track betting scheme.
8. Grant gaming and betting machine licences.
9. Register societies wishing to promote lotteries.
10. Issue premises licences and receive temporary use notices.



## **B.4.1 SCRUTINY COMMITTEES**

The main role and purpose of a Scrutiny Committee is the exercising of the Council's overview and scrutiny functions, as set out in [Part 2 Article 7.01 of this Constitution](#).

### **B.4.2. Membership and Procedure**

The Scrutiny Committees will be appointed and chaired in accordance with [Part 2 Article 7.04](#) of this Constitution, and will conduct their business in accordance with the Council Rules of Procedure and Scrutiny Procedure Rules set out in [Part 4 of this Constitution](#).

## **B.5.1 CRIME AND DISORDER COMMITTEE**

### **B.5.2 Membership and Procedure**

- a) **Appointment.** The responsibilities of the Crime and Disorder Committee are delegated to the Scrutiny Committee with the responsibility for Communities.
- b) **Quorum.** Rules regarding quorum shall follow those of the Scrutiny Committee ([Part 4\(5\) 3.02 of the Constitution](#)).

### **B.5.3 Functions**

The Crime and Disorder Committee will exercise the functions below and those matters which flow from them (which are not Executive functions by virtue of Schedule 1 or 2 to the Functions Regulations).

<b>Functions relating to Crime and Disorder in the authority's district</b>
1. Duty to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
2. Duty to review or scrutinise decisions made, or other action taken, by the Community Safety Partnership.
3. Duty to make reports or recommendations to the local authority with respect to the discharge of those functions.

## **B.6.1 AUDIT AND STANDARDS COMMITTEE**

The purpose of the Audit and Standards Committee is to provide independent

assurance of the adequacy of the risk management framework and the associated internal control environment, 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, and to oversee the financial reporting process.

The Audit and Standards Committee will discharge the functions conferred by Part III of the Local Government Act 2000 (as amended by the Localism Act 2011), and such other of the authority's functions as it sees fit, and in accordance with the provisions of, or regulations made under, Part III of the Local Government Act 2000 or the Localism Act 2011.

### **B.6.2 Membership and Procedure**

#### **a. Appointment**

The Audit and Standards Committee will comprise 7 Councillors who are not members of the Cabinet appointed in accordance with the proportionality rules of the Local Government and Housing Act 1989.

#### **b. Chairman**

The Chairman (and Vice-Chairman if desired) of the Committee will be chosen from the 7 District Council members of the Committee.

#### **c. Quorum**

Except where authorised by statute or ordered by the Council business shall not be transacted as a meeting of the Committee unless at least 3 members of the Committee are present.

#### **d. Access to Information**

The Audit and Standards Committee shall act in accordance with the Access to Information **Procedure Rules set out in Part 4(2)** of this Constitution, and where those rules refer to the authority giving to the public or making available for public inspection:

- i) notice of a meeting;
- ii) the agenda of a meeting
- iii) reports relating to items when the meeting was or is to be open to the public; and
- iv) minutes or summaries of proceedings

the authority will provide to every parish Council for which it is responsible copies of the same upon request.

### **B.6.3 Functions**

The Audit and Standards Committee will exercise the following functions :

- a) Consider the effectiveness of the Council's risk management arrangements, the Council's overall control environment and its specific anti-fraud and anti- corruption arrangements;
- b) Consider the reports of external audit and other inspection agencies and seek assurance that action is taken on the issues raised in those reports with particular emphasis on actions relating to the overall control environment, risk and anti-fraud and anti-corruption arrangements ;
- c) Review summary internal audit reports and the main issues arising and seeking assurance of actions taken on the issues raised in these reports.
- d) Approve internal audit's strategy plan and performance (although the Committee would not have the authority to direct internal audit);
- e) Ensure that there are effective arrangements between internal and external audit (and other inspection agencies) and that the value of the audit process is actively promoted;
- f) Ensure that the Council's Annual Governance Statement and other assurance statements required of the Council properly reflect the risk environment and any actions required to improve it.
- g) Receive the annual report of the Head of Internal Audit.
- h) Review the financial statements, external auditor's opinion and reports to members and monitor management action in response to the issues raised by external audit.
- i) Review and adopt the Annual Governance Statement
- j) Promote and maintain high standards of conduct by Councillors and co-opted members
- k) Assist the Councillors and co-opted members to observe the Members' Code of Conduct(s)
- l) Advise the Council on the adoption or revision of the Members' Code of Conduct and monitor its operation
- m) Advise, train or arrange for the training of Councillors and co-opted members on matters relating to interests set out in the members Code of Conduct
- n) Determine complaints against District Councillors and Town and Parish Councillors of alleged failure to comply with the Council(s) Code of Conduct (s) accordance with the arrangements in place from time to time as adopted by the Council
- o) Deal with any reports from the Monitoring Officer or Deputy Monitoring

Officer in connection with a complaint relating to a breach of the Council(s) Code of Conduct(s).

- p) Overview of the public interest disclosure (whistleblowing) protocol;
- q) Process of complaints handling and Local Government Ombudsman investigations;
- r) Consideration of the constitution and recommend changes to procedures or the Codes in respect of probity issues considered required in the light of:
- s) experience on any matters arising from investigations by the Local Government Ombudsman where maladministration is found; and
- t) matters referred to the Committee by the Council or the Cabinet.

## **B. 6.4 Standards Sub Committee**

The Audit and Standards Committee has established a Sub Committee (“The Standards Sub Committee”) to exercise functions n) and o) set out in **B6.3 above**.

### **Form and Composition**

The Standards Sub Committee shall comprise five members of the Audit and Standards Committee, appointed in accordance with the proportionality rules of the Local Government and Housing Act 1989; and

Three members of Town or Parish Councils wholly or mainly in the Council’s area (the “parish Members”) who may not also be District Councillors

### **Parish Members**

- a) The Parish Members will be selected in accordance with the following process:
  - i) The Monitoring Officer, in consultation with the Committee Chairman, will draw up a person specification and nomination form for the appointment of Parish Members to the Standards Sub Committee from the date of appointment until the date of the following Town and Parish Council elections;
  - ii) Each Town and Parish Council for which Harborough District Council is the responsible authority, will be invited to nominate one of their number to become a Parish Member in accordance with the above; and
  - iii) The Monitoring Officer, in consultation with the Committee Chairman, and with advice from the South Leicestershire branch of the Leicestershire and Rutland Association of Parish Councils, will select the Parish Members of the Standards Sub Committee

Each parish member will hold office until:

- i) they resign from office
- ii) they are no longer a parish Councillor;
- iii) they are elected as a Councillor of a principal authority; or
- iv) upon appointment of the succeeding parish members as a consequence of the selection process set out in paragraph above,

which shall take place at the earliest opportunity following general Town and Parish Council elections across the District.

The Parish members will not be entitled to vote at meetings of the Standards Sub Committee

### **Proceedings of the Standards Sub Committee**

The Standards Sub Committee will conduct its proceedings in accordance with the Council Procedure Rules set out in **Part 4(1)** and the Access to Information Rules set out in part **4(2)** of this Constitution as well as the Procedure Rules set out in the arrangements for dealing with complaints as adopted by the Council.

### **Chairing of the Committee**

Members shall decide who shall preside at the meeting. All members of the Committee are eligible to hold this position.

### **Quorum**

The quorum shall be three District Councillors, provided that when complaints relate to Town or Parish Councillors one Parish Member is present.

## **B.7.1 CONSTITUTIONAL REVIEW COMMITTEE**

The primary purpose of the Constitutional Review Committee will be to advise on the aims, principles and workings of the Constitution. The Constitutional Review Committee will meet at least twice in each municipal year.

### **B.7.2 Membership and Procedure**

- a) **Appointment.** The Constitutional Review Committee will consist of seven Councillors, appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.
- b) **Quorum.** Except where authorised by statute or ordered by the Council the quorum shall be one-quarter of the total membership of the Committee, or three members, whichever is the greater.

### **B.7.3 Functions**

The Constitutional Review Committee will exercise the following functions, and those matters which flow from them (which are not Executive functions by virtue of Schedule 1 or 2 to the Functions Regulations).

### **Functions relating to the Council's Constitution and related functions delegated by Council**

1. Make recommendations in accordance with **Article 15** of the Constitution arising from:
  - (a) the conduct from time-to-time of a review of elements of the Council's Constitution; and
  - (b) consideration and evaluation of proposals submitted for changes to the Constitution.
2. Making recommendations to the Cabinet or to the relevant Officers regarding arrangements for providing appropriate support services to meet the needs of elected Members.
3. Keep under review and make recommendations in respect of requirements, procedures and facilities to enhance the quality of debate, information and public engagement in respect of Council meetings.

#### **B.8.1 EMPLOYMENT COMMITTEE**

The primary purpose of the Employment Committee is to consider the terms and conditions of employment of the officers of the Council and to make recommendations to the Council for consideration as appropriate.

#### **B.8.2 Membership and Procedure**

- a) **Appointment.** The Employment Committee will comprise seven Councillors appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.
- b) **Quorum.** Except where authorised by statute or ordered by the Council, the quorum shall be one-quarter of the total membership of the Committee, or three, whichever is the greater.

#### **B.8.3 Functions**

The Employment Committee will exercise the following functions and those matters which flow from them (which are not Executive functions by virtue of Schedules 1 or 2 to the Functions Regulations).

### **Functions relating to the Employment of Officers and related functions delegated by Council**

1. Keep under consideration the terms and conditions of employment of the officers of the Council and make recommendations regarding them, as appropriate, to the Council.

### **B.9.1 INVESTIGATING AND DISCIPLINARY COMMITTEE**

The primary purpose of the Investigating and Disciplinary Committee is to advise the Council on matters relating to the dismissal of relevant officers of the authority.

### **B.9.2 Membership and Procedure**

- a) **Appointment.** The Investigating and Disciplinary Committee (IDC) will comprise five Councillors, including at least one member of the Cabinet. The Committee must be politically balanced, appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.
- b) **Quorum.** Except where authorised by statute or ordered by the Council, the quorum shall be three
- c) **Procedure.** Allegations raised regarding the Head of Paid Service should be raised with the Monitoring Officer in the first instance. Any allegations against the Chief Finance Officer and Monitoring Officer should be raised with the Head of Paid Service in the first instance. Any referrals to the IDC will be in consultation with the Chairman of the IDC.

The Committee should be in a position to take a decision as a matter of urgency and meet at very short notice to consider allegations, ascertain whether there is a case to answer and also to consider whether to suspend the statutory officer.

### **B.9.3 Functions**

The Investigating and Disciplinary Committee will exercise the following functions :

- a) Consider allegations relating to the conduct or capability of the Head of Paid Service, Section 151 (Chief Financial Officer) Officer or the Monitoring Officer;
- b) Appoint an Independent Investigator (including agreeing terms of reference of the investigation) from a list maintained by the JNC Joint Secretaries and in accordance with the procedure adopted by the JNC Joint Secretaries from time to time;
- c) Receive and consider the report of the Independent Investigator and be given authority to impose no sanction, or to take action short of dismissal and to impose an appropriate penalty or take other appropriate action;
- d) In such cases where the IDC considers it appropriate taking into account

the threshold test the IDC may suspend the Head of Paid Service, Section 151 (Chief Financial Officer) Officer or the Monitoring Officer;

- e) Authority to negotiate any settlement in consultation with internal / external auditors and appoint such independent external advisers as required in this respect.

### **B.10.1 APPEALS COMMITTEE**

The primary purpose of the Appeals Committee is to consider any appeal against disciplinary action (short of dismissal) made by the Chief Executive or Statutory Officers.

### **B.10.2 Membership and Procedure**

- a) **Appointment.** The Appeals Committee will comprise five Councillors, of which at least one member must be a member of the Cabinet appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989. No member of the Investigating and Disciplinary Committee can be a member of the Appeals Committee.
- b) **Quorum.** Except where authorised by statute or ordered by the Council, the quorum shall be three

### **B.10.3 Functions**

The Appeal Committee will exercise the following functions :

- a) Hear the appeals;
- b) Confirm either the action; impose no sanction or impose a lesser action.

### **B.11.1 FULL COUNCIL**

Beyond those functions set out in **Part 2 Article 4** (The Full Council) and the above, the Council has reserved to itself the exercise of the following functions and those matters which flow from them (which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations).

<b>Function</b>	<b>Delegation on to</b>
<b>A. Functions relating to elections</b>	
1. Duty to appoint an Electoral Registration Officer.	No onward delegation



2. Power to assign Officers in relation to requisitions of the Registration Officer.	Electoral Registration Officer
3. Functions in relation to Parishes and Parish Councils.	Electoral Registration Officer
4. Power to dissolve small Parish Councils.	No onward delegation
5. Power to make orders for grouping Parishes, dissolving groups and separating Parishes from groups.	No onward delegation
6. Duty to appoint the Returning Officer for local government elections.	Electoral Registration Officer
7. Duty to provide assistance at European Parliamentary elections.	Electoral Registration Officer
8. Duty to divide constituency into polling districts.	Electoral Registration Officer
9. Power to divide electoral divisions into polling districts at local government elections.	Electoral Registration Officer
10. Powers in respect of holding of elections.	Electoral Registration Officer
11. Power to pay expenses properly incurred by Electoral Registration Officers.	Section 151 Officer
12. Power to fill vacancies in the event of insufficient nominations.	Electoral Registration Officer
13. Duty to declare vacancy in office in certain cases.	Electoral Registration Officer

<b>Function</b>	<b>Delegation on to</b>
14. Duty to give public notice of a casual vacancy.	Electoral Registration Officer

15. Power to make temporary appointments to Parish Councils.	Electoral Registration Officer
16. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Electoral Registration Officer
17. Duty to consult on change of scheme for elections.	Electoral Registration Officer
18. Duties relating to publicity.	Electoral Registration Officer
19. Duties relating to notice to the Electoral Commission.	Electoral Registration Officer
20. Power to alter years of ordinary elections of parish councillors.	No onward delegation
21. Functions relating to change of name of electoral area.	No onward delegation

Function	Delegation on to
<b>B. Functions relating to name and status of areas and individuals</b>	
1. Power to change the name of the District.	No onward delegation
2. Power to change the name of a Parish.	No onward delegation
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	No onward delegation

Function	Delegation on to
4. Power to petition for a charter to confer Borough status.	No onward delegation

<b>Function</b>	<b>Delegation on to</b>
<b>C. Functions relating to community governance</b>	
1. Duties relating to community governance reviews.	No onward delegation
2. Functions relating to community governance petitions.	Electoral Registration Officer
3. Functions relating to terms of reference of review.	No onward delegation
4. Power to undertake a community governance review.	No onward delegation
5. Functions relating to making of recommendations.	No onward delegation
6. Duties when undertaking a review.	No onward delegation
7. Duty to publicise outcome of a review.	Electoral Registration Officer
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Electoral Registration Officer
9. Power to make agreements about incidental matters.	No onward delegation

<b>Function</b>	<b>Delegation on to</b>
<b>D. Power to make, amend, revoke or re-enact or enforce byelaws.</b>	No onward delegation

<b>Function</b>	<b>Delegation on to</b>
<b>E. Power to promote or oppose local or personal Bills.</b>	No onward delegation

<b>Function</b>	<b>Delegation on to</b>
<b>F. Miscellaneous</b>	

1. Power to make standing orders, standing orders as to contracts and amendments to other Parts to the Constitution.	No onward delegation except that the Monitoring Officer shall give effect to decisions delegated to the Cabinet, Leader of the Cabinet or officers as set out in this Constitution.
2. Duty to make arrangements for proper administration of financial affairs etc.	No onward delegation.
3. Power to appoint and dismiss staff	Head of Paid Service (subject to consultation and other requirements in respect of chief and deputy chief officers contained in the Officer Employment Procedure Rules in Part 4(8)).
4. Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff, etc.	No onward delegation (see Officer Employment Procedure Rules in Part 4(8)).
5. Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	No onward delegation (see Officer Employment Procedure Rules in Part 4(8)).
5A. Duty to provide staff, etc to person nominated by Monitoring Officer.	No onward delegation (see Monitoring Officer Protocol in Part 5).
5B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	No onward delegation
6. Power to appoint officers for particular purposes (appointment of "proper officers").	Head of Paid Service
7. Power to make payments or provide other benefits in cases of maladministration etc.	Chief Executive or Monitoring Officer

Function	Delegation on to
8. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be).	Audit and Standards Committee

<p><b>9.</b> The function, pursuant to an order under section 70 (functions of local authorities) of the Deregulation and Contracting Out Act 1994, of authorising a person, and revoking such an authorisation, to exercise a function to which that section applies ("section 70 function") to the extent that the section 70 function is not the responsibility of the Cabinet.</p>	<p>No onward delegation</p>
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## Part 3, Section C(1): Allocation of Responsibility for Executive Functions

<b>Section</b>	<b>Service Area</b>
C 1.1	General Protocol for Allocation of Responsibility for Executive Function
C 1.2	Chief Officer Allocation of Responsibilities
C 1.3	Scheme of Officer delegation as agreed by the Leader under Part 4: Section 1:H attached as Annexe A

## **C 1.1 General Protocol for Allocation of Responsibility for Executive Functions**

1. The Chief Officers are responsible for the day-to-day management of the operational issues for the Council. This Scheme of Delegation is intended to supplement the powers, duties and obligations set out in each Officer's job description.
2. The purpose of the allocation of responsibilities is to create:
  - (a) a clear identification of the matters on which an Officer usually does not need to seek a decision by Members of the Council; and
  - (b) evidence to other parties that, in taking certain actions or decisions, an Officer of the Council has been duly authorised to do so.
3. The Chief Officers with delegated authority must ensure that relevant Members are consulted on all matters of a controversial and sensitive nature (i.e. impacts on the standards of customer service, issues that expect to create public dissatisfaction or disapproval). When appropriate, these matters must be referred to the Cabinet for a decision/ guidance.
4. If the relevant Portfolio Holder is unavailable and the decision cannot wait, the consultation will be with the Leader or Deputy Leader, or another Portfolio Holder.
5. Where any decision proposed under delegated powers is likely to involve the approved annual budget being exceeded, or is outside the approved capital programme, the Officer with delegated authority must refer the matter to the Cabinet for a decision/ guidance (Emergency Planning is an exception to this as the money will be reclaimed through the Belvin Scheme).
6. In certain cases which present novel or difficult features or which involve a substantial element of policy it may be appropriate for an Officer to consult a Councillor, on an informal basis before they take a decision (in which case the decision stands in the Officer's name).
7. Where Officers are taking decisions under delegated powers, the following principles and conditions will apply:
  - (a) the Officer exercising such powers shall take account of any previous decision of the Council on any relevant policies and procedure;
  - (b) all decisions shall be taken in the name of, but not necessarily personally by, the Officer(s) to whom the power is delegated;
  - (c) in any case where the Officer exercising the power considers that a new departure in policy or a significant change in financial practice is likely to be involved, they shall consult the Chief Executive and the appropriate Portfolio Holder, who shall refer the matter to the Cabinet

for consideration.

8. When Adoptive Acts are considered for enforcement by the Council, discussion must be held with the relevant Portfolio Holder and, if considered necessary, taken to the Cabinet for a decision/ guidance.
9. The statutory and chosen adoptive obligations under the Acts of Parliament and Regulations which are relevant to the Council service areas will adhere to, including future amendments, revisions of the stated acts and future obligatory Acts.
10. The Monitoring Officer is authorised to make, from time to time, such amendments to this Scheme as in their view are minor – such as changes to the titles of Officers – and is also authorised in consultation with the Head of paid Service to transfer any of the functions contained within this scheme, between Heads of Service.

The Chief Executive and Section 151 Officer **may** issue appropriate authorisations under the Regulation of Investigatory Powers Act 2003.

## **C 1.2 Chief Officer Allocation of Responsibilities**

1. Each member of the Corporate Management Team is authorised to act on behalf of the Council in relation to any matters within the service area for which they are responsible, under delegated powers that comply with:
  - (a) The overall policies approved by the Council;
  - (b) Council Procedure Rules;
  - (c) Financial Procedure Rules and Contract Procedure Rules;
  - (d) Personnel Policies and Procedures;
  - (e) Approved capital and revenue budget estimates that do not involve increased expenditure nor the loss of income;
  - (f) The requirement of the relevant legislation.
2. Without prejudice to these delegations, a Chief Officer is expected in appropriate cases to:
  - (a) Maintain a close liaison with the appropriate Portfolio Holder;
  - (b) Ensure that the appropriate Councillors are consulted on the exercise of delegated powers;
  - (c) Ensure that the Monitoring Officer and the Section 151 Officer are consulted and advised of any decisions as necessary;
  - (d) Ensure that the Council's Deputy Chief Officers are consulted and advised where appropriate in relation to cross service issues.



3. The effective and efficient day-to-day management of the service for which they are responsible, in accordance with the Council's agreed priorities and strategic objectives.
4. In connection with the preparation and execution of all agreements/ contracts in respect of which the Service is concerned:
  - (a) to deal with minor amendments to plans;
  - (b) to authorise a variation in specification and materials when necessary;
  - (c) to give instructions to general contractors to place orders for prime cost items;
  - (d) to have the authority to sign agreements/ contracts up to the value of £50,000;
  - (f) to take any agreements/ contracts to the Cabinet for a decision if it is above the EC Procurement threshold for supplies.
5. To take all decisions delegated on the basis that:
  - (a) it does not undermine the Council's Core Values or contravene Standing Orders, e.g. contracts letting;
  - (b) it does not overturn a previous Member decision or Members have expressly asked to determine the matter;
  - (c) there is a legal requirement for the matter to be determined by them;
  - (d) any apparent inherent expenditure can be accommodated through the Officers' powers in Financial Regulations;
  - (e) no reduction in public service results.
6. To apply for any grants, awards or subsidies to which the Council is, or may be, entitled where the subject matter of the grant or subsidy is within the work undertaken by the Service concerned.
7. Ensuring that the Council Health and Safety Policy is implemented within their own safety area e.g. issuing protective clothing where safety hazards occur.
8. Subject to budgetary allocation, and in consultation with the Chief Officers and the Human Resources Team, to determine the need for new posts (temporary or otherwise), extensions to temporary contracts or planned overtime.
9. Adjust working hours of their staff to facilitate the work of the Authority and their employees, in consultation with the relevant staff.

10. Consultation should be held with Legal Services before instigating any legal proceedings.
11. Issue Cautions provided that:
  - (a) authority exists for the issue of prosecution proceedings in relation to that matter; and,
  - (b) the caution is administered with due regard to the relevant Circular and associated national standards for cautioning issued by the Home Office.

### **C 1.3 Scheme of delegation**

12. This Scheme is made by the Leader of the Cabinet. It delegates the powers and functions in relation to executive function and local choice functions exercisable by the Cabinet to officers.

13. This Scheme should be read in accordance with **Part 3 Section A and Section C 1.1 and C1.2** of the Council's Constitution, including the Introduction setting out the Principles of Delegation.

14. All executive and local choice functions set out in Part 3 will be discharged by the Cabinet. The following functions have been delegated to another local authority or joint committee as follows:

**Revenues and  
Benefits Telephony  
Service Payroll  
Disabled Facilities Grants (Lightbulb)**

In addition to the functions set out above the functions delegated to Officers are set out in Annex A below.



## **Part 3, Section C(1): Scheme of Officer Delegation Annexe A**

### **Chief Executive**

To be responsible for the Health and Safety of Employees

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the council on all matters relating to the discharge of the Council's functions relation to the following service delivery functions, unless that function has been specifically delegated to another Officer:

The fact that a function has been delegated to the Chief Executive does not require the Chief Executive to give the matter their personal attention. The Chief Executive may arrange for such delegation to be arranged by an appropriate officer (with a written record). However, the Chief Executive remains responsible for any decision taken following such arrangements.

Delegated powers are granted to the Chief Executive in consultation with the Leader (or in the absence the Deputy Leader) to authorise any action required on any matter which, in the opinion of the Chief Executives, is urgent, subject to a report thereafter being submitted to Cabinet as soon as is reasonably practicable.

In an emergency, if they consider it necessary in the interest of the efficient administration of the Council's service, the Chief Executive may exercise any of the powers or duties of any other Officer.

The Chief Executive is also responsible for any Emergency Planning (including exercising those powers under the Civil Contingencies Act 2004) that needs to be undertaken, and the Council's powers under section 138 of the Local Government Act 1972 to incur expenditure.

The Chief Executive as Head of Paid Service is responsible for:

- (a) promoting and ensure the effective implementation of the Council's Equal Opportunity Policy
- (b) refusal of applications for grant aid for voluntary bodies which are of a national nature
- (c) changing the titles of the posts of the Chief Officers in consultation with the relevant staff

- (d) implementation of decisions of the National Joint Councils and Joint Negotiating Committees relating to conditions of service of Officers
- (e) agreement to changes in purchaser's titles in respect of conveyances of land (delegated to Head of Paid Services subject to any such amendment being reported to the Executive)
- (f) To authorise directed surveillance operations under RIPA 2000 (as amended)

## **Deputy Chief Executive**

Within the overall resources allocated by the Council and in direct support of the Council's objectives and policies to act on behalf of the Council on all matters relating to , the delivery of Transformation and ICT services Strategic Communications, Corporate Administration, Elections Services, Democratic Services, Legal services, Commissioning and Procurement Land Charges, Freedom of Information 2000, Data Protection Act 1998 and Environmental Information Regulations 2004 requests, street naming and numbering and Customer Services.

To approve requests for road closures under the Town Police Clauses Act 1847

To have overall responsibility for the Council's Information Management Systems (which for the avoidance of doubt does not include ICT)

To consider any appeals received in respect of a determination of a nomination to register as Asset of Community Value

To instruct and retain Counsel and external solicitors and obtain any advice in relation to any matter whenever it is considered to be in the best interests of the Council

To settle on appropriate terms any litigation or claim taken by or against the Council.

To authorise the issue, defence, withdrawal, compromise or the taking of any other action in relation to claims or legal proceedings, civil or criminal, including tribunal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Officer)

To authorise officers of the Council to attend the Magistrates or County Court.

## **Director Finance and Assets**

Within the overall resources allocated by the Council and in direct support of the Council's objectives and policies to act on behalf of the Council on all matters relating to Financial Services (accountancy) Internal Audit, Risk, Assets (except to

the extent that they are delegated to another Officer), Revenue and Benefits services, Council Offices, allotments, Land Drainage ,the Harbrough Innovation Centre and the Harbrough Grow On Centre and Human Resources .

The Director, Finance and Assets is designated as the Corporate Property Officer for the Council and is authorised to submit any application for planning permission or listed building consent and any associated consents for and on behalf of the Council in its capacity as landowner.

In consultation with the Cabinet member with portfolio responsibility for Assets or, in his or her absence the Leader, the Director Finance and Assets to authorise the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies,

licenses, easements, wayleaves and variations of rent of the Council's land and buildings in accordance with the Financial Procedure Rules.

To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

To be the Proper Officer under section 115 of the Local Government Act 1972

To have overall responsibility of the internal audit function in accordance with the Accounts and Audit Regulations 2003 (or any amending or substituted legislation, or legislation with a similar purpose or made for similar purposes)

To have responsibility for borrowing and lending within limits approved by the authority

To make various determination on an annual basis relating to capital expenditure Write-off of debts up to the value of £10,000.

To authorise directed surveillance under RIPA 2000 (as amended)

## **Director Communities and Wellbeing**

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters in relation to the discharge of the Council's functions and responsibilities for Environmental Health, Food and Safety, Air Quality and Contaminated Land, Animal Welfare and Pest Control (except in relation to those functions specifically delegated to another Officer), , operation of CCTV, Lifeline, Private Sector Housing, General Housing, Economic Development, Environmental Services including Refuse, Recycling and Garden Waste Collections, Waste Management, Street Cleansing, and the removal and disposal of abandoned vehicles and other refuse under the Civic

Amenities Act 1967 , Community Safety (including authorising applications for anti- social behaviour orders to the Magistrates Court), Housing Needs (including maintenance of a register of those needing housing), Car Parking Physical Activity (including Leisure services), Health and Wellbeing, Grants (Community, Section 106 and Sports Grants), Armed Forces Covenant and Community and Parish Liaison .

To authorise directed surveillance under RIPA 2000 (as amended)

## **Director Planning**

Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions and responsibilities on all matters relating to Strategic Planning, Development Management (to the extent that it is an executive function and not delegated to another officer)and Building Control including the setting

of fees, and taking all actions necessary in respect of dangerous buildings under the provisions of the Building Act 2004 (as amended)

To determine nominations received to register an Asset of Community

Value To authorise directed surveillance under RIPA 2000 (as amended)

## **GENERAL DELEGATION TO CHIEF OFFICERS:**

1. In connection with the preparation and execution of all agreements/ contracts in respect of which the Service is concerned:
  - (a) to deal with minor amendments to plans;
  - (b) to authorise a variation in specification and materials when necessary;
  - (c) to give instructions to general contractors to place orders for prime cost items;
  - (d) to have the authority to award and sign agreements/ contracts up to the value of £50,000;
  - (e) to take any agreements/ contracts to the Cabinet for a decision if it is above the **EC Procurement threshold for supplies**
2. Subject to budgetary allocation, and in consultation with Corporate Management Team and the Human Resource Team, to determine the need

for new posts (temporary or otherwise), extensions to temporary contracts or planned overtime.

3. Adjust working hours of their staff to facilitate the work of the Authority and their employees, in consultation with the relevant staff.
4. Consultation should be held with Legal Services before instigating any legal proceedings.
5. Issue Cautions provided that:

- (a) authority exists for the issue of prosecution proceedings in relation to that matter; and,

The caution is administered with due regard to the relevant Circular and associated national standards for cautioning issued by the Home Office.



## Part 3, Section C(2): Delegation of Responsibility for Executive Functions

**Notes:** All references in the scheme(s) of delegation to Officers which refer to a Chief Officer should be read as referring to the Chief Executive and Corporate Management Team.

### C.2.1 Delegation of Functions by the Cabinet

- a) The Leader may allocate a Portfolio of the Cabinet's areas of work to each Cabinet Member so that that Cabinet Member may:
  - 1) provide leadership on related issues within the Cabinet through Portfolio expertise; and
  - 2) act as consultee in relation to a power delegated to an Officer where such consultation is a requirement upon the Officer exercising that function.
- b) The Leader has the power to delegate Executive functions allocated under **Part 2 Article 6.09(a) of this Constitution**, to a Cabinet committee, an area committee (if so established in a form to enable receipt of that delegation), individual Cabinet members or Officers. This list of delegations is outlined at **Part 3, Section C of this Constitution**.

When it does, it shall be recorded by the Leader.

### C.2.2 Standing or other (general) Committee of the Cabinet

Delegation may be to a Standing Committee of the Cabinet or a further Committee appointed by the Cabinet, provided that there are no more than four such general Committees of the Cabinet at any one time, in accordance with **Part 2 Article 6.07 of this Constitution**.

### C.2.3. Specific Function Committees of the Cabinet

Delegation may be made to a Specific Function Committee of the Cabinet to carry out certain tasks or functions, provided that full Council has agreed to their establishment in accordance with **Part 2 Article 6.07 of this Constitution**.