



## 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>
<b>18.</b> Power to determine applications for hazardous substances consent, and related powers.
<b>19.</b> 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.
<b>20.</b> Power to require proper maintenance of land.
<b>21.</b> Power to determine application for listed building consent, and related powers.
<b>22.</b> Duties relating to applications for listed building consent.
<b>23.</b> Power to serve a building preservation notice, and related powers.
<b>24.</b> Power to issue enforcement notice in relation to demolition of listed building in conservation area.
<b>25.</b> Powers to acquire a listed building in need of repair and to serve a repairs notice.
<b>26.</b> Power to apply for an injunction in relation to a listed building.
<b>27.</b> Power to execute urgent works.

<b>A(1). Functions relating to town and country planning and development control (applications): Delegation on to Officers:</b>
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### **Development Planning Manager**

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 Country 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 Development Planning Manager in writing (which includes email) and set out the planning reasons for the request.
- (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 member of the Council 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 Development Planning Manager, 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.

<b><i>Function:</i></b>	<b><i>Delegation on to:</i></b>
<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 Members), 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 Members) including withdrawal and all enforcement within the Committee's powers.
3. <b>Power to serve a temporary stop notice.</b>	Development Planning Manager (in consultation with the relevant local Ward Members) 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 Members) 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 Members).
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 Members) 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 Members).
8 <b>Powers to acquire a listed building in need of report and to serve a repairs notice.</b>	Chief Executive (in consultation with the relevant Ward Members).
9 <b>Power to serve a notice requiring the proper maintenance of land.</b>	Chief Executive (in consultation with the relevant local ward Members) including withdrawal and enforcement within the Committee's powers.

<b>Function</b>	<b>Delegation on to:</b>
<b>B. Planning related functions</b>	
1. Powers relating to the preservation of trees under the Town and Country Planning Act 1990	Development Planning Manager (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).	Development Planning Manager

<b>Function</b>	<b>Delegation on to:</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>
<b>7.</b> Power to make a public path diversion order.	No onward delegation
<b>8.</b> Power to make a rail crossing diversion order.	No onward delegation
<b>9.</b> Duty to keep register with respect to applications under sections 118ZA, and 119ZA of the Highways Act 1980.	Development Planning Manager
<b>10.</b> Power to decline to determine certain applications (section 121C of the Highways Act 1980).	No onward delegation
<b>11.</b> Power to extinguish certain public rights of way associated with compulsory purchase under the Acquisition of Land Act 1981.	No onward delegation
<b>12.</b> Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1985).	No onward delegation
<b>13.</b> Power to authorise stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).	No onward delegation
<b>14.</b> 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
<b>15.</b> 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 Member 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 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 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.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)

Function	Delegation on to:
<b>A. General licensing and registration functions</b>	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Director, Law and Governance
2. Power to license the use of moveable dwellings and camping sites.	Director, Law and Governance
3. Power to license hackney carriages and private hire vehicles.	Director, Law and Governance
4. Power to license drivers of hackney carriages and private hire vehicles.	Director, Law and Governance

<b>Function</b>	<b>Delegation on to:</b>
<b>A. General licensing and registration functions</b>	
5. Power to license operators of hackney carriages and private hire vehicles.	Director, Law and Governance
6. Power to license sex shops and sex cinemas.	Reserved to Committee
7. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.	Director, Law and Governance
8. Power to license pleasure boats and pleasure vessels.	Director, Law and Governance
9. Power to license market and street trading.	Director, Law and Governance
10. Power to register and license premises for the preparation of food.	Director, Law and Governance
11. Power to license scrap yards.	Director, Law and Governance
12. Power to license premises for the breeding of dogs.	Director, Law and Governance
13. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Director, Law and Governance
14. Power to register animal trainers and exhibitors.	Director, Law and Governance
15. Power to license zoos.	Director, Law and Governance
16. Power to license dangerous wild animals.	Director, Law and Governance
17. Power to license knackers' yards.	Director, Law and Governance
18. Power to license persons to collect for charitable and other causes.	Director, Law and Governance

<b>Function</b>	<b>Delegation on to:</b>
<b>A. General licensing and registration functions</b>	
19. Power to grant consent for the operation of a loudspeaker.	Director, Law and Governance
20. Power to authorise erection of stiles etc. on footpaths or bridleways.	Director, Law and Governance
21. Power to approve meat product premises.	Director, Law and Governance
22. Power to approve premises for the production of minced meat or meat preparations.	Director, Law and Governance
23. Power to approve dairy establishments.	Director, Law and Governance
24. Power to approve egg product establishments.	Director, Law and Governance
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.	Director, Law and Governance
26. Power to approve fish products premises.	Director, Law and Governance
27. Power to approve dispatch or purification centres.	Director, Law and Governance
28. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Director, Law and Governance
29. Power to approve factory vessels and fishery product establishments.	Director, Law and Governance
30. Power to register auction and wholesale markets.	Director, Law and Governance
31. Duty to keep register of food business premises.	Director, Law and Governance

Function	Delegation on to:
<b>A. General licensing and registration functions</b>	
32. Power to register food business premises.	Director, Law and Governance
33. Power to register motor salvage operators.	Director, Law and Governance

Function	Delegation on to:
<b>B. Powers relating to complaints about high hedges</b>	Director, Law and Governance

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, <b>which for the avoidance of doubt includes Section 19</b> , 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 Director, Law and Governance, such proceedings as he or she 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 Members, appointed by the Council at, or as soon as reasonably practicable after, the Annual Council meeting. These Members will be those same Members 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 members.

### **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).

## **Functions relating to alcohol, entertainment and late night refreshment**

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 COMMISSION AND PANELS**

The main role and purpose of the Scrutiny Commission and Panels 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 Commission and Panels 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 Communities Scrutiny Panel.
- b) **Quorum.** Rules regarding quorum shall follow those of the Community Leadership Scrutiny Panel (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 elected members of the Council 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 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) Oversight of the Constitution; and
- s) Recommend changes to procedures, or the Codes, or any other part of the Constitution in respect of probity issues considered required in the light of:
- t) experience on any matters arising from investigations by the Local Government Ombudsman where maladministration is found; and
- u) 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 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.
- 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).

<b>Functions relating to the Council's Constitution and related functions delegated by Council</b>	
1.	Make recommendations in accordance with Article 15 of the Constitution arising from: <ul style="list-style-type: none"> <li>(a) the conduct from time-to-time of a review of elements of the Council's Constitution; and</li> <li>(b) consideration and evaluation of proposals submitted for changes to the Constitution.</li> </ul>
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 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.
- 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).

<b>Functions relating to the Employment of Officers and related functions delegated by Council</b>
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| 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. |
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### **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 Members, 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 Members, 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.	Director Finance and Assets and 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

<b>Function</b>	<b>Delegation on to</b>
<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

<b>Function</b>	<b>Delegation on to</b>
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

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

Function	Delegation on to
<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
<p><b>8.</b> 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).</p>	<p>Audit and Standards Committee</p>
<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>