

# CONSTITUTION - PART 3 - RESPONSIBILITY FOR FUNCTIONS

## 2(a) Responsibility for Council Functions

The Committees listed below have the functions specified in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (the Functions Regulations) and subsequent amendments.

### **GENERAL PURPOSES COMMITTEE - 12 ELECTED MEMBERS**

The Committee deals with the functions specified in the Functions Regulations specified below. Those items printed in italics are non-delegated and may not be dealt with under the Committee's delegated powers. The Committee will report to Council on those issues.

1. *Members Allowances.*
2. Functions relating to elections not undertaken by the Chief Executive, which shall include:
  - (a) *appointing an Electoral Registration Officer under Section 8(2) of the Representation of the People Act 1983 ;*
  - (b) *appointing a Returning Officer for local government elections under Section 35 of the Representation of the People Act 1983;*
  - (c) dealing with all issues arising from Community Governance reviews conducted under Part 4 of the Local Government and Public Involvement in Health Act 2007.
  - (d) dividing the three constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
  - (e) dividing electoral divisions into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;
  - (f) making temporary appointments to parish councils under Section 91 of the Local Government Act 1972.
3. Functions relating to name and status of areas and individuals as follows:
  - (a) *changing the name of the Borough under Section 74 of the Local Government Act 1972;*
  - (b) *changing the name of a parish under Section 75 of the Local Government Act 1972;*

- (c) *conferring the title of Honorary Alderman or admission to be an Honorary Freeman under Section 249 of the Local Government Act 1972;*
- 4. *Proposals for, or any amendment of, any element of the Council's Constitution.*
- 5. *The making, amendment, revocation or re-enactment of Byelaws under any provision of any enactment (including a local Act) whenever passed and Section 14 of the Interpretation Act 1978.*
- 6. *The promotion of, or opposition to, local or personal Bills under Section 239 of the Local Government Act 1972.*
- 7. *Proposals for changing the method of selecting the Chairman of the Council (the Mayor).*
- 8. *Any charges not otherwise dealt with by the Executive, or any Committee of the Council*
- 9. To approve the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be) under The Accounts and Audit Regulations 1996 (SI 1996/590).
- 10. Following the making by Council at its Annual Meeting of appointments to Committees, sub-committees and joint committees, to deal with any variations thereto including the filling of vacancies.
- 11. Appointments on outside bodies:
  - (a) the appointment of any individual -
    - (i) to any office other than an office in which he is employed by the authority;
    - (ii) to any body other than the authority, or to any committee or sub-committee of any such body;and the revocation of any such appointment; and
  - (b) to determine whether the above duties are approved for the purposes of travel and subsistence payments.
- 12. *Any other matters required by law to be considered by the Council.*

## LICENSING COMMITTEE - 15 ELECTED MEMBERS

*The Committee is constituted on a politically proportional basis and may have no less than 10 members and no more than 15. The Council has decided that 15 members should be appointed.*

The Committee deals with the functions specified in the Licensing Act and Functions Regulations specified below. Those items printed in italics are non delegated and may not be dealt with under the Committees delegated powers. The Committee will report to Council on those issues.

1. To carry out the functions, and duties conferred on the Council by the Licensing Act 2003 with a view to promoting the licensing objectives of:-
  - (a) the prevention of crime and disorder;
  - (b) public safety
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm

having regard to the Council's Statement of Licensing Policy and regulations and guidance issued by the Secretary of State.
2. To make comments on the Council's licensing policy.
3. To carry out the functions and duties conferred on the Council by the Gambling Act 2005:-
  - In accordance with any relevant code of practice under section 24 of the Act.
  - In accordance with any relevant guidance issued by the Commission under Section 25.
  - So far as is reasonably consistent with the licensing objections and
  - In accordance with the Council's statement of Licensing Policy.
4. To make comments on the Council's Gambling Policy.
5. Where a matter refers to a licensing function of a licensing authority (and to a function of the authority which is not a licensing function ("the other function")) this matter is referred to this committee and this committee may discharge both the licensing function and the other function.
6. to receive reports from time to time when appropriate on the needs of the local tourist economy and on the employment situation in the area and the need for new investment and employment where necessary.
7. To consider and take action on matters of policy in relation to all licensing and registration functions not related to the Licensing Act or not specifically included in the terms of reference of another committee or relevant Cabinet Member, including but not limited to

- (a) all approvals, consents, licences, permissions or registrations included in Part B of the Functions Regulations,
- (b) any discretionary fees to be charged by the council for such approvals, consents, licences, permissions or registrations,
- (c) any general conditions to be attached to any type of such approvals, consents, licences, permissions or registrations, and
- (d) enforcement action to be taken in relation to such approvals, consents, licences, permissions or registrations, including where appropriate termination or revocation of the same.

Note: The Committee does not deal with the determination of any individual approval, consent, licence, permission or registration which are matters delegated to Officers under the Schedule of Delegation to Officers.

- 8. To consider and approve orders on the designation of public places for police powers in relation to alcohol consumption.
- 9. To receive reports for comment only from officers in relation to delegated licensing decisions.
- 10. To consider and take any necessary action, within the bounds of any budget fixed by Council, for promoting and safeguarding the general health and safety of the community, and, in so far as they are not being carried out by the Director of Community Services or the Director of Development Services under the delegated powers, more particularly to undertake the duties, powers and functions of the Council in relation to the health, safety and protection of employees under any "relevant statutory provision" 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.

## **APPEALS AND LICENSING SUB-COMMITTEE (3 LICENSING COMMITTEE MEMBERS)**

The Sub-Committee is not politically proportional by resolution of the Council at its Annual Meeting. This decision is reconsidered at each Annual Meeting.

Neither the Chair of the Licensing Committee nor any other councillor may sit on a Sub-Committee considering an appeal against a decision where they were part of the decision making process.

Any Member of the Licensing Committee may be appointed to sit on a Licensing Sub-Committee hearing.

All Members of the Sub-Committee must have received prior training and must have regard to the guidance on the conduct of Sub-Committee hearings.

The Sub-Committee has full delegated powers in respect of the duties specified below.

1. To consider and determine all appeals from decisions of an officer or a member of the Cabinet where the council is vested with the responsibility for deciding an appeal finally or as part of an appeals mechanism;
2. To consider and determine the issue, refusal or repeal of, or attachment of conditions to, all individual approvals, consents, licences, permissions or registrations, included in Part B of the Functions Regulations, which have not been determined by the Head of Legal and Democratic Services, Director of Community Services or the Director of Development Services under delegated powers in the Schedule of Delegation to Officers.
3. To determine all applications referred to the Sub-Committee by virtue of the Licensing Act 2003 and Regulations issued under that Act and by virtue of the Gambling Act 2005 and Regulations and Guidance issued under that Act, in particular where objections or relevant representations have been received [except in respect of “minor variations” to Premises Licences and Club Premises certificates as defined in the Licensing Act 2003].
4. To determine all applications referred to the Sub-Committee for sexual entertainment venues by virtue of the Local Government (Miscellaneous Provisions) Act 1982 and any regulations or guidance issued under that Act.

## **HUMAN RESOURCES COMMITTEE (5 ELECTED MEMBERS)**

The Committee deals with the functions specified in the Functions Regulations indicated below with full power to act. Functions shown in italics are not delegated to the committee and it will make recommendations only.

1. To consider and decide matters relating to local government pensions and other matters covered by regulations made under sections 7, 12 or 24 of the Superannuation Act 1972.
2. To ensure procedures are in place for the appointment or dismissal of staff under section 112 Local Government Act 1972 and to determine the terms and conditions on which they hold office including monitoring and reviewing relevant policies
3. To determine appeals by another person against any decision relating to the appointment of that other person as a member of staff of the authority;
4. To determine final appeals by a member of staff against dismissal, including dismissal by virtue of redundancy, or disciplinary action and the procedure to be followed at all disciplinary or dismissal proceedings involving elected members;
5. To approve major staffing restructures outside the Terms of the delegated powers of the Chief Executive and Chief Officers but not, at that point, to make any decisions about the selection of individuals for redundancy or appointments or the terms and conditions of individual members of staff to specific posts which might arise as a consequence of that restructure.
6. To act as final appeal stage in grievances except where a complaint under Members Code of Conduct has been made to the Standards Committee and they have agreed to investigate it or take other action.
7. To make determinations relating to industrial relations disputes. The determinations of the Committee will **either**:-
  - (i) be complete in themselves and immediately applicable as a response to the dispute throughout the authority; **or**
  - (ii) in the event that the determination involves a change of policy for the Council or expenditure which is not otherwise authorised by available budgets or virement, to make a recommendation to the Council.
8. *To make recommendations to General Purposes Committee for any changes to the Officer Employment Procedure Rules at Part 4 of this Constitution.*

## **LOCAL JOINT CONSULTATIVE MEETING (3 ELECTED MEMBERS)**

Chair of the Committee and two members of the Human Resources Committee to meet staff and Union Representatives to discuss matters of concern but with no power to make decisions.

## **PANELS**

The Human Resources Committee and Substitute Members will form the panels listed below with full powers to act unless otherwise stated. The Leader of the Council will nominate the Cabinet Member where one is required unless otherwise stated or such a member is available from the membership of the committee.

The Panels of the Human Resources Committee are not politically proportional by resolution of the Council at its Annual Meeting. This decision is reconsidered at each Annual Meeting.

No member of the Human Resources Committee may sit on an appeal panel considering an appeal against a decision where they were part of the decision making process. Nor may any member of a panel which dealt with an appeal sit on the Committee dealing with any final appeal.

## **JOB EVALUATION APPEALS PANEL**

The management side of the panel will comprise two trained elected members (one from each of the two largest parties) and an officer trained in job evaluation who was not party to the original job evaluation panel.

To consider and decide individual appeals by members of staff from decisions of the Job Evaluation Panel.

## **EMPLOYMENT ISSUES PANEL (3 elected members including at least one Cabinet Member)**

1. Under the Local Authorities (Standing Orders) (England) Regulations 2001 to deal with the following matters in relation to Officers listed in Appendix 1 to the Officer Employment Procedure Rules at Part 4 of this Constitution who do not fall to be dealt with by the Chief Officer Employment Committee:-

- (i) appointments;
- (ii) disciplinary action which may lead to dismissal but not otherwise;
- (iii) dismissals not arising from disciplinary action.

The procedure to be followed shall encompass the requirements of the Officer Employment Procedure Rules on appointment, dismissal and disciplinary action as appropriate.

Special provision is made for assistants to the political groups which is set out in the Officer Employment Procedure Rules at Part 4 of this Constitution.

2. Under the Local Authorities (Standing Orders) Regulations 1993 in relation to the relevant posts shown in Appendix 1 to the Officer Employment Procedure Rules in Part 4 of this Constitution to decide in the case of a vacancy:-

- (i) whether the post is necessary, in the case of a post not required to be filled by statute; and

- (ii) what will be the terms and conditions of the post.

**CHIEF OFFICER EMPLOYMENT COMMITTEE (5 elected members including at least one Cabinet Member and at least two non cabinet members)**

This is not a standing committee of the Council but will be constituted as a politically proportional committee when the appointment of a chief or deputy chief officer or the terms and conditions of service of chief or deputy chief officers are under consideration.

1. Subject to paragraph 2 the Committee will appoint Chief Officers of the Council and their deputies or deputies in absence as defined by the Council in Part 7 of this Constitution and operate in accordance with the provisions of the Officer Employment Procedure Rules at Part 4 of this Constitution.

2. The committee has delegated powers to appoint all chief and deputy chief officers except:-

- (i) The Head of Paid Service (the Chief Executive) where it has power only to make a recommendation to full Council.

- (ii) the Director and Deputy Director HIC where HIC Board is reconstituted as a politically proportional committee and with at least one executive member, in accordance with the HIC Management Board Rules at Part 4 of this Constitution, to make the appointments and/or deal with the terms and conditions.

3. Under the Local Authorities (Standing Orders) Regulations 1993 in relation to the relevant posts shown in Appendix 1 to the Officer Employment Procedure Rules in Part 4 of this Constitution to decide in the case of a vacancy:-

- (i) whether the post is necessary, in the case of a post not required to be filled by statute; and

- (ii) what will be the terms and conditions of the post.

4. To act as a disciplinary committee for the statutory officers under the overall procedure set out at Rule 6(a) of the Officer Employment Procedure Rules at Part 4 of this Constitution.

5. Under the Local Authority (Standing Orders) (England) Regulations 2001, in addition to appointments and in relation to officers within its purview the Committee will deal with:-

- (i) disciplinary action which may lead to dismissal

- (ii) dismissals not arising from disciplinary action.

## **DISTRICT DEVELOPMENT COMMITTEE - 32 ELECTED MEMBERS**

The Committee is constituted on a politically proportional basis and its membership is drawn from the widest practicable geographical spread of Ward Members.

The terms of reference and delegated powers of the District Development Committee in relation to the functions specified are set out in Part F of the Planning Scheme of Delegation below.

## **DISTRICT DEVELOPMENT SUB-COMMITTEE – 16 ELECTED MEMBERS**

This Committee is constituted on a politically proportional basis and its membership is drawn from the widest practicable geographical spread of Ward Members to determine applications and functions referred to it set out in Part E of the Planning Scheme of Delegation below.

## **PLANNING COMMITTEE – 16 ELECTED MEMBERS**

The Committee is constituted on a politically proportionate basis to determine applications and functions referred to it in Part D of the Planning Scheme of Delegation.

The Cabinet Member (Planning) has an ex officio place on Planning Committee and on the District Development Committee and Sub-Committee.

## **RESTRICTIONS ON DELEGATION**

The delegation to the District Development Committee, District Development Sub-Committee and Planning Committee is limited as set down in the Scheme as is that of the Head of Planning Services to whom delegation of functions specified in the Functions Regulations has also been made.

A “Code of Practice” is set out at the end of the Planning Scheme of Delegation to which regard will be had in implementing the delegation.

## **THE PLANNING SCHEME OF DELEGATION**

The scheme of delegation for the discharge of planning powers and duties has been prepared in accordance with Council Policy that decisions should be taken at the lowest appropriate level of delegation. This is in order to ensure that decisions are taken with all due speed and efficiency.

The scheme has been ordered so that the lowest level of delegation is shown first, followed by the next level up through all gradations of delegation.

## **The Scheme Order is as follows:-**

- Part A - Delegation to Officers
- Part B - Delegation to Head of Planning Services
- Part C - Delegation to Head of Planning Services in consultation with the Planning Committee Chairman
- Part D - Delegation to Planning Committee
- Part E - Delegation to District Development Sub-Committee
- Part F - Delegation to District Development Committee

Code of Practice

### **PART A**

#### **DELEGATION TO OFFICERS**

In accordance with Section 101 of the Local Government Act 1972, as amended, the matters listed in **Part A** are delegated by Council to the Officers specified.

#### **LISTED MATTERS**

Tree Preservation Orders (TPO's)

The Head of Planning Services is authorised to make provisional TPO's and to confirm unopposed Orders.

To not confirm TPO's where it is deemed that they are no longer necessary in the interests of amenity and there are no outstanding written representations that the Order be confirmed.

Hedges

The Head of Planning Services be authorised to determine all Hedgerow Removal Notices and to serve Hedgerow Retention Notices.

The Solicitor to the Council following consultation with the Head of Planning Service be authorised to serve Hedgerow Replacement Notices.

High Hedges

The Head of Planning Services be authorised to determine all complaints submitted in connection with Part 8 of the Anti-Social Behaviour Act 2003 in consultation with the Chairman of the Planning Committee and to serve Remedial Notices.

The Solicitor to the Council following consultation with the Head of Planning Services be authorised

to issue and serve Remedial Notices under Section

69 of Part 8 of the Anti-Social Behaviour Act 2003.

**Power to decline to determine Planning Applications**

The Head of Planning Services is empowered to decline to determine applications in accordance with Sections 70A and 70B of the Town and Country Planning Act 1990 (as amended) and Sections 81A and 81B of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

**Certificate of Lawfulness of proposed use or development (DELHOP)**

Head of Planning Services in consultation, as appropriate, with the Solicitor to the Council to determine applications under Section 192 of the Town and Country Planning Act 1990 (As amended).

Certificate of Lawfulness of existing use or development (DELGAL)

Solicitor to the Council in consultation, as appropriate, with the Head of Planning Services to determine applications under Section 191 of the Town and Country Planning Act 1990 (As amended).

Powers of Entry

Head of Planning Services or Solicitor to the Council to exercise the powers of the Council under Sections 196A, 196B, 196C of the Town and Country Planning Act 1990 through Officers specifically authorised to investigate the particular matter.

The Head of Planning Services and the Solicitor to the Council be authorised to enter any land for the purposes of Regulations 12 and 13 of the Hedgerow Regulations 1997 and be authorised to give authority to other Officers and external experts for such purposes.

The Head of Planning Services or the Solicitor to the Council be authorised to enter any land to exercise the powers of the Council under Section 74 of Part 8 of the Anti-Social Behaviour Act 2003 and be authorised to give authority to other Officers and external experts for such purposes.

Enforcement

The Head of Planning Services or Solicitor to the Council to serve Planning contravention Notices under Sections 171C and 171D of the Town and Country Planning Act 1990 with discretion to specify a time and place meeting and to consider any representations which may be made thereat.

The Head of Planning Services to authorise and the Solicitor to the Council to issue and serve Breach of Condition Notices and Tree

Replacement Notices after prior consultation with Solicitor to the Council.

The Solicitor to the Council be authorised to issue and serve Temporary Stop Notices in cases where it is agreed following representations from the Head of Planning Services and the Chair of the relevant Area Planning Committee that the harm from the unauthorised development justified its immediate cessation.

The Head of Planning Services to authorise the Solicitor to the Council to issue and serve Enforcement Notices in relation to breaches of planning control following consultation with the Chairman of the Planning Committee and the Solicitor to the Council.

The Solicitor to the Council, when a decision to serve an Enforcement Notice has been taken, be authorised to serve a Stop Notice where representations from both the Head of Planning Services, following the undertaking of a cost benefit assessment, and Planning Committee or the chair of the Committee are received.

The Head of Planning Services to authorise the Solicitor to the Council to serve notices under Section 215 of the Town and Country Planning Act following consultation with the Chairman of the Planning Committee and the Solicitor to the Council.

The Fire Safety and Safety of Places of Sport Act 1987 Regulations Part III. Issue of General Safety Certificates.

Power to require Information

The Head of Planning Services and/or Solicitor to the Council to serve notice under s330 Town and Country Planning Act 1990.

## **PART B**

### **DELEGATION TO HEAD OF PLANNING SERVICES [DELHOP]**

In accordance with Section 101 of the Local Government Act 1972, as amended, the matters listed in this part be delegated by the Council to the Head of Planning Services, for determination with power to approve and in the case of development by Statutory Undertakers, adjoining District Councils, North Yorkshire County Council and the Crown the power to comment unless:-

- (A) APPROVAL OF THE APPLICATION WOULD NOT BE IN ACCORDANCE WITH COUNCIL PLANNING POLICY.
- (B) THE APPLICANT IS THE BOROUGH COUNCIL.
- (C) THE APPLICANT IS A MEMBER OR OFFICER OF THE COUNCIL OR IS THE SPOUSE OR OTHER CLOSE RELATIVE OF SUCH AN APPLICANT.
- (D) AN APPEAL HAS BEEN DISMISSED, OR ENFORCEMENT ACTION TAKEN IN RESPECT OF THE SAME DEVELOPMENT.
- (E) A PREVIOUS SIMILAR APPLICATION HAS BEEN REFUSED AT A HIGHER LEVEL OF DELEGATION.
- (F) IF ANYONE [THIS WOULD INCLUDE A MEMBER OF THE COUNCIL] OR ANY ORGANISATION HAS OBJECTED IN WRITING TO THE APPROVAL OF THE APPLICATION IT WILL NOT BE DETERMINED BY THE HEAD OF PLANNING SERVICES UNDER THIS PART OF THE SCHEME PROVIDED THAT:
  - THE OBJECTION HAS BEEN MADE IN WRITING TO THE HEAD OF PLANNING SERVICES AND HAS BEEN RECEIVED BEFORE DETERMINATION OF THE APPLICATION; AND
  - THE OBJECTION IS BASED ON PLANNING GROUNDS; AND
  - THE OBJECTIONS ARE NOT OVERCOME BY AN AMENDMENT TO THE APPLICATION ; OR THE IMPOSITION OF CONDITIONS.

IT WILL BE FOR THE HEAD OF PLANNING SERVICES TO DECIDE WHETHER THE STIPULATIONS ARE MET.

NOTE: MEMBERS RAISING AN OBJECTION TO AN APPLICATION UNDER THIS PARAGRAPH ARE LIKELY TO BE DISBARRED FROM DEBATING AND VOTING ON THE APPLICATION IN THE EVENT THAT IT IS ULTIMATELY REFERRED TO COMMITTEE FOR DETERMINATION.

- (G) THAT A MEMBER OF THE BOROUGH COUNCIL HAS MADE REPRESENTATIONS TO THE HEAD OF PLANNING SERVICES WHICH SATISFIES HIM ON GOOD PLANNING GROUNDS THAT IT WOULD BE INAPPROPRIATE FOR THE APPLICATION TO BE DETERMINED UNDER PARTS B OR C OF THIS SCHEME OF DELEGATION

#### LISTED MATTERS

Householder

Development of one or more private domestic garages not within the cartilage of a dwellinghouse.

All development requiring express planning permission within the cartilage of a dwellinghouse or flat except where one or more separate dwelling units are to be created.

Residential	<p>Substitution of house types and changes of layout on developments already having detailed planning permission, where this would not result in an overall increase in the number of dwellings previously approved, whether or not the propose house type has already been permitted for use elsewhere on the development.</p> <p>Determination of applications (demolition of dwellings or building adjoining dwellings) made under Part 31 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order.</p>
<b>Industrial &amp; Commercial</b>	<p>Use Class B1, B2 or B8 new buildings or extensions or alterations located within an exiting or permitted industrial/commercial site or one allocated for such development in a plan approved by the Council for development control purposes.</p>
<b>Agricultural &amp; Forestry</b>	<p>All new agricultural, horticultural, forestry and equestrian buildings and extensions.</p> <p>Determination of applications made under Parts 6 and 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
<b>Recreation</b>	<p>Buildings and operations required in connection with existing outdoor recreational uses.</p>
<b>Alterations and Extensions to Other Buildings and Reserved Matters Applications following an Outline permission</b>	<p>Alterations and extensions and Reserved Matters applications for residential institutions and for all types of non-residential buildings save for where specifically provided for above and ancillary buildings within the same curtilage.</p>
<b>Operations</b>	<p>Vehicular and pedestrian accesses, private roads, footpaths, bridleways, gates, fences, walls, surface level car parks, hard standings, floodlights and other engineering operations but excluding the construction of new highways for vehicular traffic.</p> <p>All telecommunications development including amongst other things radio, telecom etc, aerials, dish and other antennas and other apparatus whether on or attached to existing buildings or existing purpose built masts and all similar Crown development at RAF Menwith Hill.</p>

Overhead lines and buildings and engineering operations of Statutory Undertakers.

Determination of applications (developments by telecommunications code system operators) made under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order.

**Change of Use**

All changes of use to land and buildings other than to one or more dwelling units, caravan sites and land of more than 0.41 hectares (1.0 acre) in area.

**Caravans**

Increase in number of caravans on an existing site.

**Signs**

All applications for advertisements.

**Temporary**

Temporary buildings and temporary residential caravans to meet temporary circumstances but not where the intention is to later seek planning permission permanent accommodation on or near the site.

**Similar Schemes**

Any application for a development similar to that already permitted under a previous full permission, approval of reserved matters or outline permission supported with detailed illustrative material.

Minor amendments to approved schemes.

**Trees**

Applications for consent to fell, top or lop trees subject to a Tree Preservation Order, observations to the Forestry Authority on Felling Licence applications and responses to notifications of proposed works to trees within conservation areas.

**Conditions**

Confirmation of compliance with conditions imposed on Permissions.

**Listed Building and Conservation Area Consent**

All listed building and conservation area consent applications being companions to planning applications or separate applications in their own right falling within Part B of this scheme.

Responses to all consultations made under the Ecclesiastical Exemption (Listed Building and Conservation Areas) Order 1994

**Renewals**

All applications for renewal of planning permission or other consents where planning circumstances have not changed since the last permission or consent.

**Agreements**

To authorise negotiation and execution of Agreements for regulating the development use of land and amendments to such Agreements in respect of developments proposed to be approved under Part B of this scheme.

Applications under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge planning obligations, in respect of development falling within Part B of this scheme.

**PART C****DELEGATION TO HEAD OF PLANNING SERVICES IN CONSULTATION WITH THE CHAIR OF THE PLANNING COMMITTEE, OR WITH THE CHAIR OF DISTRICT DEVELOPMENT SUB-COMMITTEE**

In accordance with Section 101 of the Local Government Act 1972, as amended the matters listed in this part be delegated by the Council to the Head of Planning Services for determination in consultation with the Chair (or Vice-Chair in absence) of the Planning Committee, or the Chair (or Vice-Chair) of the District Development Sub-Committee (in the absence of both the Chair and Vice-Chair of Planning Committee) with power to act unless:-

- (A) APPROVAL OF THE APPLICATION WOULD NOT BE IN ACCORDANCE WITH COUNCIL PLANNING POLICY**
- (B) THE APPLICANT IS THE BOROUGH COUNCIL.**
- (C) THE APPLICANT IS A MEMBER OR OFFICER OF THE COUNCIL OR SPOUSE OR OTHER CLOSE RELATIVE OF SUCH AN APPLICANT OR THE APPLICATION IS MADE BY A THIRD PARTY IN RESPECT OF PROPERTY OWNED BY A MEMBER OR OFFICER OF THE COUNCIL.**
- (D) THE DECISION WOULD NOT BE IN LINE WITH THE DECISION MADE BY A COMMITTEE ON A PREVIOUS SIMILAR APPLICATION.**
- (E) THAT A MEMBER OF THE BOROUGH COUNCIL HAS MADE REPRESENTATIONS TO THE HEAD OF PLANNING SERVICES WHICH SATISFIES HIM ON GOOD PLANNING GROUNDS THAT IT WOULD BE INAPPROPRIATE FOR THE APPLICATION TO BE DETERMINED UNDER PART C OF THIS SCHEME OF DELEGATION**

## LISTED MATTERS

All Head of Planning Services items	In relation to all matters listed in Part B delegated to the Head of Planning Services for approval only, power also to refuse
Residential	<p>The conversion of any building into one or more residential units, flats, bed-sits, houses in multiple occupation for permanent or holiday occupation and the erection of any associated extensions or new buildings for such purposes providing the converted buildings remain the dominant element.</p> <p>Where an outline permission for dwelling units exists, the approval of Reserved Matters in accordance with the Outline Permission.</p> <p>Increase in number of dwellings by up to 10% on a housing development which has full or outline permission.</p>
Listed Building and Conservation Area Consent	All listed building and conservation area consent applications being companions to planning applications for developments falling within Part C of this scheme or separate applications in their own right falling within Part C of this scheme.
Conditions	Relaxation, deletion or variation of planning conditions.
Agreements	<p>To authorise negotiation and execution of agreements for regulating the development and use of land and amendments to such Agreements in respect of developments proposed to be approved under Part C of this scheme.</p> <p>Applications under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge planning obligations in respect of development falling within Part C of this scheme.</p>
Building Conservation	<p>Building Preservation Notices.</p> <p>Urgently needed works for the preservation of an unoccupied listed building.</p>
Public Rights of Way	Applications for diversion/stopping up Orders under Planning Legislation.
Determination Applications under the Town and Country Planning (General Permitted Development) Order	Borough Council applications made under the Town and Country Planning (General Permitted Development) Order - Part 6 Agricultural Development; Part 7 Forestry Development; Part 24 Telecommunications Development and Part 31 Demolition of Dwellings.

## **PART D**

### **DELEGATION TO PLANNING COMMITTEE**

**Part D(1)** – In accordance with Section 101 of the Local Government Act 1972, as amended, the Planning Committee shall have power to determine all matters properly falling within its terms of reference including, without prejudice to the generality of the foregoing, the matters listed below and any reference from the Head of Planning Services (HOPS) either acting on his own or following consultation with the relevant Chair. Planning Committee is empowered to determine any application and development control matter unless such determination would

- (i) be contrary to an objective policy (as highlighted in the Committee report) of the Local Plan or Local Development Framework and the Head of Planning Services is not recommending approval which shall automatically stand referred to the District Development Sub-Committee for determination. At the Planning Committee meeting the Solicitor to the Council will be the final arbiter on which policies are objective in whole or in part or
- (ii) the determination of a matter which involves a contingent liability to pay compensation or where the Solicitor to the Council advises costs may be awarded against the Council in a subsequent appeal (such advice may be given either before or after the vote is taken)

When the decision is contrary to the recommendation of the HOPS the Planning Committee must minute the reasons for making that decision.

### **LISTED MATTERS**

Everything listed in Parts B and C

Determination of applications made by the Borough Council.

Determination of applications for hazardous substances consent made under the Planning (Hazardous Substances) Regulations 1992, (as amended).

Revocation or Modification of planning permission without compensation by the Council.

Confirmation of Provisional Tree Preservation Orders.

Authorising the negotiation and execution of Agreements for regulating the development and use of land and amendments to such Agreements.

Determination of applications under Section 106A of the Town and Country Planning Act 1990 (as Amended) to modify or discharge planning obligations.

Advertisement Control - discontinuance notices.

Enforcement Notices

Stop Notices.

Discontinuance Notices.

Repair Notices and power to acquire a listed building in need of repair.

Article 4 Directions.

Publication for consultation of planning briefs for development within the Committee area and final approval of such briefs.

Footpath and Bridleway creations/diversions/stopping up orders under Highway legislation falls within the responsibility of this Committee. (The powers are delegated to the Director of Resources but can be exercised by the Committee).

Commenting upon the development control proposals from other Authorities or bodies which may affect development in and the environment of the District.

## **PART E**

### **DELEGATION TO DISTRICT DEVELOPMENT SUB-COMMITTEE (DDSC)**

In accordance with Section 101 of the Local Government Act 1972, as amended, the District Development Sub-Committee shall have power to determine all planning and related applications of District-wide importance referred to it by the Director of Development Services.

**Part E(1)** – The Director of Development Services shall only determine whether an application is of district-wide importance following consultation with the Chair of the Planning Committee, Political Group Leaders and consideration of the following criteria:-

- applications for development of major importance being of significant interest or benefit to the District as a whole;
- applications which raise important or novel issues of development control.

The determination by the Director of Development Services may be made at any time between the receipt of a valid application and its consideration and determination by Planning Committee.

When the decision is contrary to the recommendation of HOPS the DDSC must minute its reasons for making that decision.

Subject to this requirement, the DDSC is empowered to determine any application and development control matter whether or not such determination complies with Council planning policy or the recommendation of the Head of Planning Services.

**Part E(2)** – In addition the District Development Sub-Committee shall have the following powers and functions:-

- (i) To determine applications referred to it in accordance with the Scheme of Delegation or by the Planning Committee or the Solicitor to the Council. In circumstances where a planning application has been referred from Planning Committee to the DDSC the Chairman of Planning Committee or other nominated member of the Committee shall have the right to speak at and explain the views of that Committee to the Sub-Committee prior to the DDSC determining the application.
- (ii) To act as a consultation and advisory body on the formulation of Local Development Documents when requested by the Cabinet Member (Planning) or as required by law.
- (iii) To act as a Steering Committee for member training on planning matters.
- (iv) To receive reports on the situation regarding licensed premises in the area including the general impact of alcohol related crime and disorder.

## **PART F**

### **DELEGATION TO DISTRICT DEVELOPMENT COMMITTEE (DDC) – 32 Members**

- (i) DDC shall meet as and when required to undertake the following functions:
  - (a) Full power to approve for consultation or adoption of policies and proposals which form part of the development plan prepared by the authority and
  - (b) To approve the Council's response to consultation on the Regional Spatial Strategy and development plan policy prepared by other authorities and bodies in accordance with the Budget and Policy Framework rules in Part 4 of this Constitution.

### **CODE OF PRACTICE**

- a) Members will be posted or e mailed the "Weekly List" of all new planning applications received no later than the Tuesday following its publication the previous Friday. On this list each application will be categorised as to its expected decision level, i.e. Planning Committee; Head of Planning Services or Head of Planning Services in consultation with the relevant Chairman. Applications not categorised for determination by the Head of Planning Services will always be first considered by the Planning Committee. The exceptions are applications for Lawful Development Certificates, which are determined by the Solicitor to the Council and Forestry Authority Register details, high hedge complaints and Hedgerow Removal Notices which are categorised for officer decision.
- b) If a Member wishes to object to an application under Part B or make representations under Part C, these shall be made in writing to the Head of Planning Services and normally be received within 21 days of the date of publication of the list on which the application appears.
- c) Weekly delegation meetings (normally on Mondays) are held with the Planning Committee Chair and/or Vice-Chair or in their joint absence the Chair or Vice-Chair of the District Development Sub-Committee.
- d) The service of all types of enforcement notice and remedial notices by virtue of Part 8 of the Anti-Social Behaviour Act 2003 under Part A of the scheme, shall be notified immediately to the Ward Member(s) and the Chairman of the Planning Committee and to the Planning Committee at its next meeting.
- e) The Scheme of Delegation refers to "Council Planning Policy" - this is policy which has been approved by the Authority for development control purposes.

## 2(b) RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Committees listed below have functions vested in the Council not under the Functions Regulations but by statute

### **OVERVIEW AND SCRUTINY COMMITTEES**

Terms of Reference and membership of the overview and scrutiny commission are set out in Table 1 to the overview and scrutiny Procedure Rules at Part 4 of this Constitution.

The overview and scrutiny commission of the Council has full delegated powers to deal with all matters within their terms of reference making report by way of memorandum to the Council or the executive as appropriate on any matters within their terms of reference on which the commission considers that a memorandum is required.

### **STANDARDS COMMITTEE**

Terms of reference and delegated powers of the Standards Committee are set out in Article 9 in Part 2 of this Constitution.

The Standards Committee has full powers to deal with all matters within its terms of reference.

### **URGENCY COMMITTEE - 11 ELECTED MEMBERS**

The Committee is politically proportional and has the following standing members:-

- |       |   |   |
|-------|---|---|
| (i)   | The Mayor   | Substitute – Deputy Mayor   |
| (ii)  | The Leader of the Council                         | Substitute – Another Cabinet Member not already involved in the meeting |
| (iii) | The Chair of the Overview and Scrutiny Commission | Substitute – Vice Chair   |

And:-

- (vi) The remaining eight seats to be filled upon nomination from Group Leaders and having regard to the Standing (or their substitutes if attending) Members in order to achieve political proportionality.

## **Terms of Reference**

The Urgency Committee may be called if, following consultation with the Chief Executive, the Mayor considers it inappropriate to call an extraordinary meeting of Council.

Subject to the Committee being satisfied:-

- (a) that there is a genuine need for a decision to be reached before the next ordinary meeting of the Council; and
- (b) that failure to reach that decision would result in some prejudice, duly minuted, being prejudice to the Council's proper interests; or loss of an opportunity relevant to the advancement of the Council's proper interests; or exclusions from consideration by any other body of the Council's views upon any matter in which the Council has a proper interest;

the Urgency Committee has delegated authority to deal with any matter falling within the powers of the Council or of any Committee, Sub-Committee, Panel or Board of the Council including the power of capital virement

In any case in which the Urgency Committee is satisfied that there is exceptional reason for reaching a decision outside of or contrary to the policy framework, the Urgency Committee shall be empowered to do so but shall record in the Minutes the nature of that exceptional reason.

In any case in which the Urgency Committee is satisfied that there is good and sufficient reason to undertake revenue expenditure outside the budget, the Urgency Committee shall be empowered to so provide as if it were the Council but shall record in the Minutes the reason for so doing.

## 2(c) RESPONSIBILITY FOR COUNCIL FUNCTIONS – GENERAL SCHEME OF DELEGATION TO OFFICERS – COUNCIL FUNCTIONS

Pursuant to its powers in Section 101 of the Local Government Act 1972, the Council arranges for certain of its functions to be discharged by Officers of the Council in the manner, to the extent and subject to the conditions and reservations set out below. This Scheme became operative on 21 June 2001. The Scheme is without prejudice to any separate arrangements for functions of the executive.

### **FURTHER GENERAL LIMITATIONS**

1. The Council reserves to itself the right at any time (but without prejudice to any action already taken under these arrangements) to amend or revoke these arrangements.
2. The functions to be discharged by Officers are those set out in Schedule 1. The Officers by whom those functions are to be discharged are those specified in the Schedule. Those Officers may arrange in writing for functions to be discharged by their subordinate staff.
3. An Officer shall not incur, nor commit the authority to, any expenditure for which there is no estimate provision Capital, Revenue or agency except to meet circumstances of emergency.
4. So far as any function is itself exercisable under an agreement under Section 101 of the Local Government Act 1972, with another authority (an “agency” agreement) it shall be discharged strictly in accordance with the terms of such agency agreement;
5. Any matter which, in the judgment of the Officer exercising powers under this Scheme, is likely to give rise to unusual difficulty or the circumstances of which are likely to give rise to controversy or other extraordinary consideration, shall be dealt with in consultation with the relevant Chair of the appropriate Committee or Sub-Committee and, if the Chair of the appropriate Committee or Sub-Committee so directs, shall either be referred to the appropriate Committee or Sub-Committee for determination or consideration;
6. During the period between the local election and the Annual Meeting, subject to their remaining in office, consultations should be with the former Chairs of the relevant Committee, or in the absence of the Chair of Planning Committee, the former Chair of the Development Sub-Committee.

# SCHEDULE 1

## FUNCTIONS DELEGATED BY THE COUNCIL TO THE CHIEF EXECUTIVE

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control or which are necessary for the proper performance of the terms of appointment.</p>			
<p>2. To do all things necessary to give effect to Financial Regulations and Standing orders relating to Contracts.</p>			
<p>3. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.</p>			
<p>4. To authorise any action necessary to protect the safety or welfare of individuals or the safety of property.</p>	<p>Acting on the advice of any other Director concerned.</p>		<p>Leader of Council, Chair of Relevant Overview Scrutiny Committee as soon as practicable after the emergency has been addressed.</p>
<p>5. To determine minor restructuring of staff establishments, payments of honoraria, overtime etc where there are no overall financial implications.</p>	<p>Head of Human Resources shall keep a formal record of changes etc.</p>	<p>Head of Human Resources and Trade Unions at either a departmental or Local Joint Consultative level.</p>	

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>6. To issue to any Director any direction which is considered appropriate in any case where there are reasonable grounds for believing that such Director is so conducting the Council's affairs that there is an actual or prospective breach of Council Policy or that the activities are likely to embarrass the Council or damage its essential interests.</p>		<p>Leader of the Council and the Chair of the relevant Scrutiny Committee</p>	
<p>7. To select staff for redundancy or authorise another Chief Officer to do so.</p>	<p>(1) Selection to be subject to Council policy on selection for redundancy. (2) Right of appeal to Employment Issues Panel of Human Resources Committee.</p>	<p>Head of Human Resources.</p>	
<p>8. To pay compensation over £1,000 under Section 92 of the Local Government Act 2000.</p>	<p>Notify District Auditor</p>	<p>Leader and Ombudsman's Office</p>	<p>Governance Panel (retrospectively)</p>
<p><b><u>RESIDUAL POWER</u></b></p> <p>9. In the absence of both a Director and the Deputy in absence, to exercise any power delegated to that Director.</p>		<p>Such Officers of that Department as are deemed appropriate and subject to such other requirements for consultation as would apply to the appropriate Director in such case</p>	

**DELEGATION IN ABSENCE**

10. In the absence or unavailability of the Chief Executive, the powers be exercisable by the Deputy Chief Executive or otherwise by such Officer as the Council may appoint for the purpose in consultation with whichever other Director is appropriate.

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## FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF RESOURCES

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
1. To do all such things as are necessary in relation to all routine matters on day to day administration, management and control within the Department or which are necessary for the proper performance of the terms of appointment.			
2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.			
3. To appoint private consultants in all professional /technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.			
4. To make decisions on cases of exceptional hardship in relation to rent rebate and rent allowances.			
5. To determine minor restructuring of staff establishments, payments of honoraria, overtime etc where there are no overall financial implications.	Head of Human Resources shall keep a formal record of changes etc.	Head of Human Resources and Trade Unions at either a departmental or LJC level.	
6. To deal with and determine applications for Council Tax benefit in accordance with current Council Tax Benefit Regulations			
7. To authorise the attendance of Members and Officers of the Council at seminars organised by CIPFA and IRRV and other finance related professional bodies.			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
8 In accordance with the Representation of the People Act 1983 power to pay expenses properly incurred by the Electoral Registration Officers.			
9 To make minor typographical or other minor changes to the Constitution			
10 That in the event that any notice or any document is required to be signed or certificated urgently and the Officer who is duly authorised in that behalf is unavailable, the Director be empowered to sign any such notice or document on behalf of the Council and certify any document needing certification.			
11 Power to require information as to interests in land Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.			
12 Power to create footpaths and bridleways, Section 26 Highways Act 1980.			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
13 The power to divert or stop up a footpath or bridleway under Highways Act 1980	Parish Council to be notified	Ward Member	
14 To determine applications for established use certificates.		Head of Planning Services	
15 To pay compensation of up to £1,000 under section 92 of the Local Government Act 2000	Notify District Auditor	Ombudsman's Office	
16 To determine late claims for travelling, subsistence and childcare and dependant carers' allowances under the Members' Allowances Scheme.			
17 To add to or amend Appendix 1 of the Officer Employment Procedure Rules		Relevant Director	
18 To make amendments to Proper Officer Appointments from the National Health Service Part 3, Section 5, Schedule 1 of this Constitution Health Protection Agency		Head of Public Protection	
19 To make amendments to statutory appointments in Part 3, Section 5, Schedule 2 of this Constitution		Relevant Director	
20 To determine requests for approved duty status (Council and General Purposes Committee have concurrent powers)			
21 To institute, defend and authorise legal proceedings and to settle such proceedings in the best interests of the Council.	Debt recovery and other matters of a minor or routine nature do not require consultation.	Relevant Chair	To be reported at discretion of Solicitor to the Council.

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p><b><u>DELEGATION IN ABSENCE</u></b></p> <p>22 The powers delegated to the Director of Resources are, in the event of absence or unavailability, exercisable by the deputy in absence or deputy for the purposes of Section 151 (Finance) responsibilities as appropriate.</p>			

**FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF DEVELOPMENT SERVICES**

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within the Department or which are necessary for the proper performance of the terms of appointment.			
2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.			
3. To appoint private Consultants in all professional/technical disciplines, as required, to supplement in-house staff resources to ensure the timely implementation of approved Capital Works Programmes and other major work.			
4. To determine minor restructuring of staff establishments, payments of honoraria, overtime etc where there are no overall financial implications.	Head of Human Resources shall keep a formal record of changes etc.	Head of Human Resources and Trade Unions at either a departmental or Local Joint Consultative level.	
5. <b><u>DELEGATION IN ABSENCE</u></b>  The powers delegated to the Director of Development Services are in the event of absence or unavailability, exercisable by the deputy in absence.			

**FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF HARROGATE INTERNATIONAL CENTRE**

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>1. To do all such things as are necessary to give effect to those matters which are described in the Terms of Reference of Harrogate International Centre Management Board.</p>		<p>Harrogate International Centre Management Board.</p>	<p>To Cabinet Half-yearly or at such other times as the Board or Council deem appropriate.</p>
<p><b><u>GENERAL</u></b></p> <p>2. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within Harrogate International Centre or which are necessary for the proper performance of appointment.</p>			
<p>3. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.</p>			
<p>4. To fix admission charges for each individual event.</p>			
<p>5. To determine re-structuring of staff establishments, where there are no overall additional financial implications.</p>	<p>Head of Human Resources shall keep a formal record of changes etc.</p>	<p>Head of Human Resources and Trade Unions at either departmental or Local Joint Consultation level.</p>	<p>Any proposed scheme for payment of PRP to be approved by Cabinet.</p>
<p>6. To determine the need to designate a post(s) as redundant.</p>	<p>Head of Human Resources</p>		<p>Human Resources Committee</p>

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>7. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts and in particular:-</p> <p>(i) exempt provisions of SORC 1.4;</p> <p>(ii) Method of Tendering, Open or Selective Single tendering and serial tendering (SORC's 5 and 6);</p> <p>(iii) to accept tenders other than the lowest (SORC 9.2).</p>	<p>Up to £500,000</p> <p>In excess of £500,000</p> <p>Up to £500,000</p> <p>In excess of £500,000</p>	<p>(i) HIC Board</p> <p>HIC Board</p> <p>HIC Board</p>	<p>Cabinet</p> <p>Cabinet</p>
DELEGATION IN ABSENCE			
<p>8. The powers delegated to the Director of Harrogate International Centre are, in the event of absence or unavailability, exercisable by the deputy.</p>			

## FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF COMMUNITY SERVICES

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<b><u>ALL FUNCTIONS</u></b>			
1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within the Department or which are necessary for the proper performance of appointment.			
2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.			
3. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.			
4. To determine minor restructuring of staff establishments, payment of honoraria, overtime etc where there are no overall financial implications.	Head of Human Resources shall keep a formal record of changes etc.	Head of Human Resources and Trade Unions at either a departmental or Local Joint Consultative level.	
5. Power to require information as to interests in land (Section 16 of the Local Government (Miscellaneous Provisions) Act 1976).			
6. To make minor typographical amendments to the Council's Licensing Statement			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<b><u>DELEGATION IN ABSENCE</u></b>			
7 The powers delegated to the Director of Community Services are, in the event of absence or unavailability, exercisable by the Deputy in absence.			
<p>8. All the powers and duties conferred on the Council by the following statutes where the relevant section in those statutes relates to a power or duty in connection with public health, health and safety, licensing, environmental protection, food safety, water supply and quality, infectious diseases, waste management and health promotion (including the power to issue and serve notices and the power to appoint authorised Officers and Inspectors, including the Council's servants and agents, to enter land and premises to carry out those powers and duties) excluding those powers and duties specifically delegated to other Directors be delegated to Director of Community Services. Reference to a statute includes that statute as subsequently amended, all such instruments made under the statute and re-enactment of the relevant provisions in the subsequent statute.</p> <p>Appeals/Representations/Objections: Appeals against refusal, revocation or variation of a condition on licences etc or any representation or objection received about an application made under the Licensing Act 2003 will be determined by a Panel of the Licensing Committee [except in respect of any "minor variations" of Premises Licences and Club Premises Certificates as defined in the Licensing Act 2003].</p> <p>All applications for and renewals or variations of sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982 will be referred to a Panel of the Licensing Committee for determination.</p>			
<b>RELEVANT STATUTE</b>			<b>REPORT</b>
<p>Animal Boarding Establishments Act 1963  Breeding and Sale of Dogs (Welfare) Act 1999  Breeding of Dogs Act 1973  Breeding of Dogs Act 1991  Burials Act 1875  Caravan Sites and Control of Development Act 1960  Caravan Sites Act 1968  Children and Young Persons Act 1933  Criminal Justice and Public Order Act 1994  Dangerous Wild Animals Act 1976  Disability Discrimination Act 1995,  Fire Safety and Places of Sport Act 1987 – Part III  Food Safety Act 1990  Game Licensing Act 1860  Games Act 1831  Gambling Act 2005  Health and Safety at Work Act 1974  The House to House Collections Act 1939  Hypnotism Act 1952  Land Compensation Act 1963  Licensing Act 2003</p>			<p>Determination of whether a representation is not relevant or is trivial or vexatious</p>

<p>Local Government Act 1972 Local Government (Miscellaneous Provisions) Act 1976, Local Government (Miscellaneous Provisions) Act 1982 National Assistance Act 1948 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Offices Shops and Railway Premises Act 1963 Pet Animals Act 1951 Police, Factories Etc (Miscellaneous Provisions) Act 1916 Public Health Act 1875, Public Health Act 1936, PUBLIC HEALTH ACT 1961 Public Health Amendment Act 1907 Rehabilitation of Offenders Act 1974 Riding Establishments Act 1964 and 1970 Scrap Metal Dealers Act 1964 Theatres Act 1968 The Safety of Sports Grounds Act 1975 Town Police Clauses Act 1847 Town Police Clauses Act 1889 Transport Act 1980 Transport Act 1981 Transport Act 1985 Vehicles (Crimes) Act 2001 Zoo Licensing Act 1981</p>	<p>will be made in conjunction with the Chair of the Licensing Committee</p>
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## FUNCTIONS DELEGATED BY THE COUNCIL TO THE ASSISTANT CHIEF EXECUTIVE

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<b><u>ALL FUNCTIONS</u></b>			
1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within the department or which are necessary for the proper performance of appointment.			
2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.			
3. To appoint private consultants in all professional/ technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.			
4. To determine minor restructuring of staff establishments, payment of honoraria, overtime etc where there are no overall financial implications.	Head of Human Resources shall keep a formal record of changes etc.	Head of Human Resources and Trade Unions at either a departmental or Local Joint Consultative level.	
5 To approve the Summary BVPP		Member Editorial Panel	Council

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p><b><u>DELEGATION IN ABSENCE</u></b></p> <p>6. The powers delegated to the Assistant Chief Executive are, in the event of absence or unavailability, exercisable by the Officer duly authorised to act.</p>			

## COUNCIL FUNCTIONS DELEGATED TO THE DIRECTOR OF INFORMATION & COMMUNICATIONS TECHNOLOGY SERVICES

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p><b><u>ALL FUNCTIONS</u></b></p> <p>1. To do all such things as are necessary in relation to all routine matters of day to day administration, management and control within the Department or which are necessary for the proper performance of appointment.</p>			
<p>2. To do all things necessary to give effect to Financial Regulations and Standing Orders relating to Contracts.</p>			
<p>3. To appoint private consultants in all professional/technical disciplines as required to supplement in-house staff resources to ensure the timely implementation of approved capital works programmes and other major work.</p>			
<p>4. To determine minor restructuring of staff establishments, payment of honoraria, overtime etc where there are no overall financial implications.</p>	<p>Head of Human Resources shall keep a formal record of changes etc.</p>	<p>Head of Human Resources and Trade Unions at either a departmental or Local Joint Consultative level.</p>	
<p>5. To progress the Council's agreed ICT Strategy.</p>			
<p>6. To prepare a new Corporate ICT Strategy reflecting the Council's transformation programme priorities.</p>		<p>Chief Executive Corporate Management Team Cabinet</p>	<p>Council</p>

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
7. To implement the recommendations of the consultants report into the 2009 review of ICT Services in accordance with agreed priorities.	Within resources identified and agreed by Urgency Committee or Council	Chief Executive	
8. To recommend and implement a revised structure for ICT Services across the Council to deliver the Council's priorities and ensure fitness for purpose.		Chief Executive	HR Committee