

THE CONSTITUTION

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CONSTITUTION - Part 3 - RESPONSIBILITY FOR FUNCTIONS

(last revised June 2018)

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 - 9 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. Functions relating to Standards of Member Conduct under Chapter 7 of Part I of the Localism Act 2011.
 - (a) *To advise Council on all matters relating to the duty to promote and maintain high standards of conduct.*
 - (b) *To advise on any revisions to the Member Code of Conduct or adopting a new one.*
 - (c) *To monitor the operation of the Council's Code of Conduct and advise Council on the procedures for resolving or determining complaints against Members.*
 - (d) *Arrange training for Councillors or Parish Councillors on matters relating to their authority's Code of Conduct.*
 - (e) *Grant dispensations to Councillors under Section 33 of the Localism Act 2011 in respect of Section 33(2) (c) and (e) when it considers granting the dispensation is either in the best interests of persons living in the authority's area or consider it otherwise appropriate to grant a dispensation. The Monitoring Officer may grant a dispensation under Sections 33(2) (a), (b) and (d) or refer the matter to the Committee for consideration.*
 - (f) *Standards Panels drawn from Members of the Committee will have full power to act to consider complaints made to the authority and not resolved by the Monitoring Officer or referred by him to the Panel in respect of the Conduct of Councillors relating alleged breaches of the Members Code of Conduct and decide the appropriate action.*
- 6. *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.*
- 7. *The promotion of, or opposition to, local or personal Bills under Section 239 of the Local Government Act 1972.*
- 8. *Proposals for changing the method of selecting the Chairman of the Council (the Mayor).*
- 9. *Any charges not otherwise dealt with by the Executive, or any Committee of the Council.*

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 - 12 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 12 members should be appointed.

The Committee deals with the functions specified in the Licensing Act and Functions Regulations specified below.

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 or the Director of Economy & Culture 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 Governance, Director of Community or the Director of Economy & Culture 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.
5. To determine all applications, variations or revocations referred to the Sub-Committee by virtue of the Scrap Metal Dealers Act 2013, in particular where representations have been made by the Applicant/Licence holder.

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 Monitoring Officer and he/she has 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 Harrogate Convention Centre Heads of Service where HCC Board is reconstituted as a politically proportional committee and with at least one executive member, in accordance with the HCC 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.

PLANNING COMMITTEE – 12 ELECTED MEMBERS

The Committee is constituted on a politically proportional basis to determine applications and functions referred to in the Planning Scheme of Delegation below

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

DISTRICT DEVELOPMENT COMMITTEE - 12 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 the Planning Scheme of Delegation below.

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.

SCHEME OF DELEGATION FOR DETERMINING PLANNING APPLICATIONS

INTRODUCTION

The overriding objective of this scheme is to provide clarity about the circumstances in which applications will be dealt with using delegated powers or referred to Planning Committee and the role of the District Development Committee.

Any Member of the Council is able to request that applications are considered by Planning Committee. To aid this process there will be a standard form for Members to use to submit requests for items that they wish to be decided by Committee. This will require that planning grounds are given for such a request. The completed form will be added to the application file.

The scheme of delegation sets out the criteria to be used to determine:

- The circumstances in which delegated powers can be used;
- The applications that should automatically be referred to Planning Committee; and
- The terms of reference of the District Development Committee

When considering applications that do not obviously meet the criteria for consideration by the Planning Committee, officers will use their judgement to determine whether the applications raise issues that justify consideration at Committee.

The scheme of delegation for determining planning applications, and related matters as approved by Planning Committee, is set out below.

DELEGATION OF COUNCIL AND EXECUTIVE FUNCTIONS TO EXECUTIVE OFFICER DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

To exercise the determination of applications for permission, approval or consent, requirements for assessment (including grant aid), issuing of notices, certificates and completion or modification of agreements or obligations under the Planning Acts, the Localism Act, the Enterprise and Regulatory Reform Act, the Environment Act, the Anti-Social Behaviour Act, the Growth and Infrastructure Act and The Community Infrastructure Levy Regulations 2010 (as amended) together with any associated secondary legislation and regulations (unless expressly delegated to another officer) (or any act or order revoking and re-enacting those acts)

Officers will also have delegated powers to determine all other matters required to be dealt with as part of the development management and administration of the Council's Planning function and powers, including (but not exclusively):

- Consultation with other bodies on planning matters;
- Enforcement of planning control (in consultation with the Head of Legal and Governance);
- Appeals;
- Neighbourhood Planning Functions (in consultation with the Cabinet Member for Planning). The decision to make a Neighbourhood Plan must be taken by Full Council.
- Screening and Scoping opinions under the 1999 Environmental Assessment Regulations (*Executive functions*);
- Orders affecting the Public Rights of Way network .
- Enforcement of Community Infrastructure Levy (in consultation with the Head of Legal and Governance)

except where:

In the case of all Applications;

- 1) In the opinion of the Executive Officer Development Management and Building Control, the application is of a significant, controversial or sensitive nature. For the purposes of this paragraph, applications for residential development for the erection of 50 or more dwellings will be considered to be significant but for the avoidance of doubt, the assessment of significant shall not be limited to the numbers of dwellings comprised in the development proposal;
- 2) That a Member of the Borough Council has made representations in writing to the Executive Officer Development Management and Building Control within the 21 day publicity period of the application which satisfies the Executive Officer Development Management and Building Control in consultation with the Chair, on sound planning grounds that it would be appropriate for the application to be determined by the Planning Committee;
- 3) The application has been submitted by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwellinghouse or external alterations to a building with no significant extensions proposed;
- 4) The application is from an Elected Member or any employee within the Planning and Development Service or an employee of the Council of Principal Officer grade or above.
- 5) In the opinion of the Executive Officer Development Management and Building Control , the application is a significant or major departure from the Development Plan and is recommended for approval;
- 6) Applications will be delegated to the Executive Officer Development Management and Building Control to refuse if Section 106 Agreements are not signed and completed within a reasonable timescale.

NB: 'Applications' includes, but is not limited to applications for planning permission, listed building consent, certificates of lawful development, prior notification

procedures, advertisement consent, hedgerow regulations, tree preservation orders, and similar / related applications.

DELEGATION TO PLANNING COMMITTEE

The Planning Committee shall have power to determine all matters referred to it in accordance with the Scheme of Delegation, including the exceptions set out in paragraphs 1, 3 and 4 of the Delegation to Executive Officer Development Management and Building Control or following reference from the Executive Officer Development Management and Building Control either acting on his own or following consultation with the Chair. Planning Committee is empowered to determine any application and development control matter unless such determination would;

- (i) be contrary to an objective policy of the Development Plan and the Executive Officer Development Management and Building Control recommends refusal, or
- (ii) where costs may be awarded against the Council (advice from the Solicitor to the Council may be given either before or after the vote is taken).

In such cases, the Solicitor to the Council will be the final arbiter and will advise that the application in question shall stand deferred and be brought to the next available meeting of the Committee for further consideration.

When the final decision is contrary to the recommendation of the Executive Officer Development Management and Building Control the Planning Committee must define the reasons for rejecting the recommendation and those reasons must be recorded in the minutes of the meeting.

Subject to this requirement, the Planning Committee 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 Executive Officer Development Management and Building Control.

DELEGATION TO DISTRICT DEVELOPMENT COMMITTEE

DDC shall meet as and when required to undertake the following functions:

- (a) Power to recommend for consultation or adoption the policies and proposals which form part of the development plan prepared by the Council; and
- (b) To respond to any consultation from the Cabinet Member for Planning relating to statutory or non-statutory local plans, policies and guidance.

(Extract from Executive Functions)

CABINET MEMBER FOR PLANNING - PLANNING SCHEME OF DELEGATION

The Cabinet Member for Planning is entitled to consult the relevant Committees on the following matters and any other matter the Cabinet Member so decides.

Planning Committee

Mineral extraction and waste disposal (tipping).

District Development Committee

Statutory local plans not forming part of the development plan of the District.

Non statutory plans, policies and guidance promoted by this and other authorities and by Government.

2(b) RESPONSIBILITY FOR COUNCIL FUNCTIONS

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

(A) 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.

(B) 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.

(C) AUDIT AND GOVERNANCE COMMITTEE – 5 ELECTED MEMBERS

Terms of Reference

Statement of Purpose

1. The Audit and Governance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit and Governance Committee is to provide independent assurance to the Council on the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Those items printed in italics are *non-delegated* and may not be dealt with under the Committee's delegated powers.

Governance, Risk and Control

3. To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
4. To review the Annual Governance Statement prior to approval by the Leader and Chief Executive and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the Council's framework of assurance and ensure that it adequately addresses the risk and priorities of the Council.
7. To monitor the effective development and operation of risk management in the Council.
8. To monitor progress in addressing risk-related issues reported to the Committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

10. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
11. To monitor the Council's Anti-fraud and Corruption Strategy and Whistleblowing Policy, actions and resources.

Internal Audit

12. To approve the Internal Audit charter.
13. *To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.*
14. To approve the risk-based internal audit plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
15. To approve significant interim changes to the risk-based internal audit plan. *Any resulting increase in overall resource requirements and therefore budget would require approval according to the Council's Financial Procedure Rules.*
16. To make appropriate enquiries to determine if there are any inappropriate scope or resource limitations.
17. To consider reports on Internal Audit's performance during the year. These include:
 - (a) Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - (b) Reports on the results of the Quality Assurance and Improvement Programme.
 - (c) Reports on instances where Internal Audit does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
18. To consider the Head of Internal Audit's annual report:
 - (a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement.
 - (b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion.
19. To consider summaries of specific internal audit reports as requested.

20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the Authority or there are concerns about progress with the implementation of agreed actions.
21. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
22. To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
23. To support the development of effective communication with the Head of Internal Audit.

External Audit

24. To consider and approve the external auditor's annual letter, relevant reports, and the report to those charged with governance.
25. To consider specific reports as agreed with the external auditor.
26. To comment on the scope and depth of external audit work and to ensure it gives value for money.
27. To commission work from internal and external audit.
28. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

29. To review and approve the Council's annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit.
30. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Regulatory Framework

31. *To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and Codes of Conduct and behaviour and recommend any changes to the General Purposes Committee.*
32. To review and issues referred to it by the Chief Executive or a Director or any Council body.
33. To monitor the Council's treasury management strategy and policies.

Accountability Arrangements

34. *To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.*
35. *To report to full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.*
36. *To report to Full Council on issues which the Committee considers are a significant cause for concern.*

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 Planning Referral Committee.

SCHEDULE 1

FUNCTIONS DELEGATED BY THE COUNCIL TO THE CHIEF EXECUTIVE

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 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 authorise any action necessary to protect the safety or welfare of individuals or the safety of property.	Acting on the advice of any other Director concerned.		Leader of Council, Chair of Relevant Overview Scrutiny Committee as soon as practicable after the emergency has been addressed.
5. To determine minor restructuring of staff establishments, payments of honoraria, overtime etc where there are no overall financial implications.	Head of Organisational Development & Improvement shall keep a formal record of changes etc.	Head of Organisational Development & Improvement and Trade Unions at either a departmental or Local Joint Consultative level.	

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 Organisational Development & Improvement.</p>	
<p>8. To pay compensation over £1,000 under Section 92 of the Local Government Act 2000.</p>	<p>Notify External Auditor</p>	<p>Leader and Ombudsman's Office</p>	<p>Audit & Governance Committee (retrospectively)</p>
<p><u>RESIDUAL POWER</u></p> <p>9. In the absence of both a Director and any Officer authorised to act 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 such Officer as the Chief Executive may nominate for the purpose in consultation with whichever other Director is appropriate.

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FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF CORPORATE AFFAIRS

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 Organisational Development & Improvement shall keep a formal record of changes etc.	Head of Organisational Development and Improvement and Trade Unions at either a departmental or LJC level.	
6. To deal with and determine applications for Council Tax benefit/Council Tax reductions in accordance with current Council Tax Benefit Regulations/Local Government Finance Act 2012.			
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.			
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.		Executive Officer Development Management and Building Control	
15 To pay compensation of up to £1,000 under section 92 of the Local Government Act 2000	Notify External Auditor	Leader and Ombudsman's Office	Audit & Governance Committee (retrospectively)
16 To determine late claims for travelling, subsistence and childcare and dependant carers' allowances under the Members' Allowances Scheme.			

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
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 Safer Communities	
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 or Head of Legal and Governance
22 To prepare a new Corporate ICT Strategy reflecting the Council's transformation programme priorities.		Chief Executive Management Board Cabinet	Council
23 To progress the Council's agreed ICT Strategy.			

FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF ECONOMY & CULTURE

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 within the Department 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 determine minor restructuring of staff establishments, payments of honoraria, overtime etc where there are no overall financial implications.</p>	<p>Head of Organisational Development & Improvement shall keep a formal record of changes etc.</p>	<p>Head of Organisational Development & Improvement and Trade Unions at either a departmental or Local Joint Consultative level.</p>	
<p>5. The Fire Safety and Safety of Places of Sport Act 1987 Regulations Part III. Issue of General Safety Certificates.</p> <p><i>(Previously delegated to Chief Planner prior to July 2016)</i></p>			

FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF HARROGATE CONVENTION 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 Convention Centre Management Board.</p>		<p>Harrogate Convention Centre Management Board.</p>	<p>To Cabinet Half-yearly or at such other times as the Board or Council deem appropriate.</p>
<p><u>GENERAL</u></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 Convention 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 Organisational Development & Improvement shall keep a formal record of changes etc.</p>	<p>Head of Organisational Development & Improvement 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 Organisational Development & Improvement</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) HCC Board</p> <p>HCC Board</p> <p>HCC Board</p>	<p>Cabinet</p> <p>Cabinet</p>

FUNCTIONS DELEGATED BY THE COUNCIL TO THE DIRECTOR OF COMMUNITY

FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
ALL FUNCTIONS			
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 Organisational Development & Improvement shall keep a formal record of changes etc.	Head of Organisational Development & Improvement and Trade Unions at either a departmental or Local Joint Consultative level.	

<p>5. Power to require information as to interests in land (Section 16 of the Local Government (Miscellaneous Provisions) Act 1976).</p> <p>6. To make minor typographical amendments to the Council's Licensing Statement</p>			
FUNCTION	CONDITIONS OR RESERVATIONS	CONSULTEE	REPORT
<p>7. 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. 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 under the Local Government (Miscellaneous Provisions) Act 1982 for sexual entertainment venues; renewals where objections have been received; and all variations and transfers will be referred to a Panel of the Licensing Committee for determination.</p>			
RELEVANT STATUTE		REPORT	
<p>Animal Boarding Establishments Act 1963 Animal Welfare Act 2006 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</p>			

<p> 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 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 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> Determination of whether a representation is not relevant or is trivial or vexatious will be made in conjunction with the Chair of the Licensing Committee </p>
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