ARTICLE 4 - DECISION MAKING

This Article deals with who is responsible for making decisions within the Council and the recording of this information. It also sets out the main principles behind the making of decisions ensuring they are made on a clear and fair basis after due consideration of all relevant advice.

4.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in this Part of the Constitution and separates out decision making between the Council, Cabinet and Regulatory Committees and those functions exercised by officers on behalf of members as well as arrangements for functions to be delegated out through joint arrangement or contract.

4.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

a) proportionality (i.e. the action must be proportionate to the desired outcome);

b) due consultation and the taking of professional advice from officers;

c) respect for human rights (see below for further details);

d) a presumption in favour of openness;

e) clarity of aims and desired outcomes;

f) an explanation of the options considered before a decision was reached;

g) an appropriate assessment of any known or emerging risks; and

h) the reasons why decisions were made are given.

4.03 Types of decision

a) Decisions reserved to Full Council. Decisions relating to the functions listed in Article 5.01 will be made by the full Council and not delegated.

b) Key Decisions**.**

A key Decision must be included in the forward plan and is a decision as defined in Article 7.

(i) These are key decisions which may only be made by the Cabinet, individual Portfolio Holders or Officers, such decisions being defined in Article 7.

(ii) The Cabinet, an individual Portfolio Holder or an Officer may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Article 7.

4.04 Decision making by the Full Council

Subject to Article 4.08, the Council meeting shall follow the Standing Orders set out in Article 5 when considering any matter.

4.05 Decision making by the Cabinet

Subject to Article 4.08, the Cabinet or individual Portfolio Holder shall follow the Cabinet Procedures Rules set out in Article 7 when considering any matter.

4.06 Overview and Scrutiny

The Scrutiny Panels shall follow the Overview and Scrutiny Procedures Rules set out in Article 8 of this Constitution when considering any matter.

4.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 4.08, other Council committees and sub-committees will follow those parts of the Council's Standing Orders set out in Article 5 of this Constitution as apply to them.

4.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in the Human Rights Act 1998.

4.09 Decision Making, Assurance and Resource Management: roles and responsibilities of Councillors and Officers

Councillors – all Councillors are charged with the overall governance of the Council and must seek assurance from senior officers that the Council resources are managed appropriately. Portfolio Holders have specific responsibility for seeking assurance from Directors that resources within their areas of portfolio responsibility are being managed appropriately. Councillors will set policies to determine the standards they require for governance based on advice from the Chief Executive, Executive Director Place and Resources (Chief Finance Officer) and Monitoring Officer.

Executive Director Place and Resources (Chief Finance Officer) and Monitoring Officer – must establish the systems within the organisation for securing good governance and sound financial control. They must also monitor its compliance.

Council Leadership Team - are responsible for the ensuring compliance with the Council's policies and develop systems that are robust and compliant with the Councils procedure requirements. They must also ensure that controls are operating effectively, instigate mitigating actions where required and provide the necessary assurances to the Head of Paid Service through their annual governance statements and supervision arrangements.

Resource Managers – all managers with responsibility for resources must ensure that the Council's resources are protected and used appropriately and effectively to deliver priorities. They must operate robust performance management systems to effectively monitor and manage risks and secure assurances of compliance with policy and procedures.

Staff – all staff have a duty to operate within the Council's policies and procedure rules

at all times. They must also protect the Council resources and assets and ensure they are appropriately deployed to deliver the Council's priorities.

Finance staff – are responsible for providing professional advice to managers on the use of resources and escalating concerns to senior officers as required. They also have a duty to advise the Executive Director Place and Resources (Chief Finance Officer) of any non-compliance with policy and procedures they are aware of.

Internal Audit – monitor internal control arrangements including the robustness of systems and arrangements for compliance. Internal Audit must provide professional advice to all Leadership Team members and primarily the Executive Director Place and Resources (Chief Finance Officer) and Monitoring Officer of any serious control breaches and arising patterns of behaviour which are a fundamental concern.

4.10 Decision Making by Officers

Officers are authorised to take both executive and non-executive decisions under the Council's Constitution and through decisions by members from time to time in relation to specific matters or projects. The following Regulations apply to such decisions taken by officers.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012 ('2012 Regulations') and the Openness of Local Government Bodies Regulations, 2014 ('2014 Regulations') a written record of officer decisions made in connection with the discharge of certain executive and non-executive functions must be published and made available for inspection by members of the public as soon as reasonably practicable after they are made, along with any background papers.

Executive decisions taken by officers

Regulation 13 (4) of the 2012 Regulations requires that as soon as reasonably practicable after an officer has made an executive decision, the officer must produce a written statement which must include:

- a record of the decision including the date it was made;
- a record of the reasons for the decision;
- details of any other options considered and rejected by the officer when making the decision;
- a record of any conflict of interest declared by any executive member who is consulted by the officer in relation to the decision; and
- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's Chief Executive.

Guidance issued by DCLG, August 2014 requires that decisions taken by officers following an express authorisation by the council's executive should be recorded but those types of decision that are purely operational or administrative in nature do not need to be recorded.

DCLG recommends that decisions to allocate social carers to particular individuals, to review housing benefit or to allocate market stalls to traders are examples of the type of decision that do not need recording under the 2012 Regulations. Whereas, decisions

taken by officers to award contracts above specified values (see the Council's requirements below) or to exercise compulsory purchase powers, to award discretionary rate relief or to change the opening hours of libraries are cited as the type of decision taken by an officer that should be recorded.

The Council expects that decisions to award contracts to the value of £100k and above under the contract procedure rules to be recorded, save those contracts relating to placements for individuals care and support.

Officers should complete the Officer Decision Record developed by Democratic Services and seek advice from Democratic Services if in any doubt as to whether a decision they are proposing to take falls within the 2012 Regulations.

Non-executive decisions taken by officers

Regulation 7 (3) of the 2014 Regulations requires an officer to produce as soon as reasonably practicable after a 'decision' has been taken a written record containing the following information:

- the date the decision was taken;
- a record of the decision taken along with reasons for the decision;
- details of alternative options, if any, considered and rejected; and
- where the decision falls under Regulation 7 (2) (a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to that decision.

Regulation 7 (2) provides that a 'decision' falls within these requirements, if it would otherwise have been taken by the relevant local government body or committee or sub-committee of that body but it has been delegated to an officer either:

(a) under a specific express authorisation; or
(b) under a general authorisation to officers to take such decisions and, the effect of the decision is to –
  (i) grant a permission or licence;
  (ii) affect the rights of an individual; or
  (iii) award a contract or incur expenditure which, in either care, materially affects that relevant local government body's financial position.

Guidance issued by DCLG, August 2014 recommends that purely routine administrative decisions and those of a day to day operational nature do not need to be recorded or those decisions that require to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

DCLG cites decisions to award contracts above a specified value (see the Council's requirements below), decisions to carry out major road works and those determining licensing or building control applications as the type of decision taken by an officer that should be recorded.

The Council expects that decisions to award contracts to the value of £100k and above under the contract procedure rules to be recorded, save those contracts relating to placements for individuals care and support.

Officers should complete the Officer Decision Record developed by Democratic Services and seek advice from Democratic Services if in any doubt as to whether a decision they are proposing to take falls within the 2014 Regulations.

Background papers that have been relied upon under either category of decision must be made available for public inspection, subject to the usual rules relating to confidential or exempt information.

Recording Decisions

As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present, the person presiding, must ensure that a written statement is produced for every executive decision made.

The statement must include:

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected by the decision-maker when making the decision;

4.11 Duration of Decision

A decision (or delegation) of whatever nature shall be deemed to have a maximum life span of two years from the date made or published (if liable to publication) prior to implementation. Unless the decision (or delegation) has been implemented in part or in full in the meantime, then a refreshed decision (or delegation) will have to be sought.

ARTICLE 4 – APPENDIX 1

RESPONSIBILITY FOR FUNCTIONS

Council Functions (Section 1)

Certain functions must remain with full Council. The table in Section 1 of this part of the Constitution defines these functions.

Local Choice Functions (Section 2)

Some functions, known as local choice functions, may be allocated by the full Council to the Cabinet or retained by it or allocated to a Committee appointed by the Council. The table in Section 2 of this part of the Constitution details the present arrangements with regard to the apportionment of these local choice functions between the full Council, Committees and Cabinet.

Regulatory Functions (Section 3)

Some other functions, of a regulatory nature, cannot be exercised by the Cabinet. These are therefore Council retained functions which may be delegated by full Council. Section 3 of this part of the Constitution provides details of the Committees the full Council has set up to undertake these regulatory functions and also shows which local choice functions have been delegated to them. This section also details the Council's scrutiny arrangements.

Cabinet Functions (Section 4)

The legislative framework set by the Local Government Act 2000 provides that all other Council functions are undertaken by the Cabinet. These functions are often called either Cabinet or executive functions.

Delegation of Functions to Officers (Section 5)

The full Council and Cabinet has determined that certain powers of the Council shall be delegated to officers in accordance with the Scheme of Delegation which is set out in Sections 3 and 5.

Compulsory Reporting Requirements

For the purposes of this Part of the Constitution, the following mandatory requirements shall apply to all decisions taken by the full Council, Cabinet, Committees and Officers as well as reports to Overview and Scrutiny:

(i) The Monitoring Officer, Section 151 Officer and HR Group Manager shall be consulted in respect of all reports to elected members

(ii) Directors shall ensure that any report submitted to elected members and any decision taken by Officers, acting with delegated authority, shall be preceded by an assessment of any risk(s) to the Council associated with the proposed report/decision as set out in the officers' report writing guide issued by the Monitoring Officer and reviewed from time to time

(iii) Where not otherwise prescribed by law or this Constitution, the detail of any decision taken by an Officer, acting with delegated authority, shall be in such form prescribed by the Monitoring Officer

(iv) Any decision taken in accordance with paragraph 14 of Section 5 shall be recorded in such form prescribed by the Monitoring Officer.

Section 1 - Matters which it is the responsibility of the full Council to discharge

Only the Council will exercise the following functions:

a) adopting and changing the Constitution

b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Article 3 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

d) appointing the leader;

e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

g) adopting a Members allowances scheme under Article 2.05;

h) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;

i) confirming the appointment and dismissal of the Head of Paid Service;

j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

k) all local choice functions set out in Section 2 which the Council decides should be undertaken by itself rather than the Cabinet; and

l) all other matters which, by law, must be reserved to Council.

SECTION 2 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These are matters which may be but need not be, the responsibility of the Cabinet. These are known under the legislation as "Local Choice" functions because the Full Council has a choice about how it allocates the responsibility. The table below describes the Functions and which part of the Council has delegated responsibility for carrying each of the functions. In this Part of the Constitution any reference to an Act or statutory Instrument includes reference to any modification, amendment or re-enactment thereof

Function	Decision Making Body
Any function under a local Act	Council
The determination of an appeal against any decision made by or on behalf of the authority where no specific arrangements have been made	Appeals Committee
The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	Council function delegated to the Director of Children's Services
The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals)	Council function delegated to the Director of Children's Services
The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Council
The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996(b) for enabling questions to be put on the discharge of the functions of a police authority.	Council
The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Joint Appointments Committee set up under the Police Act 1996
The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Schedule 18(8) of the Local Government and Public Involvement in Health Act 2007.	Cabinet/Scrutiny shared function as set out in respective terms of reference

Any function relating to contaminated land	Council functions delegated to Licensing and Community Protection Committee and to the Director of Economy, Environment and Infrastructure as set out in the Scheme of Delegation and subject to the reservations and limitations
The discharge of any function relating to the control of pollution or the management of air quality	
The service of an abatement notice in respect of a statutory nuisance	
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	
The inspection of the authority's area to detect any statutory nuisance	
The investigation of any complaint as to the existence of a statutory nuisance	
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interest in land.	Council function delegated to Planning Committee and subsequently to the Director of Economy, Environment and Infrastructure
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council function delegated to the Licensing and Community Protection and Planning Committees and subsequently to all Directors as set out in the approved Managerial Structure.
The making of agreements for the execution of highways works	Council function delegated to Planning Committee and to the Director of Economy, Environment and Infrastructure as set out in the Scheme of Delegation subject to the express reservations and limitations

The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to anybody other than – (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment	Council function or the Cabinet where the appointment relates to a Cabinet function
Functions and responsibilities in respect of Local Area Agreements	Cabinet

Section 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS OF A REGULATORY NATURE (NON CABINET FUNCTIONS)

1. Planning Committee

   Licensing and Community Protection Committee

   Standards and Adjudication Committee

   Appointments Committee

   Audit and Governance Committee

   Overview and Scrutiny

2. Details about each of these bodies are set out below. These details set out the Terms of Reference and delegated powers exercised by each on behalf of the Council. These comprise regulatory and other powers reserved by legislation to the Council (that is functions which cannot be exercised by the Cabinet) and local choice functions not delegated to Cabinet by Council. The delegation of relevant powers to officers are also included.
3. Some of these powers are in turn delegated by Council to officers to exercise. Details of these officer delegated powers are set out in Section 5 and are subject to the requirements and limitations set out in that part of the delegation scheme.
4. Any reference in this Scheme of Delegation to any Act or Statutory Instrument includes any modification, amendment or re-enactment thereof.
5. The Council has transferred a range of adult social care services to the North East Lincolnshire Clinical Commissioning Group. Any references in this Scheme of Delegation to the "CCG" shall be construed accordingly.

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
Planning	11 members (politically balanced)	**Terms of Reference** Functions in relation to town and country planning, development control and enforcement and various statutory functions relating to trees, listed or dilapidated buildings, building control and conservations; commons registration and various highway functions, save for those functions reserved by standing orders or Regulations to be carried out by Cabinet or Full Council.	
		Delegated Powers 1. The determination of planning applications under Part III of the Town and Country Planning Act 1990 except:- (a) applications delegated to the Director of Economy, Environment and Infrastructure	Refer to delegation to the Director of Economy, Environment and Infrastructure
		Functions 1. The determination of planning applications under Part III of the Town and Country Planning Act 1990 except: (a) applications delegated to the Director of Economy, Environment and Infrastructure.	Refer to delegation to the Director of Economy, Environment and Infrastructure
		2. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject (Paragraph 2(6) (a) of Schedule 2 to the Planning and Compensation Act 1991 paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act).	Items 2 and 4 to 27 inclusive delegated to the Director of Economy, Environment and Infrastructure but subject to any limitations set out in this Part 3 of the Constitution.

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		3. Power to (i) decline to determine subsequent and overlapping applications under Section 70A and 70B of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) (ii) decline to determine subsequent and overlapping applications under Section 70B of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (iii) decline to determine subsequent and overlapping applications under sections 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.	Committee matter
		4. Power to grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject (Section 73 of the Town and Country Planning Act 1990).	Delegated to the Director of Economy, Environment and Infrastructure subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution
		5. Power to grant or refuse planning permission for development carried out without planning permission (Section 73A of the Town and Country Planning Act 1990)	As above
		6. To determine (approval or refusal) minor amendments submitted following previous grants of planning permission. This shall include revised site, revised house types, changes of materials, changes to door or window positions and dimensions of built development.	
		7. To respond to consultations from other Councils,	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		statutory bodies and Government Agencies/departments in respect of development.	
		8. Power to grant or refuse consent for the display of advertisements (Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007). 9. Power to grant or refuse listed building consent (Section 16(1) and 2, 17 and 33 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).	Delegated to the Statutory Planning Officer subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution. Delegated to the Director of Economy, Environment and Infrastructure subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution.
		10. Power to grant or refuse conservation area consent (Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	Delegated to the Director of Economy, Environment and Infrastructure subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution.
		11. Power to grant or refuse hazardous substances consent (Section 9(1) and 10 of the Planning (Hazardous Substances) Act 1990)).	Delegated to the Director of Economy, Environment and Infrastructure subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution.
		12. Making of Tree Preservation Orders and Provisional Tree Preservation Orders (Section 198- 201 of the Town and Country Planning Act 1990 amended by the Planning Act 2008) and the service of Building Preservation Notices where there is an imminent threat of destruction or damage under	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		Section 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	
		13. Confirmation of Tree Preservation Orders	Delegated to the Director of Economy, Environment and Infrastructure where no objections have been received.
		14. Power to dispense with duty to replace trees (Section 206(2) of the Town and Country Planning Act 1990 as amended by the Planning Act 2008).	
		15. Power to enforce duty to replace trees (Section 207 of the Town and Country Planning Act 1990 as amended by the Planning Act 2008).	
		16. Power to dispense with duty to replace trees in conservation areas (Section 213(2) of the Town and Country Planning Act 1990 as amended by the Planning Act 2008).	
		17. Power to enforce duty to replace trees in conservation areas (Section 213(3) of the Town and Country Planning Act 1990 as amended by the Planning Act 2008).	
		18. Power to grant or refuse consent under a tree preservation order (the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	
		19. Power to give directions as to the replanting of land ((the Town and Country Planning (Tree Preservation) (England) Regulations 2012)	
		20. To determine whether Environmental Statements are necessary or to require further information in	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		respect thereof.	
		21. To provide a "scoping brief' in relation to the requirement for an Environmental Statement.	
		22. To accept or reject any Environmental Statement provided in the course of a planning application	
		23. To determine whether prior approval is necessary for the sitting and appearance of relevant telecommunications equipment and to determine such applications.	
		24. To determine whether prior approval for demolition of buildings is necessary.	
		25. To determine whether prior approval for agricultural buildings or operations is necessary.	
		26. To determine which method should be adopted for dealing with planning appeals lodged against the Council's decisions and preparing and presenting the Council's case to the Inspector whether by writing or at a hearing or Inquiry.	
		27. Power to require information as to interests in land (Section 330 of the Town and Country Planning Act 1990)	
		28. Power to serve a planning contravention notice, breach of condition notice or stop notice (Sections 171 C, 187A and 183(1) of the Town and Country Planning Act 1990)	Item 28-33 delegated to Director of Economy, Environment and Infrastructure subject to limitations as set out in this part of the Constitution
		29. Power to issue (and arrange for the service of) an enforcement and (where applicable) a Stop Notice	Director of Economy, Environment and

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		(Section 172 of the Town and Country Planning Act 1990).	Infrastructure, in consultation with the Monitoring Officer
		30. Power to issue (and arrange for the service of) a Temporary Stop Notice (Section 171E to 171H of the Town and Country Planning Act 1990).	Director of Economy, Environment and Infrastructure, in consultation with the Monitoring Officer
		31. Power to issue and arrange the service Notices under Section 215 of the town and Country Planning Act 1990 if it appears that the amenity of the area is being adversely affected by the condition of the land.	Director of Economy, Environment and Infrastructure
		32. Power to issue a listed building enforcement notice (Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990).	Director of Economy, Environment and Infrastructure in consultation with the Monitoring Officer
		33. Power to serve an urgent works notice (Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).	Director of Economy, Environment and Infrastructure in consultation with the Monitoring Officer
		34. Power to revoke or modify any listed building consent (Section 23(1) of the Planning (Listed Building and Conservation Areas) Act 1990).	Director of Economy, Environment and Infrastructure
		35. Power to apply for an injunction restraining a breach of planning control (Section 187B of the Town and Country Planning Act 1990).	Committee matter but delegated to the Director of Economy, Environment and Infrastructure in any case where, in his/her opinion, in consultation with the Monitoring Officer, it would not be reasonably practicable to seek

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
			Committee approval
		36. Power to authorise entry onto land (Section 196A of the Town and Country Planning Act 1990).	Director of Economy, Environment and Infrastructure
		37. The making of agreements for the execution of highway works	Director of Economy, Environment and Infrastructure
		38. Power to make Limestone Pavement Orders (Section 34(2) Wildlife and Countryside Act 1981)	Director of Economy, Environment and Infrastructure
		39. Powers relating to protection of hedgerows (Hedgerows Regulations 1997)	Director of Economy, Environment and Infrastructure
		40. Power to create footpaths and bridleways (Section 25 and 26 of the Highways Act 1980).	
		41. Power to stop up, divert and/or extinguish footpaths and bridleways and make Gating Orders in accordance with all powers conferred by the Highways Act 1980 (as amended by the Town and Country Planning Act 1990) and the Clean Neighbourhoods and Environment Act 2005.	
		42. Power to make applications to the Magistrates Court pursuant to Section 113 of the Highways Act 1980.	
		43. Duty to assert and protect the rights of the public to use and enjoyment of highways (Section 130 of the Highways Act 1980).	
		44. Powers relating to the removal of things so deposited on highways as to be a nuisance (Section 149 of the Highways Act 1980).	Director of Economy, Environment and Infrastructure
		45. Duty to keep a definitive map and statement	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		under review (Section 53 of the Wildlife and Countryside Act 1981 (c.69))	
		46. Duty to reclassify roads used as public paths (Countryside and Rights of Way Act 2000).	
		47. Power to grant a street works licence (Section 50 of the New Roads and Street Works Act 1991 (c.22)).	Items 47-56 delegated to the Director of Economy, Environment and Infrastructure subject to any limitations set out in this part of the Constitution
		48. Power to permit deposit of builder's skip on highway (Section 139 of the Highways Act 1980 (c.66))	
		49. Power to license planting, retention and maintenance of trees etc., in part of highway (Section 142 of the Highways Act 1980).	
		50. Power to authorise erection of stiles etc., on footpaths or bridleways (Section 147 of the Highways Act 1980).	
		51. Power to license works in relation to buildings etc., which obstruct the highway (Section 169 of the Highways Act 1980).	
		52. Power to consent to temporary deposits or excavations in streets (Section 171 of the Highways Act 1980).	
		53 Power to dispense with obligations to erect hoarding or fence (Section 172 of the Highways Act 1980).	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		54. Power to restrict the placing of rails, beams etc., over highways (Section 178 of the Highways Act 1980).	
		55. Power to consent to construction of cellars etc., under street (Section 179 of the Highways Act 1980	
		56. Power to consent to the making of openings into cellars etc., under streets, and pavement lights and ventilators (Section 180 of the Highways Act 1980).	
Licensing Sub Committees	5 Sub Committees of 3 members	All powers under the Licensing Act 2003 delegated to the Sub-Committees by the full Council on the 16th December 2004, as set out in the appendix to this scheme of delegation.	
Licensing and Community Protection Committee	10 members (politically balanced)	**Terms of Reference** All powers conferred on the Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005 , subject to the delegation of powers to the Licensing Sub-Committees	The Director of Economy, Environment and Infrastructure is authorised to exercise all powers approved by the full Council on the 16th December 2004, as set out in the appendix to this scheme of delegation
		All powers of the Licensing Authority as a Responsible Authority under the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011	Director of Economy, Environment and Infrastructure
		Matters relating to Taxi, gaming, entertainment, food and miscellaneous licensing and statutory provisions including functions relating to parishes and elections and Health and safety to the extent that those functions are discharged otherwise than in the	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		council's capacity as employer	
		Functions 1. In respect of Hackney Carriage and Private Hire licences to determine licence applications which have not been determined by the Director of Economy, Environment and Infrastructure pursuant to his/her delegated powers.	Delegated to the Director of Economy, Environment and Infrastructure subject to limitations as set out in Section 5 and in particular where the applicant has more than six penalty points on his/her DVLA driving licence; or has an unspent conviction; or spent conviction for violence or indecency, then the application will be dealt with by a Licensing Panel made up of five members of the Committee
		2. To receive reports for information on the suspension and revocation of licences.	
		3. To receive, at regular intervals, a report of all licences issued, renewed or refused.	
		4. to receive an annual report of all hackney carriage and private hire licences issued or renewed where the vehicle in question is over the age of five years. 5 to receive periodic reports on random inspections carried out.	
		6. to vary, amend or revoke the standard conditions of hackney carriage or private hire operators, vehicle and drivers' licences.	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		7. to determine the fees payable for the issue and renewal of hackney carriage and private hire licences (including inspections).	
		8. to determine the hackney carriage tariff from time to time.	
		9. to approve the siting or relocation or removal of hackney carriage ranks and to authorise the appropriate statutory notices. 10. In relation to Public Entertainment Licences and private places of entertainment covered under the Licensing Act 2003	Director of Economy, Environment and Infrastructure subject to limitations set out in Section 5 and provided no objections are made
		11. to determine new applications upon receiving recommendations from the appropriate officers and outside bodies and impose conditions.	Director of Economy, Environment and Infrastructure subject to limitations set out in Section 5 and provided no objections are made
		12. to vary, amend or revoke the standard conditions otherwise imposed upon the grant of a new licence.	
		13. to vary the conditions attached to an existing licence upon receiving recommendations from the appropriate officers and outside bodies.	Director of Economy, Environment and Infrastructure subject to limitations set out in Section 5 and provided no objections are made
		14. to receive and approve annual reports on the renewal of licences.	
		15. to revoke licences.	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		16. to determine the fees payable for applications to issue and renew licences.	
		17. to determine policy in respect of those matters for which the Committee is responsible and the authorisation of all work necessary to assist the formulation and execution of that policy.	
		18. In relation to amusements machines and amusements with prizes permits and licences, street collections, betting track licences, inter-track betting scheme, sex establishments and nurses agencies licences	
		19. to grant and renew licences and permits on recommendations from the appropriate officers and outside bodies and to impose conditions.	Director of Economy, Environment and Infrastructure except where there are objections and excluding matters relating to Sex Establishments
		20. to vary the conditions attached to an existing licence or permit upon receiving recommendations from the appropriate officers and outside bodies.	
		21. to vary, amend or revoke the standard conditions imposed upon the grant of amusements with prizes permits and licences.	
		22. to receive reports on applications for permits for small lotteries where adverse comments have been received from the police and to determine the application.	
		23. to determine the licence fee payable in respect of	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		sex establishments.	
		24. To receive reports on applications for permits for house to house collections and street collections where adverse reports are received and to determine the application.	
		25. Power to issue permits for the operation of minibuses (Section 19 of the Transport Act 1985.	
		26. Power to register pool promoters (Part 5 of the Gambling Act 2005).	Items 26 to 33 inclusive delegated to the Director of Economy, Environment and Infrastructure, subject to any limitations stated
		27. Power to register societies wishing to promote lotteries (Part 5 of the Gambling Act 2005).	
		28. Power to issue cinema and cinema club licences (Licensing Act 2003).	
		29. Power to issue theatre licences (Licensing Act 2003).	
		30. Power to licence performances of hypnotism (The Hypnotism Act 1952).	
		31. Power to license night cafes and take-away food shops (Schedule 2 of the Licensing Act 2003).	
		32. Power to license market and street trading (Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and Section 6 of the London Local Authorities Act 1994).	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		33. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendments Act 1907).	
		34. Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960).	Director of Economy, Environment and Infrastructure
		35. Power to license the use of moveable dwellings and camping sites (Section 269(1) of the Public Health Act 1936).	Director of Economy, Environment and Infrastructure
		36. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis (Sections 13 and 17 of the Local Government (Miscellaneous Provisions Act 1982)).	Items 36 to 38 inclusive delegated to the Director of Economy, Environment and Infrastructure subject to any limitations stated.
		37. Power to register and license premises for the preparation of food (Section 19 of the Food Safety Act 1990).	
		38. Power to license scrap yards (Section 7 of the Scrap Metal Dealers Act 2013).	
		39. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (The Safety of Sports Grounds Act 1975).	Director of Economy, Environment and Infrastructure, in consultation with the Monitoring Officer
		41. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sport Act 1987).	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		42. Power to license premises for the breeding of dogs (Part 2 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018).	Director of Economy, Environment and Infrastructure
		43. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963); the Riding Establishments Act 1964 and 1970 (1964 c.70 and 1970) and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018).	Renewals delegated to Director of Economy, Environment and Infrastructure, new applications to be determined by Committee
		44. Power to register animal trainers and exhibitors (Section 1 of the Performing Animals (Regulation) Act 1925.	
		45. Power to license zoos (Section 1 of the Zoo Licensing Act 1981).	
		46. Power to license dangerous wild animals (Section 1 of the Dangerous Wild Animals Act 1976).	Director of Economy, Environment and Infrastructure
		47. Power to license guard dogs (Section 1 of the Guard Dogs Act 1975).	Director of Economy, Environment and Infrastructure
		48. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974. See also regulation 21 of the Animal By-Products Order (Enforcement) (England) Regulations 2013/2952	Director of Economy, Environment and Infrastructure
		49. Power to license the employment of children (Part II of the Children and Young Persons Act 1933, byelaws made under that Part)	Director of Economy, Environment and Infrastructure

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		50. To carry out the duties and powers set out in the Registration Service Act 1953, the Registration of Births, Deaths and Marriages Regulations 1968 onwards and by the Local Registration Scheme.	Items 50 to 53 inclusive delegated to the Assistant Chief Executive
		51. Power to approve premises for the solemnisation of marriages (Section 46A of the Marriage Act 1949 and Marriages and Civil Partnerships (Approved Premises) Regulations 2005).	
		52. Power to determine fees in connection with the provision of civil registration services (births, deaths and marriages)	
		53. Power to register common land or town or village greens, except where the power is exercisable solely for the purposes of giving effect to :	
		(i) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (ii) an order under section 6 of the Commons Act 2006).	
		54. Power to license persons to collect for charitable and other causes (Section 5 of the Police, Factories etc., (Miscellaneous Provisions) Act 1916) as amended by the Local Government Act 1972 and section 2 of the House to House Collections Act 1939 as amended by the Local Government Act 1972).	Items 54 to 67 inclusive delegated to the Director of Economy, Environment and Infrastructure subject to any limitations stated
		55. Power to approve meat product premises (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)(d) as amended by regulation 2 of the Meat Products (Hygiene)	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		(Amendment) Regulations 1999 (S.I. 1999/683).	
		56. Power to approve premises for the production of minced meat or meat preparations (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).	
		57. Power to approve dairy establishments (Regulations 5 of theDairy Products (Hygiene) (Amendment) Regulations 1996 (S.1 1996/1699).	
		58. Power to approve egg product establishments (Regulations 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).	
		59. power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat premises (Schedule 1A of the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)(a).	
		60. Power to approve fish products premises (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).	
		61. Power to approve dispatch and purification centres (Regulation 1 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	
		62. Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish)	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		(Hygiene) Regulations 1998.	
		63. Power to approve factory vessels and fishery products establishments (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	
		64. Power to register auction and wholesale markets (Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	
		65. Duty to keep register of food business premises (Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).	
		66. Power to register food business premises (Regulation 9 of the Food Premises (Registration) Regulations 1991.	
		67. Power to issue a licence to move cattle from a market to a holding if an animal is not correctly tagged or marked (Regulation 3 and 16 of the Cattle Identification Regulations 2007 (S.I 2007/529).	
		Elections Elections and electoral registration including: - 81. Duty to appoint an electoral registration officer (Section 8(2) and 52(2) to (4) of the Representation of the People Act 1985).	
		68. Functions in relation to parishes and parish councils (Local Government (Parishes and Parish Councils) Regulations 1999 (SI 1999/545)).	Assistant Chief Executive
		69. Power to dissolve small parish councils (Section 10 of the Local Government Act 1972) and power to	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		make orders for grouping parishes, dissolving groups and separating parishes from groups.	
		70. Duty to appoint returning officer for local government elections (Section 35 of the Representation of the People Act 1983). Duty to provide assistance at European Parliamentary elections (Section 6(7) and (8) of the European Parliamentary Elections Act 2002).	Chief Executive
		71. Duty to divide constituency into polling districts.	As above
		72. Power to assign officers in relation to requisitions of the registration officer.	Assistant Chief Executive
		73. All other functions relating to Parliamentary, local government and European Parliamentary Elections.	Chief Executive and Assistant Chief Exectuive
		74. Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act 1983).	As above
		75. Powers in respect of holding of elections (Section 39(4) of the Representation of the People Act 1983).	As above
		76. Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983).	As above
		77. Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985).	As above
		78. Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972.	As above

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		79. Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).	As above
		80. Power to make temporary appointments to parish councils (Section 91 of the Local Government Act 1972.	Committee function
		81. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 (Section 10 of the Representation of the People Act 2000 (c.2).	
		<u>Functions relating to name and status of area</u> On recommendation to Council:- 82. Power to change the name of a county, district or London Borough (Section 74 of the Local Government Act 1972).	
		83. Power to change the name of a parish (Section 75 of the Local Government Act 1972 and Part 4 of the Local Government and Public Involvement in Health Act 2007).	
		84. Power to confer title of honorary alderman or to admit to be an honorary freeman (Section 249 of the Local Government Act 1972).	
		85. Power to petition for a charter to confer borough status (Section 245b of the Local Government Act 1972).	
		<u>Byelaws</u> On recommendation to Council where statute	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		requires:- 86. Power to make, amend, revoke or re-enact byelaws (Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30) (a).	
		Miscellaneous Functions 87. Power to require information as to interests in land (Section 16 of the Local Government (Miscellaneous provisions) Act 1976 (c.57)).	All Directors
		Health and Safety 88. Functions 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	Director of Economy, Environment and Infrastructure
		Environmental Protection 89. Any function relating to contaminated land (Part IIA of the Environmental Protection Act 1990 and subordinate legislation under that Part).	Director of Economy, Environment and Infrastructure within policies set by Committee
		90. Powers relating to the control of pollution and the management of air quality (The Pollution Prevention and Control Act 1999 Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993 (c.11)).	Director of Economy, Environment and Infrastructure within policies set by Committee
		91. Duty to serve abatement notice in respect of statutory nuisance (Section 80 (1) of the Environmental Protection Act 1990) (Local Choice function).	Director of Economy, Environment and Infrastructure

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		92. Power to resolve that Schedule 2 to the Noise and Statutory Nuisance Act 1993 is to apply in the authority's area (Section 8 of the Noise and Statutory Nuisance Act 1993	
		93. Duty to inspect area to detect statutory nuisance (Section 79 of the Environmental Protection Act 1990).	Items 93 to 98 inclusive delegated to the Director of Economy, Environment and Infrastructure subject to any limitations stated.
		94. Duty to investigate statutory nuisance complaints (Section 79 of the Environmental Protection Act 1990).	
		95. Power to grant consent for the operation of a loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993).	
		96. Power to issue street litter control notice (Sections 93 and 94 of the Environmental Protection Act 1990.	
		97. Enforcement of legislation relating to straw and stubble burning etc. (Section 152 of the Environmental Protection Act 1990.	
		98. Local Bills To recommend to Council to promote or oppose Bills in Parliament by the Council and the support of, or opposition to, Bills otherwise affecting the Council's interests.	
		Ozone-Depleting Substances Regulations 2015 (SI 2015/168)	All powers conferred on the Council, as Port Health Authority, under the

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
			Regulations, delegated to the Director of Economy, Environment and Infrastructure.
		Scrap Metal Dealers Act 2013	
		Fee setting	Director of Economy, Environment and Infrastructure in consultation with the Chair of Licensing & Community Protection Committee
		Administration & Enforcement of the Act	Director of Economy, Environment and Infrastructure
		Grant of a site or collectors licence with no conditions	Authorised Officers
		Grant of a site or collectors licence with conditions	Licensing & Community Protection Committee
		Refusal, revocation or variation of a site or collectors licence	Licensing & Community Protection Committee
		Power to make closure order	Authorised Officers
Standards and Adjudication Committee	9 elected members of the authority The Standards and Adjudications Committee is established as a pool of members from which a Referrals Panel, a	1. Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
	Hearings Panel and an Appeals Panel may be formed as sub-committees on a needs basis and subject to the Referrals and Hearings Panels comprising at least 3 members and the Appeals Panel comprising no more than 5 members, subject to political balance requirements.		
		2. To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Referrals Panels') to consider such matters.	
		3. To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have reached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.	
		4. To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.	
		5. To consider appeals against dismissal and	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		grievances by employees of the Council.	
		6. To hear and determine in accordance with the appropriate conditions of service appeals against disciplinary action and against grading assessments by the Executive Director Place and Resources	
		7. To hear and determine appeals in relation to grievances required to be settled under the Council's Grievance Procedure.	
		8. To hear and determine appeals arising under the appeal arrangements relative to car allowances.	
		9. To determine student awards appeals.	
		10. To hear and determine any other internal appeal or review within the Council not falling within the delegated powers of any other Committee.	
Appointments Committee	7 (of which at least one must be a Cabinet member)	**Terms of Reference and Delegated Powers** 1. To approve and conduct the recruitment process for the Head of Paid Service and to recommend the appointment of the Head of Paid Service to Full Council. 2. To determine all matters relating to the performance, pay and terms and conditions of employment of the Chief Executive and Head of Paid Service and Chief Officers. 3. To approve the recruitment process for Chief Officers and to carry out interviews and appointments. Terms of Reference 1-3 inclusive are exercised by the Appointments Committee Subject to the provisions of the Officer Employment Procedure Rules set out in Article 13 of the Constitution.	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		4. (i). Approval of redundancy, early retirement in the interests of the efficiency of the service, or flexible retirement is delegated to the Director in consultation with HR and Finance. In accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council has discretionary powers to award employees: • a one off lump sum payment of up to 104 weeks' pay where their employment is terminated early • to use the employee's actual week's pay to determine the redundancy payment. The Appointments Committee will consider whether the Council should exercise its discretionary powers in relation to these aspects. Discretion is not normally exercised on the lump sum payment. HR will compile a report with full costs for each employee for consideration by the Appointments Committee.	Chief Executive where allowed for within Council set policy, otherwise Committee decision
		4 (ii) In accordance with the Local Government Pension Scheme Regulations (LGPS) 2013 and the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, the Council has discretionary powers in relation to the following: • Awarding additional pension entitlement which must not exceed £6,500 in any one year • Flexible retirement without actuarial adjustments • Waive of actuarial reduction if an employee retires after age 55 • Apply the 85 year rule to benefits drawn before	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		age 60 These discretions are not normally exercised. The Appointments Committee will consider whether the Council should exercise its discretionary powers in relation to these aspects. HR will compile a report with full costs for each employee for consideration by the Appointments Committee.	
		5. Power to appoint staff (Section 112 of the Local Government Act 1972)	Chief Executive, Deputy Chief Executive and all Directors within their respective areas of responsibility save for appointments reserved to the Appointments Committee
		6. To review the Annual Pay Policy Statement and make recommendations to Council as appropriate.	
Audit and Governance Committee	10 Members: 1 x Independent Chair plus 9 elected members (politically balanced)	**Purpose** The purpose of the Audit and Governance Committee is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective and have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability. In a local authority the full council is the body charged with governance. The audit committee may be delegated	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		some governance responsibilities but will be accountable to full council. **Terms of Reference:** 1. To approve the Council's Annual Statement of Accounts, including the income and expenditure account, balance sheet and cash flow statement. 2. To consider and approve, on behalf of the council the external auditor's Annual Governance Report. 3. To approve the Internal Audit Charter, Internal Audit Plan and Performance Indicators 4. To review summary internal audit reports and any significant issues arising and recommend appropriate actions is response. 5. To consider the Head of Internal Audit's annual report and opinion and the level of assurance it can give over the Council's Corporate Governance Arrangements. 6. To consider reports dealing with the management and performance of internal audit. 7. To monitor and keep under review the Council's arrangements to secure value for money. 8. To monitor and keep under review the Council's Risk Management arrangements. 9. To monitor and keep under review the effectiveness of the Council's anti-fraud and corruption arrangements (including the consideration of an annual report summarising the Council's actions in relation to good conduct and anti-fraud and corruption). 10. To monitor and keep under review treasury	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		management arrangements to ensure that the treasury management strategy and policies follow the CIPFA code of practice and are scrutinised in detail before being accepted by the Council. 11. To receive and approve treasury management practices and schedules. 12. To monitor and review the Council's assurance statements, including the Council's Code of Governance and the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it, and to monitor management action in response to the action plan arising from it 13. To consider the reports of external audit and inspection agencies insofar as they affect the Council's Corporate Governance Arrangements. 14. To monitor management action in response to issues raised by external audit. 15. To comment on the scope and depth of external audit work and to ensure it gives value for money. 16. To commission work from internal and external audit. 17. To review any issue referred to it by the Chief Executive or a Director and any Council body. 18. To consider the Council's compliance with its own and other published standards and controls. 19. To refer items to the Audit Working Group for detailed consideration. 20. To produce an annual report for full council summarising its work during the year. 21. To provide at each meeting the opportunity to have a private meeting with only the external and	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		internal auditors present. 22. To monitor and keep under review the Council's arrangements for partnership governance	
Overview and Scrutiny - **Five Scrutiny Panels**	8 members per Panel with membership from across panels as a whole (proportionate to party membership within Council). In respect of the Children and Lifelong Learning Scrutiny Panel – Ten members (with two parent governor and two diocesan voting representatives co-opted on to this panel).	• See Overview and Scrutiny Procedures Rules for individual Panel terms of reference and powers	
Health and Well Being Board **(incorporated into the Place Board partnership arrangemen**	Three Councillors (nominated by the Leader in accordance with Section 194 of the Health and Social Care Act 2012), including, in any event, the Portfolio Holder with responsibility	1.In accordance with Sections 195 and 196 of the Health and Social Care Act 2012: (i) the Health and Wellbeing Board must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
ts (preserving the Health and Wellbeing Board's statutory standing and membership).	for Wellbeing (and chair	(ii) the Health and Wellbeing Board must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.	
	designate of the Health and Wellbeing Board) Director of Children's Services Director of Adult Social Services Director of Public Health Three representatives of the Clinical Commissioning Group, including the Chief Accountable Officer and the Deputy Chief Executive 1 x representative of Healthwatch 1 x Provider	(iii) the Health and Wellbeing Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board. (iv) the Health and Wellbeing Board may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together. (v) the Health and Wellbeing Board is responsible for exercising the functions of the Council and any partner Clinical Commissioning Group under Sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategy) (vi) the Health and Wellbeing Board may exercise such other functions that may, from to time, be delegated to it by the Council in accordance with Section 196 of the Health and Social Care Act 2012	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
	representative	(vii) the Health and Wellbeing Board may give the Council its opinion on whether the Council is discharging its duty under section 116B of the 2007 Act (duty to have regard to assessments and strategies) (viii) the Health and Wellbeing Board may arrange for the discharge of its functions by a sub-committee, other than any functions conferred on the Health and Wellbeing Board by the Council under Section 196 (2) of the Health and Social Care Act 2012	
	1 x Community representative 1 x Voluntary Sector representative 1 x NHS commissioning board representative	(ix) the Health and Wellbeing Board will discharge its responsibilities in respect of pharmaceutical needs assessments in accordance with the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 2. Save as otherwise provided in statute, secondary legislation or this scheme of delegation, the Health and Wellbeing Board shall operate in accordance with the Council's Constitution, including Standing Orders and the Access to Information Procedure Rules. 3. The Health and Wellbeing Board shall be quorate when: (i) three statutory Board members are present; and (ii) one elected member and one CCG representative are present 4. The Health and Wellbeing Board may establish working arrangements, including roles and responsibilities as it considers appropriate, provided that they do not conflict with the provisions of this	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
		scheme of delegation and the Council's statutory responsibilities set out in sections 194 – 196 of the Health and Social Care Act 2012.	
Joint Committee Health and Care	3.1 Each Partner will nominate three or more members (for the Council drawn from the Council's Cabinet and for the ICB drawn from the Place arrangements of the ICB or the wider ICB where this is considered necessary) to attend meetings of the Joint Committee Health and Care ("Joint Committee Health and Care Members") provided always that each Partner shall have an equal number of members. 3.2 Each Member will nominate a substitute member (for the Council drawn from the Council's Cabinet and for the ICB drawn from the Place arrangements of the ICB or the wider ICB where this is considered necessary) to attend	The Joint Committee Health and Care will be responsible for: 1. leading the development of the s75 arrangements in accordance with the Principles of Collaboration; 2. oversight, strategic direction and leadership of the s75 arrangements and the development, implementation and on-going operation of the s75 Services which shall be documented in the Strategic Plan; 3. receiving the Annual Strategic Plan Review and providing any necessary approvals; 4. receive the Joint Committee Health and Care Quarterly Reports from the Pooled Fund Manager(s); 5. receive reports and assurances from the HCCG; 6. improving the Place population's health and wellbeing in line with Schedule 1 (Aims and Outcomes); 7. receiving notifications as regards "high" residual risks in relation to the delivery of the Commissioning Plans; 8. receiving notifications and assurances of actions taken to appropriately address any complaints in relation to the operation of the s75 arrangements; 9. monitoring and reviewing the effectiveness of the arrangements and making recommendations to the Partners (for example, in the event of any changes to legislation, developments in best practice or	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
	meetings of the Joint Committee Health and Care in the event that a Member is unable to attend. The Nominated Substitute will be entitled to be considered a Member, where the Member is not personally present and do all the things which the appointing Member is entitled to do. In the event that Nominated Substitutes cannot be identified or cannot attend, the Partners shall rearrange the meeting at a time suitable for the Members. 3.3 The Partners will ensure that, except for urgent or unavoidable reasons, their respective Joint Committee Health and Care Members (or their Nominated Substitute) attend and fully participate in the meetings of the Joint Committee Health and	requirements imposed by or on the Partners) in relation to the s75 arrangements; 10. making recommendations to each of the Partners regarding budget and resources and by no later than early December in each year submitting these to the Partners for approval and each Partner's budget setting process; 11. agreeing the Financial Contributions to be included within each of the Commissioning Plans for each of the relevant financial years and where appropriate any variations to the same; 12. considering and agreeing redeployment, retention or apportionment of any projected or unplanned underspend in respect of a Pooled Fund; 13. co-operating with and participating in Overview and Scrutiny exercises of the Partners regarding the s75 Services and ensuring that the engagement and consultation obligations of the Partners are undertaken appropriately; 14. self-reviewing and reporting to the Partners on the operation and effectiveness of the Joint Committee Health and Care arrangements and the s75 Agreement at least every two years (having regard to Aims and Outcomes) and considering ways in which the arrangements can be developed and continuously improved; and 15. identifying, developing and approving appropriate methodologies to support further integration of the Partners so as to achieve the objectives of efficiency and value for money across the Partners as against the Aims and Outcomes.	

Committee	Membership	Terms of Reference and Powers	Delegation of Powers to Officers
	Care .	16. responding to any questions or issues raised by either of the Partners or their statutory or governance committees	
Humber Leadership Board	8 Members (2 from each Local Authority)	The Board's key functions are as follows: 1. Facilitate cooperation and collaboration between the Humber local authorities on cross Estuary working on the following themes: a) Clean Growth b) Ports including a potential Freeport c) Shared management of Estuary assets d) Co-ordinating joint marketing of the Humber for inward investment in relevant sectors 2. Enable collective decision-making on issues that require sub-regional agreement from the constituent authorities. 3. Ensure local democratic and financial accountability, working with both the Hull & East Riding and Greater Lincolnshire LEPs and the use of public funding streams which are allocated by Government to the LEPs. 4. Act as the formal link between local authorities in the Humber on activity relevant to the above themes.	

SECTION 4 - RESPONSIBILITY FOR CABINET FUNCTIONS

All functions which are neither regulatory nor reserved to Council are functions to be exercised by the Cabinet. These functions include all the Council's powers and duties.

1. The Cabinet will lead the preparation of the Council's policies and budget and will be responsible for the implementation of decisions within the policy framework set by the Council in relation to all of the Council's functions which are not the responsibility of any other part of the Council.
2. Decisions will be taken either by all the members of the Cabinet as collective majority decisions or by individual portfolio holders at formal scheduled meetings to which the press and public can be present. The responsibilities of Cabinet Members are set out below and in Part 3.
3. Cabinet members shall be assigned portfolios by the Leader of the Council. These portfolios are as set out below. Specific Delegated powers have been given to individual Cabinet Members in respect of their portfolios.
4. The contents of each service theme within portfolios shall be interpreted broadly and any activity or function not specifically referred to is deemed to be included within the portfolio theme to which it most closely relates. In the event of uncertainty, the Leader of the Council, after consultation with the Cabinet, will arrange for the discharge of the function in question either by the Cabinet or portfolio holder or by an officer.
5. Individual members of the Cabinet may also make decisions within their areas of responsibility (Portfolios). As with Cabinet Decisions there are specific legal requirements that must be observed in order to ensure that any decisions made are open and transparent. Specific decision making powers have been delegated to individual Cabinet Members as set out below:

5 (i) The Leader of the Council and Portfolio Holder for Strategic Renewal, Delivery and Place Leadership:

a. The Leader is responsible for providing overall political leadership for the Council in relation to the co-ordination and delivery of Council policies, strategies and services. The Deputy Leader shall fulfil these responsibilities in the Leader's absence.

b. The Leader is responsible for leading the Cabinet in its work to develop the policy framework and budget and to deliver services to the local community.

c. The Leader is responsible for the Cabinet approach to the Town Deal and its constituent parts.

d. The Leader will hold Cabinet responsibility for:

- Transparency, accountability and public trust

Promotion of openness, accountability and effective direction across the organisation with strategic oversight of transformation to improve outcomes

and to ensure effective, responsive and efficient working for the benefit of residents

- Resident engagement and continuous improvement

To act as a strategic champion for resident and stakeholder voice, embedding meaningful engagement and ensuring that feedback informs and shapes Council priorities, policies and services.

- Place leadership and inclusive growth

Strategic oversight of economic vision, regeneration and inward investment with an emphasis on local growth.

- Regional partnerships and external influence

Leadership of regional and national collaboration, joint working and external relationships.

e. The Portfolio Holder has the following delegated powers within the above portfolio:-

(i) To have oversight of the performance and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (ii) Deputy Leader and Portfolio Holder with responsibility for Children and Education

a. The areas and functions of Portfolio responsibility are:

- Statutory leadership and safeguarding

Fulfilment of Lead Member responsibilities; safeguarding and protection of children and young people.

- Corporate parenting and family resilience

Outcomes for children in care, care leavers and vulnerable families.

- Early intervention, inclusion and special educational needs

Delivery of services and early support to prevent escalation of need.

- Education standards and lifelong opportunity

School improvement, attainment and pathways to skills and employment.

b. The Portfolio Holder has the following delegated powers within the above portfolio:

(i) To have oversight of the performance and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (iii) Portfolio Holder with responsibility for Environment, Tourism and Culture

a. The functions and areas of Portfolio responsibility are:

- Environment & Natural Assets

Environmental strategy and policy

Natural environment and biodiversity

Parks, green spaces and natural assets

Trees and woodland

Air and water quality

Climate change and sustainability

Ecology and biodiversity

Environmental improvement

- Tourism / Visitor Economy

Visitor economy and destination development

Promotion and growth of tourism and the local visitor offer.

- Culture: Libraries, museums and archives

Stewardship of cultural assets, heritage and the arts.

Playing pitch strategy

Healthy living (including leisure, sport and recreational activities)

b. The Portfolio Holder has the following delegated powers within the above portfolio:-

(i) To have oversight of the performance of and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio

(vi) To agree amendments to the list of protected sites, in the interests of protecting and enhancing the local environment in the Borough, in accordance with the process agreed by Cabinet.

5 (iv) Portfolio Holder with responsibility for Housing, Infrastructure and Transport

a. The functions and areas of Portfolio responsibility are:

- Strategic housing and homelessness

Housing supply, standards, homelessness prevention and housing outcomes.

- Planning and place-shaping

Strategic planning framework and sustainable development of place.

- Transport and highways network

Connectivity, network performance and infrastructure planning.

- Traffic and demand management

Parking, traffic regulation and movement of people and goods.

b. The Portfolio Holder has the following delegated powers within the above portfolio:-

(i) To have oversight of the performance of and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To make Orders under the Road Traffic Regulation Act 1984 (including any modification or re-enactment thereof), including the consideration of any objections to such Orders, subject to referral to Cabinet where the proposal has significant land use implications or significantly affects one or more wards.

(vi) To consider options for controlled parking and substantial traffic management schemes requiring consultation, together with methods of consultation.

(vii) To agree individual traffic management schemes (including proposals for related land use) for approval where the cost of any one scheme does not exceed £50,000, in consultation with other Cabinet members, where appropriate.

(viii) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio

5 (v) Portfolio Holder with responsibility for Safer and Stronger Communities

a. The functions and areas of portfolio responsibility are:

- Community safety and resilience

Anti-social behaviour, community safety and emergency preparedness.

- Regulatory assurance and consumer protection

Licensing, enforcement and trading standards activity.

- Environmental and public health protection

Environmental health, port health and regulatory public protection.

- Community capacity and the voluntary sector

Strengthening communities and supporting the voluntary and community sector.

b. The Portfolio Holder has the following delegated powers within the above Portfolio:

(i) To have oversight of the performance and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (vi) Portfolio Holder with responsibility for Health, Wellbeing and Adult Social Care

a. The areas and functions of Portfolio responsibility are:

- Prevention, wellbeing and reducing inequalities

Public health leadership and improvement of population outcomes.

- Adult social care sustainability and quality

Strategic oversight of care provision, outcomes and system resilience.

- Integrated care and place based commissioning

Partnership working across health and care systems.

b. The Portfolio Holder has the following delegated powers within the above portfolio:

(i) To have oversight of the performance and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

(vi) To have oversight of the partnership arrangements with the ICB.

5 (vii) Portfolio Holder with responsibility for Waste, Recycling and Energy.

a. The areas and functions of Portfolio responsibility are:

- Strategic assurance and improvement of:

Household waste collections

Recycling services

Recycling performance

Household Waste Recycling Centres

Waste reduction and reuse

Waste service standards and performance

Resident engagement and service issues

- Clean Communities

Fly-tipping response and removal

Litter

Street cleansing

Keeping public spaces clean

Frontline environmental service delivery

- Energy Services

Delivery of energy efficiency programmes

Council energy consumption

Energy management

Energy-related service delivery

Managing and reviewing implementation of renewable and low-carbon energy initiatives

b. The Portfolio Holder has the following delegated powers within the above portfolio:

(i) To have oversight of the performance and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (vii) Portfolio Holder with responsibility for Finance, Resources and Assets

a. The areas and functions of Portfolio responsibility are:

- Financial resilience and value for money

Medium-term financial strategy, budget and capital programme.

- Corporate stewardship and assurance

Strong governance, resource management and organisational accountability.

- Digital and organisational transformation

Digital strategy, data and modernisation of services.

- Assets and investment strategy

Strategic management of the council's estate and commercial activity.

- Financial accountability

Supporting residents' financial resilience and access to support.

b. The Portfolio Holder has the following delegated powers within the above portfolio:

(i) To have oversight of the performance and value for money of services within the remit of the Portfolio

(ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy

Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation , provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

(vi) To determine any appeal against a decision of the Executive Director Place and Resources in relation to applications for Discretionary Rate Relief.

6. Cabinet will function in accordance with the Cabinet Procedure Rules set out in Article 7 of this Constitution.

7. The role of the Cabinet is to:

- lead the preparation of the Council's policies and budget;
- lead the community planning process and the attainment of Best Value / Continuous Improvement;
- implement the Council's policies and budget; and
- take in-year decisions on such matters.

8. Cabinet will:-

a. consider and manage the exercise of all the functions and powers of the Council which are by law to be the responsibility of the Cabinet;

b. consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine (other than on matters which are by law not the responsibility of the Cabinet).

c. ensure that the Council is fulfilling its continuous improvement duty under the Local Government Act 1999

d. consider and respond to reports and recommendations from scrutiny.

9. Taking Cabinet Decisions

a. The Cabinet may take decisions, collectively, on any matter within the scope of the Cabinet's role set out above and shall take any decision which is a Key Decision. Individual Portfolio Holders may also take Key Decisions if included within the Scheme of Delegation to Portfolio Holders.

b. A Key Decision will be a decision (whether taken collectively or individually by members) which is likely:

(i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.

A decision will be considered financially significant if:

(i) in the case of revenue expenditure, it results in the incurring of expenditure or making savings of £350,000 or greater;

(ii) in the case of capital expenditure, the capital expenditure/savings are in excess of £350,000 or 20% of the total project cost, whichever is the greater

In determining whether a decision is significant in terms of its effect on an area comprising two or more wards, consideration shall be given to:

(i) the number of residents/service users that will be affected in the wards concerned;

(ii) the likely views of those affected (i.e. is the decision likely to result in substantial public interest)

(iii) whether the decision shall incur a significant social, economic, environmental or public health risk.

Any decision (including any recommendations) which relates to the approval, modification, adoption or variation of any material aspect of the Council's Policy Framework, falling within the reserved powers of Council, will be a Key Decision.

Provided always that in respect of any proposed decision in the case of revenue or capital expenditure, that will result in the incurring of expenditure or making savings of between £50,000 and £350,000 Directors and the Chief Executive, as the case may be, shall consult the relevant portfolio holder

c. The Cabinet may also take decisions on any matter which:

(i) has been referred to the Cabinet by a portfolio holder or the Chief Executive or Director (whether or not the Chief Executive or the Director in question has delegated powers in respect of that matter); or

(ii) is one which the Cabinet has reserved specifically for decision to

them

d. The Cabinet may delegate to a Director any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and may add to, vary or delete any delegation of such power, responsibility or function.

e. In respect of powers or functions or responsibilities which are the responsibility of the Cabinet, the Cabinet will, after consultation with the Standards and Adjudication Committee and any other non-scrutiny committees affected, update the relevant delegations to officers set out in this Part of the Constitution at not less than annual intervals and will report to the full Council on any changes so made.

f. Even when Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those function.

g. The Cabinet has no power to:

(i) take decisions on matters reserved to the full Council;

(ii) take decisions on matters which may not by law be determined by the Cabinet.

h. any decision relating to the acceptance of funding shall not be treated as a key decision. Details of accepted funding should be included within the quarterly finance and performance reports submitted through Cabinet and Scrutiny.

10.0 Taking Portfolio Holder Decisions

How Individual Members Of the Cabinet Take Decisions

a When an individual member of the Cabinet is responsible for an executive function, any decision to be taken by that member will be taken according to the following rules, except when the member is taking decisions as part of a wider body with a membership from outside the Borough of North East Lincolnshire. In that case, an individual member will take decisions in accordance with the rules of that body.

b All other decisions to be taken by an individual member will be taken in accordance with the Access to Information Rules in Article 3 of this Constitution.

c The Cabinet member will agree the agenda for the meeting with the proper officer.

d At each session the following business will be concluded:

i consideration of the minutes of the last meeting;

ii declarations of interest if any;

iii matters referred to the Cabinet member by the Scrutiny Panel (or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules (call – in procedure) set out

in Article 8 of this Constitution

iv consideration of decisions as set out in the agenda for the proceedings.

Who may speak

Any member of the Council may attend but may only speak if invited to do so by the Cabinet member.

IMPLEMENTING INDIVIDUAL PORTFOLIO HOLDER DECISIONS

In order to allow for call-in, no individual member decision can be implemented until 5 working days after the decision has been published, unless the urgency provisions set out in rule 15 of the Overview and Scrutiny Rules apply.

All proposed individual member (key) decisions taken will be published in accordance with the Access to Information Procedure Rules.

SECTION 5 - SCHEME OF DELEGATION TO OFFICERS

1. General Principles

1.1. These arrangements delegate a wide range of management and operational functions to officers and will operate so that decisions are taken at the lowest appropriate level, at the nearest point to local provision of services to the customer and in a way that clearly identifies accountabilities.

1.2. This Scheme does not delegate to Officers:

1.2.1. Any matter reserved to Full Council;

1.2.2. Any matter which by law may not be delegated to an Officer;

1.2.3. Key decisions which must be determined by members, save key decisions that have been delegated to officers by the Cabinet;

1.2.4. Any regulatory functions which are specifically reserved to the relevant Committee.

1.3. Directors are responsible for retaining a record of Delegated Decisions which they (or their officers) take and the reasons for such decisions sufficient for audit and evidential purposes (against the eventuality of evidence being required for Judicial Review, Employment Tribunal, Ombudsman, External Audit, OFSTED or other proceedings or investigation), and for ensuring that all those who need to know are informed promptly of the decision, such records being subject to audit by the Monitoring Officer at any time.

1.4. Officers are accountable to the Council for any decision which they make, and may be required to report to, and to attend and answer questions from, Overview and Scrutiny and/or the Audit and Governance Committee, in respect of any decision which they make.

1.5. This Scheme of Delegation operates subject to the "cascade" principle. These arrangements include the power for officers to further delegate in writing all or any of the delegated powers to other officers (described by name or post) either fully, in part or under the general supervision and control of the delegating officer. The named officers will keep the Monitoring Officer, informed of all arrangements (other than arrangements which are made for a specified period of less than six months) which they make to authorise other officers to act on their behalf.

1.6. Where under this Scheme of Delegation, delegated powers are to be exercised by the holders of various posts the appropriate Director must ensure the same are exercised in accordance with relevant Council policies and procedures and:

1.6.1. put appropriate systems and arrangements in place (if they do not already exist) for the proper management, discharge, control and effective monitoring and review of the exercise of such delegated powers (including, for example, maintaining an up-to-date list of all officers, with job titles, who are authorised to act under this Scheme of Delegation to Officers).

1.6.2. as part of the production of the Annual Governance Statement, undertake a review of such systems and arrangements to ensure appropriateness and fitness for purpose and, where necessary, implement changes to such systems and arrangements to ensure they comply with any Internal Audit recommendations or best practice requirements and the Council's Assurance Framework.

1.7. Before making a decision under delegated powers officers will satisfy themselves that the decision is:

1.7.1. authorised by law and, if in doubt, will consult with the Monitoring Officer or his nominee;

1.7.2. within the financial provision in the revenue and capital budget for their service and, if in doubt, will consult with the Section 151 Officer or his nominee;

1.7.3. in accordance with any relevant requirements set out in the Contract Procedure Rules and the Finance Procedure Rules.

1.8. Any exercise of delegated powers by officers shall be subject to:

1.8.1. any statutory restrictions;

1.8.2. the Council's Constitution;

1.8.3. the Council's policies approved from time to time including particularly those relating to employment, equality and diversity.

1.9. For the avoidance of doubt, any reference to a specific post or named officer will be interpreted as including other officers of the Council who that specific postholder or named officer authorises to exercise delegated powers on his or her behalf.

1.10. When exercising delegated powers in relation to any matter which may be regarded as sensitive or contentious, officers will have regard to the need to inform and to liaise with the relevant Cabinet Member(s) and members representing the area that will be affected by the decision in accordance with any protocols which may be approved from time to time.

1.11. Prior to exercising delegated powers officers shall undertake a risk assessment in respect of the proposed decision and, in any event, shall take account of, where relevant, the implications arising from the decisions in respect of:

- Data Protection and Freedom of Information
- Human Rights
- Equality and Diversity

In addition, and following resolution of full council, 30th October 2024, Officers, in all decision making shall have regard to the following:

To continue to prioritise the needs of care experienced adults across North East Lincolnshire and commit to our duty as corporate parents to those that experienced care as children.

That this council will treat care experience as if it were any other protected characteristic.

- Crime and Disorder
- Sustainability
- The social, economic and environmental well-being of the Borough
- Public Health

1.12. Notwithstanding the approval of this Scheme of Delegation, the Cabinet and any Committee exercising delegated powers may, through the course of any Municipal Year:

1.12.1. approve further delegations to Officers, subject to appropriate advice from the Monitoring Officer;

1.12.2. amend, substitute or remove specific delegations from this Scheme, subject to appropriate advice from the Monitoring Officer provided that no action shall be taken under these provisions which would be contrary to any applicable statutory requirement, regulation, or legal restriction governing the exercise of the relevant function.

1.13. In exercising any delegated powers conferred under this Scheme, Officers must have regard to and comply with the Financial Procedure Rules.

1.14. In exercising any delegated powers conferred under this Scheme, insofar as the exercise of such powers involves the procurement of goods, works or services, Officers must have regard to and comply with the Contract Procedure Rules and the prevailing EU and/or domestic procurement rules.

1.15. This Scheme of Delegation is an integral part of Good Governance, Risk Management and the Assurance Framework, and the Leader/Cabinet model of executive arrangements. Compliance with the Scheme is, therefore, essential for the Council in order to ensure proper accountability, responsibility, openness, transparency, fairness, propriety and probity of its arrangements.

1.16. For the avoidance of doubt, in the event of there being:

1.16.1. a vacancy of a Director or Assistant Director; or

1.16.2. the Director or Assistant Director is unable to act, for any reason, for a long term (e.g., due to sickness or secondment to another organisation);

then any 'Acting' or "Interim" Director or Assistant Director shall have the same authority as the Director or Assistant Director for the duration of the vacancy or the long term absence, subject to the approval of the Chief Executive.

1.17. Any reference to any primary legislation will be deemed to include all amendments and secondary legislation in force from time to time.

2. General delegation of powers

2.1. Subject to compliance with legislation and the Constitution: The Chief Executive, Executive Director and all other Directors shall have power to:

2.1.1. determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions, within any limitations specified in this Constitution and subject to appropriate consultation with the Monitoring Officer;

2.1.2. determine the following miscellaneous staffing related matters, in compliance with Council policies and procedures in force from time to time:

2.1.2.1. to approve special leave of absence, with or without pay;

2.1.2.2. to authorise leave of absence for attendance at vocational conferences and courses;

2.1.2.3. to approve essential and casual user car allowances.

2.1.3. to decide the eligibility of employees to receive payment:

2.1.3.1. of telephone charges;

2.1.3.2. for temporarily undertaking additional duties and responsibilities where provided for in the conditions of service (in consultation with the Executive Director for Place and Resources (Section 151 Officer/Chief Finance Officer));

2.1.4. in accordance with any Relocation Scheme (in consultation with the Executive Director for Place and Resources (Section 151 Officer/Chief Finance Officer)):

2.1.4.1. to extend sick pay, subject to appropriate medical advice;

2.1.4.2. to take action, including dismissal against an employee in accordance with the Council's Disciplinary Procedures;

2.1.4.3. to determine the award of facilities to employees to undertake post-entry training;

2.1.4.4. to authorise overtime or additional hours within approved staffing budgets;

2.1.4.5. to approve the carry over of annual leave from one year to the next of up to 5 days or such other limit as may be authorised by appropriate policy;

2.1.4.6. to authorise the issue of protective/safety clothing and equipment.

2.1.5. to authorise the instruction of the Monitoring Officer to issue legal proceedings in respect of their specific areas of responsibility.

2.1.6. procure goods, works and services subject to compliance with the Contract Procedure Rules.

2.1.7. manage their budgets subject to compliance with the Financial Procedure Rules.

2.2. In the absence of any Director or Assistant Director, the Chief Executive may, in consultation with any cited Portfolio Holder, exercise any delegation conferred upon such Director or Assistant Director.

3. Powers delegated to the Chief Executive.

3.1. Subject to compliance with legislation and the Constitution:

3.1.1. to act as Head of Paid Service in accordance with the relevant provisions of the Local Government and Housing Act 1989 and to have all necessary powers to fulfil that statutory function;

3.1.2. to have overall responsibility for the strategic direction, management and performance of the Council;

3.1.3. to have overall control of the manner in which various functions of the Council are discharged;

3.1.4. to be responsible for the organisation and management of the Council's staff and resources;

3.1.5. in consultation with the Leader, Cabinet members and officers, to determine matters of dispute between Committees and/or operational areas of the Council;

3.1.6. to represent the views of the Council in responding to consultations with the Council by any outside body on corporate strategic issues after consultation with the Leader and Deputy Leader;

3.1.7. to exercise all Council responsibilities in respect of civil contingencies and emergency planning subject to prevailing legislation, such responsibilities to be delegated to such officer(s) as the Chief Executive considers appropriate, from time to time;

3.1.7.1. In the event of a properly declared emergency, any senior officer of the Council acting as Incident Manager in either a strategic or tactical capacity, is delegated these powers by the Chief Executive Officer, subject to:

3.1.7.1.1. A reasonable attempt to consult with the Chief Executive Officer or Section 151 Officer before committing the Council to expense of more than that permitted by the Officers Authorisation Limits set out in the Financial Procedure Rules (Appendix F).

3.1.7.1.2. The nature of the emergency and planned response across the emergency services and Category 1 responders (and upon the documented advice given to the Incident Manager

by a representative of the Humber Emergency Planning Service (HEPS)) being such, that the expenditure is reasonable and warranted.

3.1.8. to determine or delegate the determination of applications for the allocation of ward funds subject to the prevailing criteria;

3.1.9. to exercise all functions relating to elections and referenda including Parliamentary, Local Government and (where appropriate) Combined Couty Authority Mayoral elections, and to exercise all functions in relation to electoral registration;

3.1.10. to have oversight of the Council's financial services functions, subject to the specific statutory responsibilities and delegations conferred on the Interim Section 151 Officer under this Scheme;

3.1.11. to approve applications for Discretionary Rate Relief scored in accordance with the standard criteria;

3.1.12. to appoint individuals as 'Proper Officers' to fulfil regulatory roles, specifically (but not exhaustively) Proper Officers under the Public Health (Control of Disease) Act 1984 (as amended), 'Port Medical Officers' (in relation to the Public Health (Ships) Regulations 1979 (as amended)), Official Veterinarian' (in relation to EC Directive 97/78), Agricultural Analyst (in relation to the Agriculture Act 1970) and 'Public Analyst' (in relation to the Food Safety Act 1990);

3.1.12.1. The Chief Executive hereby designates the Registrars and Civic Services Manager as Proper Officer for Registration Matters for the purposes of the Registration Services Act 1953 and Local Government Act 1972.

3.1.13. Whilst designated Executive Place Lead under the auspices of the Humber and North Yorkshire Integrated Care System to lead on place based arrangements, health and democratic integration in accordance with emerging policy;

3.2. To have oversight of functions and responsibilities delegated to:

3.2.1. Director for Children's Services;

3.2.2. Director for Adults Housing and Communities;

3.2.3. Director for Public Health; and

3.2.4. Director for Economy Environment and Infrastructure.

4. Powers delegated to the Chief Executive acting as the Executive Director Place and Resources (Section 151 Officer/Chief Finance Officer)

4.1. Subject to compliance with legislation and the Constitution:

4.1.1. to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act, 1972 and Section 114 of the Local Government Finance Act 1988, the CIFPA guidance on the

role of the Section 151 Officer and Article 12 of this Constitution and to report as appropriate to Cabinet and the Audit and Governance Committee on the discharge of such responsibilities;

4.1.2. to determine and issue general guidelines to Members and Officers in relation to financial matters;

4.1.3. to determine arrangements for Treasury Management in accordance with the Treasury Policy Strategy and any other arrangements approved by the Cabinet or Full Council;

4.1.4. to determine and issue general guidelines to Officers on management of financial resources, insurance, debt recovery and writing-off of debts to approve applications for financial assistance, authorise any grant claims and approve the receipt of specific grant payments from third parties in all cases where the third party specifies that Director of Finance (Chief Finance Officer) (howsoever named) approval and/or certification is a condition of the receipt of any grant;

4.1.5. to manage the Council's loan debt and to approve borrowings and investments by the Council in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Management Strategy as approved from time to time;

4.1.6. to administer and collect Council Tax and Non-Domestic Rates (including setting Non-Domestic rates);

4.1.7. to administer the Council Tax and Housing Benefit systems;

4.1.8. to authorise the write off of debts in accordance with Financial Procedure Rules;

4.1.9. to approve the National Non-Domestic Rates 1 return that determines the business rate base;

4.1.10. to make arrangements for the internal audit of the Council;

4.1.11. in respect of Assets and Estate Management:

4.1.11.1. to negotiate the disposal and/or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet;

4.1.11.2. to refer any proposed disposal at an undervalue to Cabinet in accordance with the Protocol on disposal of land at less than best price;

4.1.11.3. to maintain a register of all undervalue disposals;

4.1.11.4. in the case of any proposed acquisition or disposal, including those not qualifying as a Key Decision:

4.1.11.4.1. to consult with the relevant Portfolio Holder(s) prior to proceeding;

4.1.11.4.2. to notify the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding

the disclosure of "exempt" or confidential information;

4.1.11.5. to recommend the exercise of the Council's powers of compulsory acquisition to Cabinet and/or Full Council, as appropriate;

4.1.11.6. to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet;

4.1.11.7. to determine all property related compensation claims, blight claims, licences, way leaves or any other dealings (excluding tenanted housing management property), save where any related decisions qualify as a Key Decision which must be referred to Cabinet.

4.1.11.8. For the avoidance of doubt, in connection with Freshney Place, the Executive Director Place and Resources hereby delegates to the Assistant Director Regeneration, Interim s151 Officer and Assistant Director Law and Governance, acting jointly, or by two of them only, and with engagement from the retained Asset Managers, the responsibility to make operational decisions including lettings, but not so as to exceed the key decision threshold.

4.1.12. to exercise all the functions in relation to Customer Services, Information and Communication Technology; Procurement, Corporate Risk Management; Printing and Reprographic services, performance management, service improvements, business planning, the sustainable community strategy, media and communications, corporate strategy and policy development, research and information, organisational change, learning and development, member development, human resources and organisational development, corporate health and safety, equalities, skills and employability (excepting those related delegations made to the Director of Children's Services).

4.1.13. to have oversight of Law and Governance services, including Coroner's Service, Democratic Services, Internal Assurance, Elections and Civic and Registrars Services;

4.1.14. to interpret and determine conditions of services (including pay and other aspects of remuneration) for Council employees and to enter into agreements as appropriate with Trade Unions relating to personnel and training matters;

4.1.15. to compile, monitor and review Council employment policies and procedures and issue instructions, guidelines, handbooks etc, as appropriate;

4.1.16. support Directors in seeking compulsory redundancy and to issue instructions regarding the redeployment of employees who are at risk of redundancy;

4.1.17. to issue or instruct the issue of any notices, including in respect of the determination of rents, licence fees and service charges, save where such a decision qualifies as a Key Decision which must be referred to

Cabinet;

4.1.18. to authorise officers to exercise powers of entry in relation to the Executive Director Place and Resources (Section 151 Officer) delegated functions and responsibilities;

4.1.19. to issue statutory notices, licenses and permissions in relation to the Executive Director Place and Resources (Section 151 Officer) delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with Monitoring Officer as appropriate;

4.1.20. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Executive Director Place and Resources (Section 151 Officer) delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;

4.1.21. to authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director's areas of responsibility;

4.2. The Executive Director Place and Resources (Section 151 Officer), may at their discretion, nominate their respective Assistant Director(s) to be the “Responsible Officer” on any report to Cabinet or otherwise, and for that nominated Assistant Director (in consultation with any stated portfolio holder) to be the decision maker for that particular matter. This provision does not absolve the Executive Director of any accountability of the exercise of their discretion in this way.

4.3. Pursuant to the cascade principle (at para 1.5 above) the Executive Director Place and Resources (Section 151 Officer) hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Executive Director Place and Resources shall have oversight of the functions and responsibilities so delegated to them:

4.3.1. Assistant Director Strategy, Policy and Resources, who shall also act and be designated to act as the Council’s Scrutiny Officer for the purposes of Section 9FB of the Local Government Act 2000;

4.3.2. Assistant Director Law and Governance (Monitoring Officer);

4.3.3. Assistant Director Finance ((Interim) Section 151 Officer);

4.3.4. Assistant Director People and Organisational Development.

4.3.5. Assistant Director for Infrastructure (Whilst discharging any Asset or Estate Management function).

5. Powers delegated to the Director of Economy, Environment and Infrastructure

5.1. Subject to compliance with legislation and the Constitution:

5.1.1. to exercise all functions of the Council in respect of:

5.1.1.1. Environmental health, Bereavement Services, including cemeteries and crematoria, trading standards, port health, consumer protection and neighbourhood services;

5.1.1.2. Health and Safety at Work (excluding those matters delegated to the Monitoring Officer regarding the Council's responsibilities as an employer);

5.1.1.3. Licensing Authority functions and responsibilities;

5.1.1.4. Waste Management (including collection and disposal);

5.1.1.5. Net Zero, decarbonisation, the NEL Carbon Roadmap and the Green agenda generally;

5.1.2. To exercise all functions of the Council in respect of Community Safety (for the avoidance of doubt, including event safety) and Anti-Social Behaviour, the sustainable community strategy and Local Strategic Partnerships, Safer Streets, Community Safety and Public Protection, Business engagement in relation to stronger towns;

5.1.3. To set fees, in consultation with the Chair of the Licensing and Community Protection Committee, in relation to the Scrap Metal Dealers Act 2013;

5.1.4. To act as the Officer designated Chief Inspector of Weights and Measures;

5.1.5. to exercise all functions in relation to tourism, museums libraries, archives, sport, leisure, theatres and cultural services;

5.1.6. To exercise all functions of the Council in relation to regeneration, inward investment, economic development, enforcement, (to include housing enforcement) and any enforcement function not specifically mentioned elsewhere, highways, the highway network, traffic regulation, car park management, civil parking enforcement, local transport, planning, safety at sports grounds, building control, architectural and technical services.

5.2. To authorise officers to exercise powers of entry in relation to the Director for Economy, Environment and Infrastructure delegated functions and responsibilities;

5.3. To issue statutory notices, licenses and permissions in relation to the Director for Economy, Environment and Infrastructure delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with Monitoring Officer as appropriate;

5.4. To authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director's areas of responsibility.

5.5. In respect of planning and development management functions, the Director of Economy, Environment and Infrastructure is authorised to exercise all functions of the Council as local planning authority, including the determination of all applications, submissions, requests, approvals, consents, certificates, notifications and other planning matters, unless the matter is required by law, the Constitution, or this scheme of delegation to be determined by Planning Committee or another decision-maker.

5.5.1. The planning and development management functions delegated to the Director include, without limitation, functions relating to planning permission; listed building consent; conservation area consent; advertisement consent; tree preservation orders; certificates of lawfulness; prior approvals; reserved matters; discharge, variation, modification or removal of conditions; non-material amendments; permission in principle; biodiversity gain plans; planning obligations, including modification and discharge; enforcement; lawful use and development; certificates of appropriate alternative development; and any other matter arising under planning, listed building, conservation, advertisement, tree, highways, environmental, flood risk, biodiversity or related legislation.

5.5.2 For the avoidance of doubt, this delegation includes authority to determine all Schedule 1 Applications, Schedule 2 Applications, Other Applications, Own-Interest Applications and any related or ancillary planning function within the meaning of, or arising under, The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, as amended, extended, re-enacted or replaced from time to time.

5.5.3 There shall be a presumption that planning and development management matters are determined under delegated authority unless referral to Planning Committee is required or justified in accordance with this scheme.

5.5.4 A planning matter (provided that it is not a Schedule 1 Application) may be referred to Planning Committee where the nominated officer, in consultation with the nominated member where required, considers that committee determination is appropriate having regard to the nature, scale, sensitivity or significance of the matter, including where the matter raises a significant economic, social,

environmental, strategic, policy, probity or public interest issue. A Schedule 1 Application must always be determined by the Director, under their delegated powers.

5.5.5 An Own-Interest Application or matter, being a matter submitted by or on behalf of the Council, a member or officer of the Council, or any matter in which the Council, a member or officer has an interest which may give rise to an actual or perceived issue of probity, may be determined under delegated authority unless the nominated officer considers that referral to Planning Committee is appropriate having regard to the nature of the interest, any actual or perceived issue of probity, and any relevant requirements of the Regulations or statutory guidance.

5.5.6 In exercising this delegation, where legislation or statutory guidance requires particular considerations to be applied when determining whether a planning matter is to be dealt with by officers or by committee, the nominated officer must have regard to any relevant legislation, regulations and statutory guidance, including any guidance issued by the Secretary of State under section 319ZZE(4) of the Town and Country Planning Act 1990, and record the basis for the decision where appropriate.

5.5.7 For the purposes of this clause, a reference to any statute, statutory provision, regulation, order or guidance includes that provision as amended, extended, re-enacted or replaced from time to time.

[and for the Monitoring Officer, with the acquiescence of the Director for Economy, Environment and Infrastructure to provide that there be a sub delegation within the Officer Scheme of Delegation, to the Head of Development Services (Otherwise Chief Planning Officer) as "nominated officer" for the purposes of Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026)]

5.6 To exercise all functions of the Council in respect of the Flood and Water Management Act 2010.

5.7 Pursuant to the cascade principle (at para 1.5 above) the Director of Economy, Environment and Infrastructure hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Economy, Environment and Infrastructure shall have oversight of the functions and responsibilities so delegated to them:

5.7.1 Assistant Director Environment;
5.7.2 Assistant Director Regeneration;
5.7.3 Assistant Director Infrastructure (which for the avoidance of doubt shall include Assets and Estate Management) and who shall also ensure the Council discharges its responsibilities in connection with the Civil Contingencies Act and business continuity;
5.7.4 Assistant Director Safer, Towns and Communities

6. Powers delegated to the Director of Children's Services

6.1. Subject to compliance with legislation and the Constitution:

6.1.1. to act as the Designated Director of Children's Services for the purposes of the Children Act 2004;

6.1.2. to discharge the functions conferred on or exercisable by the Council in its capacity as local education authority and children services authority;

6.1.3. to discharge any function exercisable by the Council under Section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children and young people and subject to the CCG arrangements;

6.1.4. to exercise all functions and responsibilities in so far as they relate to: Skills, specifically related to children and careers education;

6.1.5. to discharge the functions conferred on or exercisable by the authority which are Social Services functions (within the meaning of the Local Authority Social Services Act 1970), so far as those functions relate to children;

6.1.6. to discharge the functions conferred on the authority under Sections 23 to 24D of the Children Act 1989;

6.1.7. to discharge the functions conferred on the authority under Sections 10 to 12 and 17 of the Children Act 2004;

6.1.8. to exercise all relevant children social services functions as conferred by the Children Act 1989, the Adoption and Children Act 2002, the Local Authority Social Services Act 1970, the Children (Leaving Care) Act 2000 and the Safeguarding Vulnerable Groups Act 2006 in the interests of safeguarding and promoting the welfare of children and young people;

6.1.9. to have responsibility for Youth Services and Youth Justice Services;

6.1.10. to exercise all functions and responsibilities in so far as they relate to: School Improvement and Education;

6.1.11. to authorise officers to exercise powers of entry in relation to the Director of Children's Services delegated functions and responsibilities;

6.1.12. to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Children's Services delegated functions and responsibilities and subject to any limitations set out in the Constitution,

acting in consultation with the Monitoring Officer as appropriate;

6.1.13. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Children's Services delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

6.2. Pursuant to the cascade principle (at para 1.5 above) the Director of Children's Services hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Children's Services shall have oversight of the functions and responsibilities so delegated to them. For the avoidance of doubt the term "Service Director" shall be deemed to be commensurate with the term "Assistant Director" and shall in all cases be read as such:

6.2.1. Service Director Safeguarding and Early Help;
6.2.2. Service Director Regulated Provision; and
6.2.3. Assistant Director Education and Inclusion.

7. Powers delegated to the Director of Adults Housing and Communities

7.1 Subject to compliance with legislation and the Constitution:

7.1.1. to act as the Designated Director of Adult Social Services (DASS), for the purposes of the Local Authority Social Services Act 1970, such responsibilities exercised pursuant to

7.1.1.1. any statutory guidance issued, from time to time, by the Secretary of State for Health; and
7.1.1.2. existing and future partnership arrangements.

7.1.2. to exercise all functions of the Council in respect of Adult Safeguarding;

7.1.3. These responsibilities include:

7.1.3.1. Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
7.1.3.2. Management of the Disabled Facilities Grant;
7.1.3.3. Professional leadership, including workforce planning;
7.1.3.4. Leading the implementation of standards;
7.1.3.5. Managing cultural change;
7.1.3.6. Promoting local access and ownership and driving partnership working;
7.1.3.7. Delivering an integrated whole systems approach to supporting communities; and
7.1.3.8. Promoting social inclusion and wellbeing.

7.1.4. To exercise all functions in connection with the Council's strategic and operational housing services (except enforcement) but including:

7.1.4.1. the provision of services regarding housing allocation and homelessness;

7.1.4.2. the provision of all housing services that have not been transferred via Large Scale Voluntary Transfer;

7.1.5. To be the lead Council officer for co-ordination and engagement with the voluntary and community sector, including but not limited to infrastructure development, community resilience and financial inclusion;

7.1.6. To be the lead Council officer in respect of the equality and diversity agenda;

7.2. to authorise officers to exercise powers of entry in relation to the Director of Adults Housing and Communities delegated functions and responsibilities;

7.3. to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Adults Housing and Communities delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;

7.4. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Adults Housing and Communities delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

7.5. Pursuant to the cascade principle (at para 1.5 above) the Director of Adults Housing and Communities hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Adult Social Services shall have oversight of the functions and responsibilities so delegated to them:

7.5.1. Assistant Director Adult Social Care.

7.5.2. Assistant Director Housing and Communities.

8. Powers delegated to the Director for Public Health

8.1. The Director of Public Health is a multi-faceted role between the Council, the wider Integrated Care System and (whilst formal arrangements remain extant) as Director for Public Health to North Lincolnshire Council.

8.2. Subject to compliance with legislation and the Constitution:

8.2.1. to undertake overall responsibility for all of the Council's duties to take

steps to improve public health and to provide officers and elected members with appropriate advice and guidance;

8.2.2. to undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the National Health Service Act 2006;

8.2.3. to plan for, and respond to, emergencies that present a risk to public health, in consultation with the Council's emergency planning officer where appropriate;

8.2.4. to undertake the Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders;

8.2.5. to be responsible for the Council's public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care 2012;

8.2.6. to produce and update as necessary the Joint Strategic Needs Assessment in consultation with the appropriate forum of the Integrated Care System;

8.2.7. to lead on and co-ordinate the development, production, publication and updating of the Joint Health and Wellbeing Strategy in consultation with the appropriate forum of the Integrated Care System;

8.2.8. to develop and implement a system for collecting and analysis data to deliver the Public Health Outcomes Framework;

8.2.9. to produce the Director of Health and Well Being's annual report;

8.2.10. to provide public health advice to NHS commissioners to help secure:

8.2.10.1. commissioning strategies that meet the needs of vulnerable groups;

8.2.10.2. the development of evidence-based care pathways and service specifications;

8.2.10.3. evidence-based prioritisation policies;

8.2.10.4. health needs audits and health equity audits and health impact assessments.

8.2.11. to ensure delivery of the National Child Measurement Programme;

8.2.12. to secure the delivery of the NHS Health Check assessment;

8.2.13. to ensure appropriate access to sexual health services;

8.2.14. to ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services;

8.2.15. to maintain a particular focus on ensuring vulnerable and disadvantaged groups receive the attention they need, with the aim of reducing health inequalities and with particular reference to those who are or have suffered from domestic violence and those seeking asylum, operating in consultation with the Executive Director for Place and Resources and

Director for Economy Environment and Infrastructure;

8.2.16. to provide appropriate support to the Health and Well Being Board or its equivalent;

8.2.17. to authorise officers to exercise powers of entry in relation to the Director of Public Health delegated functions and responsibilities;

8.2.18. to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Public Health delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;

8.2.19. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Public Health delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

8.3. Pursuant to the cascade principle (at para 1.5 above) the Director of Public Health hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Public Health shall have oversight of the functions and responsibilities so delegated to them:

8.3.1. Assistant Director Public Health.

9. Powers delegated to the Monitoring Officer (Assistant Director Law and Governance)

9.1. Subject to compliance with legislation and the Constitution:

9.1.1. to act as Solicitor to the Council and designated Monitoring Officer in accordance with the relevant provisions of the Local Government and Housing Act 1989 and Article 12 of this Constitution;

9.1.2. To act as the Proper Officer for the purposes of the arrangements for the discharge of standards responsibilities, including maintaining the Register of Members' Interests and administering the complaints process for Member misconduct;

9.1.3. to authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings whether civil or criminal and to authorise officers of the Council to appear before the Courts;

9.1.4. to attest the Common Seal of the Council on any legal documentation required to be executed under Seal, unless delegated by the Chief Executive to another named Officer(s);

9.1.5. to determine and issue general guidelines to members and officers on legal, procedural and probity issues and to liaise between Standards and Adjudication Committee, the Audit and Governance Committee

and such other bodies as necessary and to hold all records and registers relating to conduct and probity issues;

9.1.6. to issue any statutory notice (unless another officer is exclusively empowered by law) which may be deemed necessary in the interests of the Council and to negotiate the terms of and to sign any document, lease, contract, licence or otherwise on behalf of the Council, unless delegated to another named officer or postholder;

9.1.7. to exercise all functions relating to legal services, democratic services and HM Coroner for North and North East Lincolnshire;

9.1.8. to have responsibility for partnership governance.

9.1.9. to have oversight and lead responsibility for the Armed Forces Covenant statutory duty

9.1.10. To act as the Council's Deputy Electoral Registration Officer by virtue of the Representation of the People Act 1983 and to carry out all duties and responsibilities under that office.

9.1.11. to exercise all functions (save where otherwise specifically mentioned) in respect of civic and mayoral services; elections and electoral registration, and Registration and Celebratory Services.

9.2. to authorise the issue of statutory notices, licenses and permissions in relation to the Monitoring Officer's delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Executive Director Place and Resources as appropriate.

9.3. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Monitoring Officer's delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Executive Director Place and Resources as appropriate

9.4. Pursuant to the cascade principle (at para 1.5 above) the Monitoring Officer hereby delegates such of the above functions (interpreted in their widest sense) to the Deputy Monitoring Officer, commensurate with their duties and responsibilities, and the Monitoring Officer shall have oversight of the functions and responsibilities so delegated.

10. Authority to authorise directed surveillance.

10.1. Only the Monitoring Officer and the Chief Executive (in consultation with the Monitoring Officer) shall be "Authorising Officers" for the purposes of authorising applications for directed surveillance.

10.2. Only the Monitoring Officer may delegate the authority to authorise directed

surveillance to a named officer of at least "service manager level" where the Monitoring Officer is satisfied that the officer has completed the appropriate training.

11 DECISIONS TAKEN IN URGENCY

Subject to the provisions of the Constitution and any statutory provision reserving a decision on any matter to the Council, Cabinet or a Committee, the Chief Executive, all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision

The consultation and decisions referred to in this paragraph shall be recorded in writing, in such form as may be prescribed by the Monitoring Officer.