
Constitution – Part 2

Responsibility for functions

18 May 2023



Elmbridge

Borough Council

... bridging the communities ...



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A - Introduction to decision making

The Council makes many decisions relating to matters within its area. This part of the Council's Constitution sets out how these decisions are made so that members of the public are clear about what decisions are made and which part of the Council or individual has responsibility for particular types of decision.

The Council's functions can be lawfully exercised by:

- a) The **Full Council**;
- b) The **Executive** (the collective term for the Leader, individual **Cabinet Members**, the Cabinet or a committee of the Cabinet);
- c) Committees and Sub-Committees of the **Full Council** or the **Cabinet**;
- d) **Joint Committees**; and
- e) **Officers**.

All of the Council's functions are either "executive" or "non-executive". **Executive functions** are the responsibility of the **Executive** or one of its committees or sub-committees, **Joint Committees**, or an officer. **Non-Executive** functions are the responsibility of the **Full Council** or one of its committees, sub-committees, **Joint Committees**, or an officer. "Functions" include all of the Council's powers and duties under legislation, that is, all of the activities the Council undertakes.

The **Executive** is the part of the Council which is responsible for most day-to-day decisions including **Key Decisions**. The **Executive** is made up of the **Leader** and a number of executive Councillors (**Cabinet members**) appointed by the Leader which make up the **Cabinet**. The Executive may also establish committees and sub-committees. All **Key Decisions** will be published in advance in the **Forward Plan** in so far as they can be anticipated.

The **Cabinet** will ordinarily carry out all of the Council's **Executive Functions** that are not the responsibility of any other part of the local authority, whether by law or under this constitution, unless the **Leader** decides to discharge them personally or allocate them to an individual cabinet member (as specified in the **Individual Cabinet Member Decision Making Procedure**) or a committee of **Cabinet**.

Under the Local Government Act 2000 (“the 2000 Act”) functions are “executive functions”, and the responsibility of the **Executive**, unless the law states that they are prevented from being exercised by the **Executive. Non-Executive functions** (Council functions) are specified in regulations issued under the 2000 Act and include functions relating to such matters as officers, licensing and planning. Non-executive functions may be delegated to committees, sub-committees or officers under section 101 of the Local Government Act 1972. Unless specified as a non-executive function, a function is presumed to be an Executive Function.

Where a function is delegated under this Constitution, that does not prevent the person or body that has delegated the function from removing the delegation or exercising that function concurrently, for example in the absence of delegatee making a decision.

1. Principles of decision making

The following principles will apply to all decision makers. Decision makers will:

- a) take into account all relevant considerations and ignore those which are irrelevant;
- b) make decisions in the interests of the Borough of Elmbridge and those who live, work and enjoy their time in the borough;
- c) take decisions which are proportionate to the desired outcome;
- d) undertake appropriate consultation where required and based on professional and technical advice from officers in particular the Monitoring Officer and Chief Finance Officer;
- e) undertake a realistic evaluation of alternatives and options, giving reasons for their decision;
- f) consider relevant professional advice;
- g) have regard to statutory duties, and to environmental consideration and impacts;
- h) respect human rights and equality of opportunity; and
- i) approach decision making on a transparent and open basis.

2. Record of decision making

The Council supports transparency of decision-making in the public interest. When decisions are taken, the decision record and/or minutes must be produced which will include the following information:

- a) who took the decision (the person or body);
- b) the details of the decision including the date it was made;

- c) the reasons for the decision;
- d) a summary of any alternative options considered and rejected by the officer, Councillor or decision-making body when the decision was made;
- e) details of any conflict of interest relating to the matter declared by any member of the decision-making body or by a Councillor who is consulted by the officer or Councillor who made the decision; and
- f) in respect of any declared conflict of interest, a note of any dispensation granted.

3. Types of Decision and decision takers

When the Full Council makes decisions, it will comply with the Council Procedure Rules.

When the Executive makes decisions, these will comply with the Cabinet Procedure Rules and Council Procedure Rules (as applicable).

When the Overview and Scrutiny Committees make decisions, these will comply with the Overview and Scrutiny Procedure Rules and Council Procedure Rules (as applicable).

When committees and sub-committees make decisions, these will comply with the Council Procedure Rules.

On occasions, the Council, a Councillor or an officer will act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of an individual. When this happens, they will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Any area of responsibility that is not specifically listed under the matters reserved for Councillors in Section D, procedure rule 1 – 5 of this Part 2 is deemed to be delegated to officers.

Part 2 Section B sets out the “local choice” functions, which are those that the Council can allocate to either the Full Council or the Executive for decision, and sets out which body has been allocated them.

Part 2 Section C sets out the non-executive functions which are reserved to the Full Council.

Part 2 Section D sets out the non-executive functions which are reserved to the

committees established by the Full Council.

Part 2 Section E sets out the executive functions that are the responsibility of the Leader, individual Cabinet members, the Cabinet and any committees or subcommittees it establishes.

Part 2 Section F sets out the functions which are reserved to joint committees established by the Council.

Part 2 Section G sets out the principles of the Officer Scheme of Delegation for all functions and powers not otherwise reserved to Councillors.

Section H sets out functions reserved to the Proper Officers of the Council.

B - Local choice functions

Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the 2000 Regulations) makes provision for certain functions, known as “local choice functions” to be either executive or non-executive functions. The Council has determined that the responsibilities shall be allocated as follows:

Function	Decision making body	Delegation of functions
Any function under a local Act other than a function specified in Regulation 2 or Schedule 1	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
Any function relating to contaminated land	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The service of an abatement notice in respect of a statutory nuisance	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisances Act 1993 should apply in the Council’s area	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The inspection of the Council’s area to detect any statutory nuisance	Cabinet	Delegations are in accordance with the

		Scheme of Officer Delegations
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations
The making of agreements for the execution of highway works	Cabinet	Delegations are in accordance with the Scheme of Officer Delegations

C - The Council

Only the Full Council shall have responsibility:

to approve, adopt and agree changes to:

- a) the Constitution and any substantive revision or amendment of the whole or any part of the Constitution including agreeing and/or amending the Officer Scheme of Delegation with respect to non-executive functions;
- b) the Budget and Policy Framework;
- c) the Council's Pay Policy Statement;
- d) a Councillors Allowance scheme following a report from the Independent Remuneration Panel;
- e) the Council Tax Reduction Scheme;
- f) the Community Infrastructure Levy Charging Schedule;
- g) for Elections and Electoral Registration (except those functions undertaken by the Chief Executive), including: a) the appointment of an Electoral Registration Officer; b) the appointment of a Returning Officer for local government elections;
- h) for the name and status of areas and individuals including:
 - i. changing the name of the borough;
 - ii. conferring the title of Honorary Alderman or admission to be an Honorary Freeman.
- i) for agreeing the basis on which appointments to outside bodies should be made and appointing to outside bodies except where appointment to those bodies is an executive function or has been otherwise delegated;
- j) to agree the appointment of Councillors to committees in political balance;
- k) to elect the Mayor and Deputy Mayor of the Council;
- l) to elect and remove the Leader of the Council;
- m) to determine annually the revenue and capital budgets (the Medium Term Financial Strategy) and levying Council Tax (NB. the setting of rents and service charges for Council properties is to be determined by the Cabinet) and the capital programme along with the Treasury Management Strategy, Investment Strategy and any Prudential Indicators;
- n) to take decisions which would represent a departure from the strategies and budgets previously agreed in the Budget and Policy Framework including determining supplementary estimates which are outside the authority to spend available to the Cabinet;

- o) agreeing and/or amending the terms of reference for non-executive Committees (save those constituted by the Overview and Scrutiny Committee) and deciding on their composition;
- p) to make, amend, revoke, re-enact or adopt by-laws and promoting or opposing the making of local legislation or personal Bills;
- q) to designate a post as Head of Paid Service and to appoint the Head of Paid Service upon the recommendation of the Appeals Committee;
- r) to designate the appropriate Officer posts as the Monitoring Officer and the Chief Finance Officer;
- s) to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer;
- t) to appoint Independent Person(s) under the Localism Act 2011 in relation to the Code of Conduct and statutory officer discipline;
- u) to determine any matter which is properly referred to it for determination by a committee or sub-committee in relation to non-executive functions;
- v) to determine whether functions which are classified as “Local Choice” functions should be reserved to the Full Council or exercised by Cabinet;
- w) to designate streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- x) to discharge all licensing functions and such other matters which must be reserved to the Full Council as specified in the Licensing Act 2003 (the “Act”), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- y) to discharge all functions which must be reserved to Full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including: (a) approving and revising any Statement of Gambling Policy; (b) resolving not to issue any casino premises licences in the next three years; and
- z) all other matters which, by law, must be reserved to Council.

1. The Budget and policy framework

Budget Framework

- a) The Budget Framework includes the allocation of financial resources to different services and projects, the setting of virement limits (that is the transfer of funds between budget heads) and carry forward limits for

budgets, proposed contingency funds and other provisions and reserves, council tax setting and other local taxation matters and decisions relating to the Council's treasury management activities including investments, borrowing limits and the control of capital expenditure.

- b) The Budget Framework is set out in the following:
- i. Medium Term Financial Strategy;
 - ii. Treasury Management Framework (including relevant policies and strategies); and
 - iii. Capital and Investment Strategies.

Policy Framework

By law, the Council must have a Policy Framework. This is a list of plans and strategies which are relevant to the Council's functions and are required by law to be decided by the Full Council, usually on the recommendation of the Cabinet, supplemented by other plans and strategies that the Council wishes to add.

- a) The Policy Framework comprises:
1. The Council's Corporate Plan (Vision);
 2. The Crime and Disorder Reduction Strategy;
 3. The Local Development Plan and Development Plan Documents;
 4. The Statement of Licensing Policy;
 5. The Statement of Gambling Policy;
 6. The Annual Pay Policy Statement;
 7. Housing Strategy;
 8. Homelessness Strategy;
 9. Surrey Waste Management Strategy;
 10. Carbon Reduction Management Plan; and

Any other plan or strategy (whether statutory or non-statutory) in respect of which the Council from time to time determines that the decision on its adoption or approvals should be taken by Full Council rather than the Cabinet.

D - Non-Executive Committees

To discharge non-executive functions which are not reserved to Full Council alone, the Council has established the following committees:

- Licensing Committee
- Planning Committee
- Area Planning Sub-Committees

- Overview & Scrutiny Committee
- Audit and Standards Committee
- Appeals Sub-Committee
- Independent Persons Panel
- Appointments Sub-Committee
- Local Spending Boards
- Shareholder Committee (Housing)

The terms of reference and delegated powers for these committees are as follows:

1. Licensing Committee

1.1 Committee Form and Structure

Composition:

The full Licensing Committee will comprise of 13 members (or such other number as achieves political proportionality).

Sub-Committees established by the Licensing Committee on an ad-hoc basis to deal with matters under the Licensing Act 2003 and the Gambling Act 2005 and other licensing matters will comprise of three members from the full Licensing Committee. The quorum of a sub-committee shall be three members.

1.2 Competency

Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

1.3 Matters reserved for the Licensing Committee

Functions under both the Licensing Act 2003 and the Gambling Act 2005:

- a) To determine applications for premises licences where relevant representations have been made;
- b) To determine applications for provisional statements where relevant representations have been made;
- c) To determine valid applications for review of premises licences;
- d) To determine whether to object when the Council is a consultee and not the relevant authority considering an application;
- e) To decide on any other matter where it is necessary or desirable for

members to make that decision.

Functions under the Licensing Act 2003 alone:

- a) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- b) To determine applications to vary designated premises supervisors following police objections;
- c) To determine applications for transfer of premises licences following police objections;
- d) To consider police objections made to interim authority notices;
- e) To determine applications for club premises certificates where relevant representations have been made;
- f) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- g) To determine valid applications for review of club premises certificates;
- h) To decide whether to give counter notices following police objections to temporary event notices;
- i) To determine applications for grants of personal licences following police objections;
- j) To determine applications for renewals of personal licences following police objections;
- k) To determine applications for grants of personal licences with unspent convictions;
- l) To determine applications for grants of personal licences with convictions of offence during the application process;
- m) To decide on revocation of personal licences where convictions come to light after grant;
- n) To determine valid applications for review of premises licenses.

Functions under the Gambling Act 2005 alone:

- a) To determine applications for variations of premises licences where relevant representations have been made;
- b) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- c) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- d) To decide whether to give counter notices following objections to

- temporary use notices;
- e) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
 - f) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
 - g) To determine applications for the grant of temporary event notices where relevant representations have been made; and
 - h) To determine valid applications for review of premises licenses.

Street Trading

- a) To determine applications for the grant of street trading licenses where relevant representations have been made; and
- b) To determine applications for the grant of pavement café licenses where relevant representations have been made.

Other Licensing functions

- a) The Licensing Committee and its sub-committees have all the functions which are stated not to be the responsibility of the Council's Executive in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853, as amended, or further amended, in any statute or subordinate legislation. The sub-committees' remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments, dog breeding establishments, hackney carriage licenses (including vehicle and drivers licenses); private hire licenses (including vehicle, drivers and operators licenses).
- b) The Licensing Sub-Committee make decisions in all individual licensing or registration cases where the officer considers it appropriate to refer the matter to a sub-committee or where by legislation a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
- c) To monitor and review relevant Council policies and strategies and make change to existing or approve new policies where they do not require a Council decision under the Policy Framework.
- d) The Licensing Committee has the power to make final decisions on behalf of the Council in relation to its functions in this part.

2. Planning Committee and Area Planning Sub-Committees

2.1 Committee Form and Structure

Committee scope:

The majority of planning applications are dealt with by officers under delegated powers from the Planning Committee, as they are relevantly straight forward.

When the Planning Committee are determining planning applications and related planning matters they are considered by the Council as the **Local Planning Authority**.

Composition:

The Planning Committee will comprise of 16 members (or such other number as achieves political proportionality).

There are three Area Planning Sub-Committees each composed of ward members as follows:

- a) South Area - 11
- b) North Area – 9
- c) East Area – 10

Or such other numbers as achieves political proportionality.

2.2 Competency

Before any Councillor who is a member of the Planning Committee or Area Planning Sub-Committee or any substitute can participate in the determination of an application, that Councillor must have attend training as set out in the Members Planning Code of Good Practice.

2.3 Matters reserved for the Planning Committee

Decisions on applications for planning permission pursuant to the Town and Country Planning legislation that are not delegated to Officers or the Area Planning Sub-Committees being:

- a) Major planning applications (10+ dwellings or 1,000sqm+ non-residential floorspace) which are recommended for approval by officers where there are objections from 15 or more households or from Claygate Parish

Council (if a petition, or an objection letter is received from an organisation such as a residents' association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household).

- b) Any two or more Members of the Planning Committee (who need not be members of the relevant Area Planning Sub-Committee concerned) may refer an application from an Area Planning Sub-Committee to the Planning Committee provided that they:
 - i. have been present for the complete consideration of that application at the Area Planning Sub-Committee meeting; and
 - ii. such referral is done before any decision is made on the application by the Area Planning Sub-Committee.
- c) Major planning applications called in to the Planning Committee by a Ward Councillor for the Ward within which the application is situated, provided that there is a material planning concern.
- d) All applications made by the Council in relation to its own land pursuant to the Town and Country Planning General Regulations 1992.
- e) All departures from the Development Plan required to be referred to the Secretary of State.

2.4 Matters reserved to Area Planning Sub-Committees

Decisions on applications for planning permission pursuant to the Town and Country Planning legislation which are not delegated to officers or reserved for the Planning Committee being:

- a) All applications (except major) called in by a Ward Councillors for the Ward within which the application is situated, provided that there is a material planning concern.
- b) Minor applications or non-residential development of less than 1,000sqm which are recommended for approval by Officers and there are objections from 15 or more households or from Claygate Parish Council (if a petition, or an objection letter is received from an organisation such as a residents' association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household).
- c) Applications for Permission in Principle or Prior Approval (except where deemed approval would be given after a statutory time period) which are recommended for approval by Officers and there are objections from 15

or more households or from Claygate Parish Council (if a petition, or an objection letter is received from an organisation such as a residents' association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household).

- d) All applications submitted by or on behalf of Members, or Officers of the Council (or any close connections thereto).

If any two or more members of the Planning Committee (who need not be members of the relevant Area Planning Sub-Committee concerned) who are present at an Area Planning Sub-Committee so request, an application must be referred to the Planning Committee for determination, provided that they

- a) have been present for the complete consideration of that application at the Area Planning Sub-Committee meeting; and
- b) such referral is done before any decision is made on the application by the Area Planning Sub-Committee.

3. Overview & Scrutiny

3.1 Committee Form and Structure

Committee scope:

The Council fully supports the role of its Overview and Scrutiny Committee in holding the Cabinet and others to account in discharging their functions and in policy formulation. The Council believes that the important parts of the role are:

- a) to assist the Full Council and Cabinet in reviewing its major plans, policies and strategies, which will set the climate in which the Cabinet and other decision-making bodies are required to operate;
- b) to assist with policy formulation;
- c) to undertake specific reviews of the Council's organisation and service provision so that improvements can be made to service delivery.

Composition:

The Overview and Scrutiny will comprise of 13 members (or such other number as achieves political proportionality). Who cannot be members of the Cabinet.

3.2 Competency

All members of the Overview and Scrutiny Committee must undertake a programme of training as considered appropriate by the Monitoring Officer as soon as possible upon election to the Committee.

3.3 Matters reserved for the Overview & Scrutiny Committee

The Overview and Scrutiny Committee:

- a) will discharge the Council's functions under section 9F Local Government Act 2000;
- b) will be responsible for the Council's scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for overview and scrutiny in accordance with the objectives of the Council's Corporate Plan and arrangements for the scrutiny of other public bodies particularly where required to do so by law;
- c) may establish such task and finish groups, appointing the Chair in accordance with the Council's criteria and with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
- d) will scrutinise decisions of or actions taken by the Cabinet, and offer advice or make recommendations on the matter under scrutiny once the Committee has considered the issues;
- e) may scrutinise matters coming before Cabinet for decision and respond appropriately to the Cabinet on the matter once the Committee has considered the issues fully;
- f) will review or scrutinise decisions or actions taken in respect of any functions which are not the responsibility of the Cabinet and make reports or recommendations to the Full Council, or appropriate body of the Council;
- g) may refer to the Council or appropriate committee/sub-committee any matter which, following scrutiny, the Committee determines should be brought to the attention of the Full Council or the committee or sub-committee and may, if requested, offer any views or advice to the Cabinet in relation to any matter referred to the committee for consideration;
- h) may undertake reviews with a cross-service approach wherever possible and make reports and recommendations to the Full Council (or other appropriate Council body) or the Cabinet to assist in the review of policies and strategies;
- i) may offer advice and make recommendations to the appropriate body of

the Council on the review of policy, services and aspects of services where there is an identifiable need, by itself or through setting up a Task and Finish Group;

- j) in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
- k) may recommend that a decision made but not yet implemented, and taken in respect of a function which is the responsibility of the Cabinet be reconsidered by the Cabinet;
- l) may scrutinise decisions after implementation to examine their effect and outcomes;
- m) may make reports or recommendations to the appropriate body of the Council in respect of any matters which affect the Council's area or its inhabitants;
- n) may review and make recommendations in relation to matters which are not the direct responsibility of the Council but which affect the social, economic or environmental well-being of an area or the Council's area as a whole or under any statutory requirement or Council contract, procedure or practice;
- o) may give partner authorities notice in writing requiring them to have regard to the report or recommendations of the Committee in exercising their functions;
- p) may invite Cabinet Members (Portfolio Holders), and partners to answer questions;
- q) will consider and advise the Cabinet in respect of "call-in" notices under the Council's relevant procedures;
- r) will work with or appoint representatives to work with other local authorities and organisations to carry out joint scrutiny;
- s) will create Task and Finish Groups and set their Terms of Reference, to fulfil the Overview and Scrutiny requirements of the Council and the Annual Overview and Scrutiny Work Programme;
- t) will approve an Annual Overview and Scrutiny Work Programme, to be kept under review and updated as required;
- u) will produce an Annual Report to Full Council for the scrutiny process;
- v) will discharge the Council's scrutiny functions in relation to the reduction of crime and disorder pursuant to the Crime and Disorder Act 1998 and shall have power to scrutinise decisions or actions taken in connection with the discharge of its crime and disorder functions by any responsible authority and make recommendations or reports to the Council in relation to the discharge of those functions;
- w) may require the attendance before it of any officer or employee of any

- responsible authority or co-operating body;
- x) may make a report or recommendation to a responsible authority or co-operating body; and
 - y) shall exercise its functions in accordance with any appropriate regulations.

4. Audit & Standards

4.1 Committee Form and Structure

Committee scope

The Audit & Standards Committee has specific responsibility for governance issues including audit functions.

The success of the Audit & Standards Committee in exercising its audit functions depends upon its ability to remain apolitical. It must adopt a non-political approach to its meetings and discussions at all times. Remaining apolitical also places a duty on Councillors not to make inappropriate use of information provided to the Committee for other purposes.

Sub-Committees established by the Audit & Standards Committee on an ad-hoc basis to deal with matters under the arrangements for dealing with complaints will comprise of three members from the full Audit & Standards Committee. The quorum of a sub-committee shall be three members.

Composition:

- a) The Audit & Standards Committee will comprise of 7 Councillors (or such number as achieves proportionality) excluding any member of the Cabinet and the Mayor.
- b) persons (not exceeding three in number) who are not Councillors or Officers of the Council and who will serve as Independent Members (Co-opted under the provisions of the Local Government Act 1972)
- c) one member of a Parish Council situated wholly or mainly in the Council's area (a Parish Member), subject to consultation with the Parish Council. The Parish Council member must be present when matters relating to the Parish Council or its members are being considered.

4.2 Competency

All members of the Audit & Standards Committee must:

- a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
- b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the Monitoring Officer.

4.3 Matters reserved for the Audit & Standards Committee

4.3.1 Audit Activity

- a) To consider the Head of Internal Audit's annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give with regard to the Council's corporate governance arrangements;
- b) To consider summaries of specific internal audit reports;
- c) To consider reports dealing with the management and performance of the providers of internal audit services;
- d) To consider a report from internal audit on agreed audit recommendations which have not been implemented within a reasonable timescale;
- e) To consider the external auditor's annual audit and inspection letter, relevant reports and the report to those charged with governance;
- f) To consider specific reports as agreed with the External Auditor;
- g) To comment on the scope and depth of external audit work and to ensure it gives value for money;
- h) To liaise as necessary and oversee the appointment of the Council's External Auditor; and
- i) To initiate inquiries on matters brought to the Committee's attention.

4.3.2 Regulatory Framework

- a) To consider amendments to the Constitution and recommend proposals to Full Council for approval, except where specifically delegated to the Monitoring Officer;
- b) To undertake an annual review of the Codes and Protocols listed at Appendix 1 of the Constitution, the outcome of which shall be reported to Full Council for noting;
- c) To review any issue referred to it by the Chief Executive or a Strategic Director, or any Council body;
- d) To monitor the effective development and operation of risk management and corporate governance in the Council;
- e) To monitor Council policies in respect of "Raising Concerns at Work", including the anti-fraud and anti-corruption strategy and the Council's complaints

- process;
- f) To approve the Authority's Annual Governance Statement and to recommend its adoption;
 - g) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
 - h) To consider the Council's compliance with its own and other published standards and controls; and
 - i) To ensure effective scrutiny of Treasury Management Strategy and Policies.

4.3.3 Accounts

- a) To review the annual statement of accounts;
- b) To consider the External Auditor's report to those charged with governance on issues arising from the audit of accounts.

4.3.4 Standards

- a) To assist the Council in fulfilling its duty under the Localism Act 2011 to promote and maintain high standards of conduct by Councillors and co-opted Councillors of borough and parish councils;
- b) To advise the Council on the adoption or revision of its Councillor's Code of Conduct;
- c) To monitor and advise the Council about the operation of its Councillor's Code of Conduct in light of best practice and any changes in the law;
- d) To approve the arrangements for dealing with allegations that a Councillor or a parish Councillor within the borough has failed to comply with the relevant Councillor's Code of Conduct;
- e) Sub-Committee to determine whether a Councillor or parish Councillor has failed to comply with the relevant Code of Conduct;
- f) Where the Sub-Committee finds that a failure to comply with the Code of Conduct has occurred, to determine what action, if any, to take and to apply the sanction or recommend to Council to apply an appropriate sanction;
- g) To assist the Council with the appointment of Independent Persons as required by the Localism Act 2011 and independent persons under other secondary legislation;
- h) To determine any request for a dispensation under Section 33 of the Localism Act 2011, where not determined by the Monitoring Officer or to appeal against a determination by the Monitoring Officer;
- i) To respond on behalf of the Council to national reviews and consultations on standards related issues; and
- j) To consider and make recommendations to Full Council on any other

matter that may be referred to the Audit & Standards relating to the conduct and training of Councillors.

5. Appeals Sub-Committee

5.1 Committee Form and Structure

Composition:

The Appeals Sub-Committee will comprise of 7 Councillors (or such number as achieves proportionality).

5.2 Competency

All members of the Appeals Sub-Committee and Councillors attending as reserves must:

- a) have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and
- b) undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the Monitoring Officer.

5.3 Matters reserved for the Appeals Committee

With regard to appointments and dismissals of the Councils' Statutory Officers:

- a) To make recommendations to the Full Council on the appointment and dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer.
- b) To consider matters relating to the conduct and capability of the Head of the Paid Service.
- c) To appoint, when required, an Investigation and Disciplinary Committee referred to in the JNC Conditions of Service for Chief Executives and chief officers, with power to:
 - i. appoint an independent investigator and independent advisors, if required;
 - ii. determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer (the Statutory Officers) should be suspended pending investigation into allegations of misconduct or incapability; and
 - iii. make a recommendation to Full Council to dismiss

a Statutory Officer. Where the Investigation and Disciplinary Committee makes a recommendation to Full Council to dismiss a Statutory Officer the Independent Persons Panel must meet and consider the matter and prepare a report for Full Council before any decision to dismiss is considered by Full Council.

6. Independent Persons Panel

6.1 Committee Scope

The purpose of the Panel is to review the recommendations of the Investigation and Disciplinary Committee into Statutory Officer discipline and compile a recommendation of its own for consideration by the Full Council.

Composition:

- a) The Independent Persons Panel will comprise not less than two Independent Persons.
- b) All of the Councils' Independent Persons appointed pursuant to Section 28(7) of the Localism Act 2011 shall be invited to attend and, if at the relevant time there are fewer than two such Persons who are able to attend, then the Independent Persons appointed by another neighbouring council shall be invited to attend.
- c) The Panel shall be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:
 - i. an Independent Person who has been appointed by the Council and who is a local government elector in the Council's area;
 - ii. any other Independent Person who has been appointed by the Council;
 - iii. an Independent Person who has been appointed by another local authority or local authorities.

6.2 Competency

Independent Persons must have undertaken appropriate training.

The Independent Persons Panel will:

- a) hear, consider, ask questions and comment in respect of Statutory

- Officer discipline or grievance that could lead to dismissal; and
- b) make a report and recommendation to Full Council in accordance with the Councils' policies and Officer Employment Procedure Rules.

The Independent Persons Panel may meet concurrently with the Investigation and Disciplinary Committee where a hearing or meeting could result in a recommendation to Full Council for the dismissal of a Statutory Officer; or may meet separately.

The Panel shall have access to external legal and professional advice as necessary, via the Monitoring Officer (or Deputy Monitoring Officer as appropriate).

7. Appointments Sub-Committee

7.1 Committee Form and Structure

Composition:

The Appointments Committee will comprise of 6 Councillors (or such number as achieves proportionality).

7.2 Matters reserved for the Appointments Sub-Committee

To make appointments and nominations to be forwarded to the Annual Council meeting for determination (In the main, these appointments relate to nominations sought by the Surrey Local Government Association (SLGA) and which have to be forwarded to the SLGA in time for their Annual Meeting).

To make appointments to Charities, School Governing Bodies and Outside Bodies.

8. Local Spending Boards

8.1 Committee Form and Structure

Composition:

The Local Spending Boards will comprise of Councillors representing the relevant ward(s).

8.2 Matters reserved for the Local Spending Boards

To consider applications and to allocate funding of Community Infrastructure Levy on a local area basis, subject only to power of the Monitoring Officer to refer decisions to ICMDM on legal grounds.

9. Shareholder Committee (Housing)

9.1 Committee Form and Structure

Composition

The Shareholder Committee (Housing) will comprise of 5 Councillors on a preferred membership basis.

9.2 Matters reserved for the Shareholder Committee (Housing)

To exercise the Council's rights and responsibilities as a shareholder of local authority companies, all powers as may be detailed in a shareholder agreement and/or scheme of delegation.

E - The Cabinet (Executive functions)

1. Introduction

The Leader and Cabinet will carry out the Council's executive functions. Functions that are not stated in the Local Authorities (Functions and Responsibilities) Regulations 2000 or in other legislation to be non-executive functions are, by default, executive functions.

The Executive is the collective term for the Leader, individual Cabinet members, the Cabinet or a committee of the Cabinet.

The Cabinet will ordinarily carry out all of the executive functions unless the Leader decides to discharge them personally or allocate them to an individual Cabinet member or a committee of the Cabinet. The Leader may do this at any time.

Where the Cabinet is exercising these functions, it may delegate those functions to a committee of the Cabinet or officers, but not to an individual Cabinet member.

Where an individual Cabinet member is exercising these functions, he or she may delegate those functions to officers.

Where executive functions have been delegated, that does not prevent the discharge of those functions by the person or body who delegated them; or the Leader or Cabinet

from reviewing decisions made in the discharge of those functions in accordance with the provisions of this Part 2.

All executive functions not expressly reserved to the Leader, the Cabinet, a committee of the Cabinet or an individual Cabinet member are delegated to officers, subject to the restrictions on officer powers set out in the Officer Scheme of Delegation.

The Cabinet is responsible for making proposals to the Full Council about what its priorities should be and how it should use its resources. Once approved by the Full Council, these proposals become the Council's Budget and Policy Framework.

The Cabinet is responsible for making all of the necessary arrangements to ensure that the priorities identified by the Council are delivered within the Budget and Policy Framework set by the Full Council. If the Cabinet wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Full Council as a whole to decide.

2. Composition

The Cabinet comprises the Leader of the Council together with up to nine other Councillors, all appointed by the Leader. Cabinet members, including the Deputy Leader, are appointed at the Annual Meeting of the Full Council at which the Leader is appointed. The Mayor and Deputy Mayor cannot be appointed to the Cabinet. No substitution arrangements will apply to the Cabinet.

The Leader and Cabinet members cannot sit on the Overview and Scrutiny Committees. They can sit on any other committees of the Council and can chair them (except they cannot chair Audit and Standards Committee), but Cabinet members should not be in a majority.

The Leader decides the scheme of delegation in respect of executive functions and may authorise the Cabinet, a committee of Cabinet, Cabinet members or officers to exercise executive functions from time to time.

2.1 The Leader

The Leader will be a Councillor elected for a four year term to the position of Leader by simple majority of the Full Council. In the event that only one nomination is put forward, a vote will still be taken.

The Leader will hold office until he or she:

- a) resigns from the office; or
- b) is disqualified or otherwise ceases to be a Councillor; or

- c) is removed from office by resolution of the Full Council that requires the support of a simple majority of those Councillors present; or
- d) ends the term of office at Annual Full Council four years after the term begins, when the position of Leader is elected by simple majority for the next four years.

If the Full Council passes a resolution to remove the Leader, the Full Council shall elect another Councillor as Leader at the meeting at which the Leader is removed from office, or at a subsequent meeting of the Full Council. If there is a vacancy in the office of Leader for any other reason, the Full Council shall elect another Councillor as Leader at the first Full Council meeting after the vacancy occurs. In the interim the Deputy Leader will assume the responsibilities of the Leader.

The Leader may determine to exercise any of the Council's executive functions personally, or may arrange for the exercise of those functions by:

- a) The Cabinet;
- b) An individual Cabinet member;
- c) A committee of the Cabinet;
- d) An officer of the Council;
- e) A joint committee.

2.2 The Deputy Leader

The Leader shall appoint a Deputy Leader who shall be a member of the Cabinet and deputise for the Leader and carry out the functions delegated to the Leader in periods of their incapacity or absence.

The Deputy Leader shall hold office until such time as the term of office of the Leader who appointed him/her comes to an end, or until he or she:

- a) resigns from the office;
- b) is disqualified or otherwise ceases to be a Councillor;
- c) is removed from office by the Leader.

If for any reason the Leader is unable to act, or the office of Leader is vacant, and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place, or arrange for a Cabinet member to act in his/her place.

2.3 Cabinet Members

Each Cabinet member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader.

A Cabinet member shall hold office until such time as the term of office of the Leader who appointed him/her comes to an end, or until he or she:

- a) resigns from the office;
- b) is disqualified or otherwise ceases to be a Councillor;
- c) is removed from office by the Leader.

2.4 Individual Cabinet Member Decisions

Cabinet members shall have the responsibilities as determined by the Leader from time to time.

Cabinet members exercising executive functions may delegate those functions to officers.

Details of current Cabinet members and their portfolios are available on the Council's website.

Details of the current Individual Cabinet Member Decision Making Arrangements are also available on the Council's website.

2.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall be conducted in accordance with the Cabinet (Executive) Procedure Rules.

The Cabinet may delegate the exercise of executive functions to a committee of the Cabinet or officers, but not to an individual Cabinet member.

2.6 Joint Executive Arrangements

Where joint arrangements are established with one or more local authorities and/or their executives to exercise functions which are executive functions, any joint committee appointed in accordance with those arrangements may, subject to the terms of those arrangements, discharge those executive functions.

2.7 General responsibilities of the Executive

The Executive is responsible for:

- a) ensuring the effective and efficient discharge of the functions delegated to them;
- b) ensuring that any Council services within their remit are appropriate for and responsive to the needs and views of the Council's residents, and are delivered effectively and efficiently;

- c) ensuring that good external relationships and effective local liaison are promoted in relation to Council services within their remit;
- d) monitoring the functions of the Council within their remit and contributing to any Council aims, objectives and policies;
- e) determining policies and objectives for any Council services, within their remit, reviewing the extent to which they are met, and agreeing any necessary action; and
- f) determining the Council's views on matters specific to their areas of responsibility and related external matters.

2.8 Matters reserved for the Executive

The following functions shall be exercised only by the Executive and will be taken by the Cabinet, or a committee or sub-committee appointed by it, unless the Leader chooses to exercise these functions personally or allocate them to an individual Cabinet member or a committee of the Cabinet.

Where the Cabinet is exercising an executive function, in whole or in part, as set out below, the Cabinet is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon it subject to any restrictions or constraints imposed by the law or this Constitution.

The Cabinet is responsible for:

- a) the taking of Key Decisions. These will be published in the Forward Plan in so far as they can be anticipated;
- b) setting fees, charges or concession policies in respect of executive functions;
- c) the development of policy/strategy for the Council, the monitoring of the effectiveness of policy/strategy and the review of policy/strategy (leading to revision and further development);
- d) On an annual basis, to draw up proposals for the Council's Revenue Budget, Capital Programme, Treasury Management Policy and Council Tax levels for consideration and determination by Full Council;
- e) To prepare the draft Budget and Policy Framework documents;
- f) To approve or adopt non-development plan documents prepared under the Local Development Framework and to modify, revise, revoke or withdraw a Development Plan Document where such modification, revision, revocation or withdrawal is required to give effect to a direction of the Secretary of State under the Planning and Compulsory Purchase Act 2004; is recommended by a person carrying out an independent examination under Section 20 of the 2004 Act; or is authorised by a determination made by Full Council when approving or adopting the development plan document;

- g) to refer to the Full Council for determination all matters which are departures from the Budget and Policy Framework adopted by the Full Council, except matters of urgency which shall be dealt with in accordance with the procedures set out in Part * Section *.
- h) To take any urgent action necessary in the event of a civil emergency and to determine general policy matters at such times;
- i) promoting the Council's policies relating to climate change from time to time in force.

2.9 Responsibilities of all Cabinet Members

The following are the general responsibilities which apply to all Cabinet members. These responsibilities include various functions which are delegated to each Cabinet member to discharge.

There are occasions when matters affect more than one portfolio of responsibility. On such occasions, the Cabinet member with the primary responsibility shall take the lead, in consultation with all Cabinet members with an interest.

Each Cabinet member is the spokesperson for the policy area or 'portfolio' they are responsible for. They also:

- a) lead on developing Council policy and make recommendations to the Cabinet;
- b) provide guidance to the Cabinet on delivering services within their portfolio area;
- c) give guidance to the Cabinet on budget priorities;
- d) monitor performance and make sure policy is delivered;
- e) lead on improving Council services;
- f) ensure that activities meet the Council's overall vision, core values and guiding principles;
- g) represent the Council at a national and local level;
- h) contribute to debate and decision-making;
- i) work with all Councillors and officers to make sure that the overview and scrutiny process works correctly including appearing before relevant Overview and Scrutiny meetings and responding to Overview and Scrutiny Committee reports;
- j) make decisions as delegated to them by the Leader within the responsibility of the Cabinet member's portfolio;
- k) ensure appropriate consultation and liaison with partners and the community on matters within the scope of their portfolio.

2.10 Responsibilities of the Leader The Leader of the Council shall:

- a) chair the Cabinet.
- b) nominate a Deputy Leader.
- c) select the Cabinet members and determine their portfolios of responsibility, determine the size of and preside over and provide leadership and direction to the Cabinet.
- d) appoint committees and sub-committees of the Cabinet and determine their powers.
- e) represent and act as ambassador for the Council as Leader of the Council (recognising the role of the Mayor).
- f) have overall responsibility for:
 - i. policy development and design
 - ii. Ministerial and Members of Parliament liaison
 - iii. co-ordinate the decision-making process of the Cabinet and its Committees within the Budget and Policy Framework agreed by the Council.
 - iv. co-ordinate the Cabinet's preparation of draft proposals to amend or update the Budget and Policy Framework.
 - v. co-ordinate the preparation of the Annual Budget.
 - vi. represent the Council's views on matters of corporate or strategic policy and any other matters which are within the Leader's terms of reference.
 - vii. act in the place of any Cabinet member having delegated authority under this scheme. The portfolio responsibilities of the Leader can be found on the Council's website.

2.11 Scope of, and Limitations to, Individual Cabinet Member Decision Making

Cabinet members are empowered to make delegated decisions as determined by the Leader.

Cabinet members may take a Key Decision subject to the usual requirements in relation to Key Decisions (including advance publication) detailed in the Access to Information Procedure Rules.

Cabinet members may refer a decision to the Cabinet.

Cabinet members may delegate a function or decision to an officer. If a function is so delegated, the Cabinet member shall complete a written record.

If the Monitoring Officer, Chief Finance Officer or Chief Executive give advice that a decision would fall outside the powers of the Cabinet member, the Cabinet member

shall refer the matter to the Leader or the Cabinet.

Where it is not clear in which portfolio an issue sits, the Leader will decide.

2.12 Procedure for Taking Executive Decisions

Executive functions must be exercised in accordance with the Council's Budget and Policy framework subject to any discretions permitted by, and within any limitations imposed by, the Cabinet (Executive) Procedure Rules.

Decisions made by the Leader, Cabinet, an individual Cabinet member or a committee of the Cabinet, or Key Decisions made by an officer with delegated authority from the Executive, or under Joint Arrangements, shall be subject to the "Call-In" procedure as set out in the Overview and Scrutiny Procedure Rules at Part 3.

2.13 Committees of the Executive

The Leader or the Cabinet may delegate any of its functions to a committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet.

The Leader or the Cabinet may establish decision-making committees which may only include Cabinet members.

The Leader or the Cabinet may establish advisory committees, the membership of which need not be limited to Cabinet members. The Leader or the Cabinet may change them, abolish them, or create further ones, at its own discretion.

Committees established by the Leader or the Cabinet shall be empowered to perform these functions with immediate effect unless the Leader or the Cabinet impose any express restriction when they are established. Unless stated otherwise, all decision-making committees will continue in operation until expressly abolished by the Leader or the Cabinet and all advisory or consultative liaison committees will continue in operation only until the first meeting of the Cabinet in the next civic year following their establishment when they must be expressly renewed or the cease to exist.

All functions that have been delegated to a committee established by the Leader or the Cabinet can still be taken by the Cabinet as the parent body (where the Cabinet has delegated that function) or by the Leader either personally or in accordance with the Leader's delegation of those functions to an individual Cabinet member or an alternative committee of the Cabinet.

The establishment, abolition or cessation of committees and the amendment of their terms of reference will be reported to Full Council in due course.

F - Joint Arrangements

1. Committee Form and Structure

The Full Council may establish joint arrangements with other local authorities and/or their executives to exercise functions (which are non-executive functions in any of the participating authorities) or advise the Council.

The Leader may establish joint arrangements for executive functions. Joint arrangements may include appointing joint committees.

Joint arrangements will normally take one of two forms: the appointment of a joint committee of two or more authorities, or the delegation of functions by one authority to another.

If the joint committee is to discharge non-executive functions, it must be appointed by Full Council and appointments must reflect the political balance on the Council as a whole. If it is to discharge executive functions, it must be appointed by the Leader. They can only appoint Cabinet members to the joint committee (except where the joint committee involves five or more authorities or has to be set up under specific legislation). If it is to discharge a mix of non-executive and executive functions, it must be appointed by Full Council with the agreement of the Leader. In that case, if only one member is appointed, they can be, but need not be, a Cabinet member, but if more than one member is appointed then those appointed must include at least one Cabinet member, and the political balance rules do not apply.

The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority. The Leader may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

The decision whether or not to accept the delegation of non-executive functions from another local authority shall be reserved to a Full Council meeting.

The decision whether or not to accept the delegation of executive functions shall be taken by the Leader.

The Leader may contract-out executive functions to another body or organisation if this is allowed by an order under Section 70 of the Deregulation and Contracting Out Act 1994. Alternatively, the Leader or the Executive may enter into arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's decision-making.

The Council currently participates in one joint arrangement. The Joint Waste Collection Services Committee. The joint arrangement discharges the following functions:

- a) Arrangements arising from the joint contract for waste collection and street cleaning with other Surrey Districts/Borough and Surrey County Council, together with other functions delegated to it by Surrey County Council, all set out in the Inter-Authority Agreement and as amended from time to time.
- b) The Joint Committee has delegated to it:
 - i. Service charges and variations other than those which have a direct impact on stated policy
 - ii. Expenditure from annual budget
 - iii. Establishment of a contract management office
 - iv. Such other powers as may be delegated to it from time to time by the executives of the authorities. Council's website.

G - The Officer Scheme of Delegation

This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Officer Scheme of Delegation."

It is separated into four parts:

- Section 1: Introduction
- Section 2: General Delegations
- Section 3: Delegations to Chief Executive and Statutory Officers
- Proper Officer and Specified Officer functions.

SECTION 1 – INTRODUCTION TO THE OFFICER SCHEME OF DELEGATION

“Officers” is the term used to refer to the people employed, retained or appointed by the Council to advise and support Councillors and implement their decisions. The term “officers” in this Constitution includes all the people who operate in this capacity including contractors, consultants and agency staff.

The Council operates a “cascade” principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.

In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council and the Cabinet have delegated to officers all of the powers that they need to perform their roles.

Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as “Statutory” or “Proper” Officers and some have specific legal titles in addition to their job titles.

The way the Council structures its services and its officer arrangements changes from time to time to reflect changes in service delivery and best practice. The current arrangements include a Chief Executive/Head of Paid Service (as the most senior officer of the Council) supported by two other senior roles which are set out below and which together are referred to as the "chief officers":

- a) Chief Executive and Head of Paid Service
- b) Strategic Director & Deputy Chief Executive (Chief Finance Officer)

c) Strategic Director (Services)

The Head of Paid Service, the Chief Finance Officer (Section 151 Officer) and the Monitoring Officer are called "Statutory Officers" (because every Council is required by statute – the law – to have these posts).

It is possible (subject to any legal restrictions) for the roles of the Chief Finance Officer and/or the Monitoring Officer to be combined with another of the Chief Officer posts (or with other officer posts in the Council).

There are also a number of formal functions which the Council has to allocate to named officers called "Proper Officers".

The current managements structure of the Council, showing more detail about the roles and responsibilities of the Chief Officers, Statutory Officers and the officers supporting them to deliver all the Council's services is available on the Council's website.

1. General Principles Relating to Officer Delegation

For the purposes of officer delegated powers, both within this part and any other part of the Constitution, the term "Designated Officers" shall include the following officers:

- a) The Chief Executive
- b) Strategic Director of Resources & Deputy Chief Executive (Chief Finance Officer)
- c) Strategic Director of Services
- d) All Heads of Service

This scheme gives the power for the Designated Officers to take decisions in relation to all the functions in their areas of responsibility except where:

- a) a matter is prohibited by law from being delegated to an officer, or
- b) a matter has been specifically reserved to members or excluded from delegation by this scheme, by a decision of the Full Council, the Cabinet/Executive or a Committee or Sub-Committee.

No officer may take Key Decisions unless specifically provided for within the constitution or specifically delegated by the Leader, the Cabinet, a committee of Cabinet or a Cabinet member.

The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers either:

- a) through a Departmental Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas). There is a full list of the Departmental Schemes of Delegation available on the Council's website, or
- b) through a Specific Delegation in relation to an individual decision which must be evidenced in writing (email is considered in writing). A Specific Delegation does not need to be given where an officer is given delegated powers to action a particular decision by Council, Cabinet or a Committee or Sub-Committee.

2. General limitations on exercise of powers

Any matters falling within the scope of the Scheme will be subject to any limitation, imposed by statute, by the Full Council or Cabinet and/or any duly authorised Committee. In addition, in exercising these powers each Designated Officer:

- a) Will comply with relevant Procedure Rules including Financial Regulations and Contract Procedure Rules. In the event of any inconsistency or conflict between Financial Regulations and Contract Procedure Rules and these delegations then the former shall prevail. In the event that the inconsistency or conflict cannot be resolved by the application of this rule then the matter shall be settled by the Chief Executive with advice, where necessary and appropriate, from the Chief Finance Officer (Section 151 Officer) and/or the Monitoring Officer;
- b) Will not depart from any approved policies, scheme, or, any direction of the Full Council or Cabinet and/or appropriate Committee;
- c) Will consult the appropriate professional or technical officer of the Council; and
- d) Will take account of any Council Strategy and Budget and Policy Framework approved by Council in relation to the management functions for which they are authorised.

The exercise by officers of the powers delegated under this Constitution involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.

Any Designated Officer may, in any case, instead of exercising their powers under the Scheme, refer any matter to the Council, the Cabinet or Committee for decision.

SECTION 2 – GENERAL DELEGATIONS TO DESIGNATED OFFICERS

1. General

To exercise any functions, powers and duties of the Council to secure the effective management of their service areas including the authorisation of any procedures or contracts within the framework of Financial Regulations and Contract Procedure

Rules, and taking and implementing decisions to maintain the operational effectiveness of their service areas where these fall within a policy decision made by the Council or Cabinet.

To implement and develop initiatives within the strategic policy framework and other Council plans and policy documents.

To carry out, or authorise the carrying out, of the functions of the Proper Officer of the Council in any legislation relating to those areas of responsibility assigned to Designated Officers.

To exercise the general power of competence under the Localism Act 2011 subject to advice from Legal Services on each proposed exercise of these powers.

The power to place the services of any Council officers at the disposal of any person acting as the returning officer for an electoral area situated wholly or partly in the Borough.

2. Incidental powers

In addition to any of their general and/or specific delegated functions and powers set out below, to enter into arrangements or do anything else which is calculated to facilitate, or is conducive or incidental to, the discharge of such delegated functions.

3. Service Performance

To arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and to involve representatives of local persons in the exercise of Council functions.

To enter into any agreement with any other public body for the supply of goods and services subject to this being in accordance with the Council's Budget and Policy Framework, Financial Regulations and Contract Procedure Rules.

To make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council.

4. Legal

To authorise, institute, prosecute, defend, compromise, or adjourn any form of legal proceedings or enforcement functions or statutory procedure or claim and to make or

defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests, subject to advice from Legal Services and the agreement of the Monitoring Officer as appropriate.

Subject to the agreement of the Monitoring Officer, to authorise officers to prosecute or defend or to appear on the Council's behalf in proceedings before any Court or Tribunal.

To prepare, issue and serve any statutory notice, demand, certificate, order, or requisition for information in respect of functions in their area, including the authentication of such documents save that the authentication of documents necessary for any legal procedure or proceedings is reserved to the Monitoring Officer.

To authorise officers to enter and/or inspect any land or premises in respect of which the Council has a statutory power or duty to enter or inspect including the obtaining and enforcement of a search warrant.

To authorise any officer exercising a power to enter and/or seize items found on premises to exercise the powers of seizure, to give the required notice and to perform the duties to return certain items seized and to secure certain items seized.

To apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of their responsibilities.

To authorise the institution of any process or proceedings for administering or enforcing the functions of the Council.

To certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings.

To authorise the recovery by legal proceedings of any sum to which the Council is entitled.

To take the action necessary to comply with any Court Order made against the Council.

To appoint officers as authorised officers for any statutory purpose.

To accept, hold and administer any property on trust (in consultation with the Monitoring Officer and Chief Finance Officer (Section 151 Officer)).

5. Personnel Matters:

Exercising all Human Resources functions in accordance with agreed procedures and

policies and subject to the agreement of Corporate Management Board as required, including:

- a) Taking all decisions relating to changes to the establishment; save in relation to the Corporate Management Board which is delegated to the Chief Executive. All such changes are to be contained within existing budgets and in accordance with agreed procedures and legislative requirements
- b) Power to designate posts as casual or essential car users in accordance with agreed procedures
- c) Power to defray expenses properly incurred by an officer of the Council
- d) Extension of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements
- e) Approval of extension of special leave with pay
- f) Extensions of accident pay beyond the national, provincial or local agreements
- g) Grant of honoraria and where relevant ex-gratia payments to employees
- h) Approval to changes to grades on various scales/conditions for all employee groups subject to the agreement of Corporate Management Board and save in relation to chief officers
- i) Re-designation of posts subject to normal consultative procedures
- j) To consider requests from employees to engage in any other regular employment for which payment is received
- k) Decisions not to reclaim maternity pay
- l) Deletion of vacant and creation of new posts
- m) Appointments to posts in accordance with agreed procedures and pay scales, save in relation to chief officers and save in relation to Heads of Service or equivalent it is subject to consultation with the Leader
- n) Power to authorise recruitment and retention terms for individual posts save in relation to chief officers
- o) Disciplinary/capability action, save in relation to the Corporate Management Board which is delegated to the Chief Executive, in accordance with agreed procedures. The Chief Executive shall act in accordance with the Officer Employment Procedure Rules.
- p) Dismissals of officers, save in relation to chief officers and Statutory officers.
- q) The power to approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme is delegated to the Chief Finance Officer, save in relation to chief officers.
- r) Approval of settlements for individual post holders, at termination of employment or in legal proceedings including those reached by settlement agreement, subject to the approval of the Corporate Management Board save in relation to chief officers and statutory officers.
- s) Exercising of discretions in accordance with Council policy pursuant to the

Local Government Pension Scheme Regulations 2013

- t) Approval of payment of allowances to employees
- u) Approval of more than 5 days carry-over of annual leave to the following leave year.

6. Administrative Matters

Power to waive charges where justified in exceptional circumstances and where this is legally permissible.

7. Finance

Officers are referred to the Financial Regulations.

8. Contracts

Officers are referred to the Contract Procurement Rules.

9. Property Matters

Any decision concerning the management or use of land held for the operational requirements of the officers of a service area, subject to the following provisions

Powers to take any action or sign any document under the Land Registration Rules, including the release of mortgages or charges; and powers to give any undertaking are reserved to the Monitoring Officer

Subject to the agreement of the Strategic Director & Deputy Chief Executive, the power to acquire or dispose of any land or property with a capital value below £250,000 except by use of compulsory powers or in advance of identified requirements.

Subject to the agreement of the Strategic Director & Deputy Chief Executive, the power to take or grant a lease or licence or any wayleave or easement of or over any land or property for any period where the rent or consideration is less than £250,000 per annum.

Subject to the agreement of the Strategic Director & Deputy Chief Executive, the power to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme.

The power to survey land which the Council proposes to acquire compulsorily

The power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying,

managing or having an interest in the land.

10. Emergencies (e.g. flooding, power failure etc.)

Where an emergency or disaster involving destruction of or danger to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster, all Designated Officers may:

- a) incur such expenditure as is considered necessary in taking action (either by the Council itself or jointly with any other person or body and either in their area or elsewhere in or outside the United Kingdom) which is calculated to avert, alleviate or eradicate in the Borough or among its inhabitants the effects or potential effects of the event; and
- b) make grants or loans to other persons or bodies in respect of any such action taken by those persons or bodies, subject to ratification where necessary, as soon as possible.

The preparation of Civil Emergency Plans for the Council, in consultation with all necessary outside bodies and organisations.

11. Energy and Climate Change

When carrying out any of the Council's functions:

- a) To promote the Council's policies relating to climate change from time to time in force
- b) To have regard to the most recent energy measures report from central government

To have regard to the Council's strategies for the Environment, Climate Change and Energy.

12. Responding to consultations and proposals

To respond to consultations and to make comments and representations on matters notified to the Council by third parties including (but not limited to) Government Departments, statutory undertakers and local authorities, in consultation with the relevant Cabinet member.

13. Submission of grant funding bids

To submit bids for grant funding and/or other financial assistance to Government departments and other organisations and bodies for projects and initiatives consistent with Council policies, following consultation with the relevant Cabinet member, and to

enter into any such agreements and arrangements as necessary to secure such funding, in accordance with the Contract Procurement Rules.

14. Complaints

To take action regarding complaints received

To settle any Ombudsman / Complaint Cases:

- a) cases of alleged maladministration where there has not been a finding of maladministration by the Ombudsman
- b) complaints that have been brought against the Council under any of its internal complaints procedures in conjunction with the Monitoring Officer
- c) To approve compensation payments to remedy complaints in accordance with the Council's Complaints Procedure and Financial Regulations.

15. Attestation of the Common Seal of the Council

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed or where required by the Contract Procurement Rules.

The affixing of the Seal on documents shall be attested by any one of the following officers:

- a) Chief Executive;
- b) Monitoring Officer;
- c) Chief Finance Officer;
- d) or any officer authorised by them either in relation to a specific document or particular categories of documents.

SECTION 3 – DELEGATIONS TO THE CHIEF EXECUTIVE AND STATUTORY OFFICERS

The Council is required to designate a number of officers to discharge statutory functions. The legal provisions and the officer designated by the Council to discharge each function are listed in the table below. Further detail about the responsibilities of the Chief Executive and each statutory officer then follows. A table of designated

Proper Officers is set out below:

Legislative Provision	Statutory power the Council must delegate to an officer	Officer designated as the statutory officer
S4 Local Government and Housing Act 1989	Designate one of their officers as the Head of Paid Service	Chief Executive
S151 Local Government Act 1972	Appoint an officer responsible for the administration of the authority's financial affairs	Strategic Director & Deputy Chief Executive
S5 Local Government and Housing Act 1989	Designate one of their officers as the Monitoring Officer	Head of Legal & Governance
S36 Freedom of Information Act 2000	Qualified Person	Head of Legal & Governance

1. Functions delegated to the Head of Paid Service (Chief Executive)

To act as the Council's statutory Head of Paid Service pursuant to section 4 Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Head of Paid Service under the Council's Constitution generally.

Where they consider it appropriate to do so, to prepare a report to the authority setting out their proposals as to:

- a) the manner in which the discharge by the authority of their different functions is co-ordinated;
- b) the number and grades of staff required by the authority for the discharge of their functions;
- c) the organisation of the authority's staff;
- d) the appointment and proper management of the authority's staff.

To be responsible for and take action in relation to corporate strategy, policy initiatives and integrated planning and service delivery.

The corporate management of the Council and, specifically:

- a) Advice to the Council on the Policy Framework
- b) Preparation of, and consultation on, the draft of the Forward Plan on a monthly basis
- c) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Full Council and the Executive shall determine.

As required to exercise any function delegated to any other officer of the Council, with the exception of those functions delegated exclusively to the Council's Chief Finance Officer (s151 Officer) or the Monitoring Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Designated Officer, the Chief Executive shall have the authority to determine which Designated Officer is to exercise that power.

The authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.

The power to determine that an emergency has occurred, namely, an event or situation which threatens serious damage to human welfare or to the environment in the Borough or war or terrorism which threatens serious damage to the security of the United Kingdom.

The power to incur expenditure and take any necessary action within local authority statutory functions, including jointly with other authorities, in the event of an emergency.

To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of an emergency.

In the event that the Chief Executive is absent or unable to act for any reason, the Deputy Chief Executive may exercise these powers. In the event that the Deputy Chief Executive is absent or unable to act for any reason, the powers in paragraphs g. h. & i above may be exercised by any other chief officer who is available to act.

To take urgent Key Decisions in place of the Executive in accordance with the Cabinet (Executive) Procedure Rules at Part *.

In the event that all members of the Cabinet are removed from office, to exercise all

Executive functions in consultation with the Mayor until a new Cabinet has been appointed.

To discharge the functions of Electoral Registration Officer, electoral Returning Officer in local elections and Acting Returning Officer in parliamentary elections.

The review of electoral arrangements and Borough boundaries.

Taking all decisions relating to changes to the establishment for all staff including the Corporate Management Board and statutory officers, such changes to be contained within existing budgets and in accordance with agreed procedures and legislative requirements and in relation to additional posts or removal of posts at Head of Service or equivalent or above this will be subject to consultation with the Leader

To make all necessary amendments to the Council's human resources policies to ensure their accuracy, legal and best practice compliance.

To take disciplinary action, not including dismissal, against any members of the Corporate Management Board or any statutory officer. In the case of the Monitoring Officer and Chief Finance Officer to act in accordance with Officer Employment Procedure Rules in Part * of the Constitution and agreed procedures.

2. Functions delegated to the S151 Chief Finance Officer (Strategic Director (Resources) and Deputy Chief Executive)

To act as the Council's statutory Chief Finance Officer pursuant to section 114A Local Government Finance Act 1988 and carry out the responsibilities assigned to the Chief Finance Officer under the Council's Financial Regulations and under the Constitution generally, including carrying out all Treasury Management functions and activities in accordance with the approved Treasury Management Strategy.

To make arrangements for the proper administration of the Council's financial affairs in accordance with section 151 Local Government Act 1972.

To contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Maintaining strong financial management underpinned by effective financial controls by:

- a) Advising on effective systems of internal management and financial control;
- b) Ensuring that financial management arrangements are sound and effective;

- c) Ensuring a prudential financial framework is in place;
- d) Ensuring that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls;
- e) Securing effective arrangements for prudential borrowing, treasury management, pensions and trust funds;
- f) Ensuring there is an effective internal audit function and assisting management in providing effective arrangements for financial scrutiny;
- g) Advising on anti-fraud and anti-corruption strategies and measures;
- h) Securing effective systems of financial administration; and
- i) Ensuring that statutory and other accounts and associated claims and returns in respect of grant are prepared.

To approve the detailed format of the financial plan and the revenue budget prior to approval by the Full Council.

To approve the annual calculation of the Council's Council Tax requirement in accordance with section 31A Local Government Finance Act 1992.

To report annually to Council on the robustness of the budget and adequacy of reserves as required by section 25 Local Government Act 2003.

To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to Council officers and members.

To report to members, in consultation with the Monitoring Officer, if there is or there is likely to be unlawful expenditure or an unbalanced budget as required by sections 111-116 Local Government Finance Act 1988.

To establish and maintain the general fund and collection fund of the authority in accordance with the provisions of the Local Government Act 1988.

To manage the capital programme flexibly and to make adjustments to the phasing of approved projects within the limits of available capital resources.

To approve the draft Council's Accounts and Accounting Policies by 30 June each year in accordance with the Accounts and Audit (England) Regulations 2015

To approve the terms of release of staff aged 55 or over and made redundant or retired early with a claim on the pension scheme, in accordance with agreed procedures, save in relation to chief officers.

To write off uncollectible debts relating to Council Tax, Non-Domestic Rates, Housing

Benefit and the management of tenanted

- a) properties (up to the level equivalent to four months' rent). All debts written off this way would be reported to Cabinet for information through the quarterly reporting procedures.

3. Functions delegated to the Monitoring Officer (Head of Legal & Governance)

To act as the Council's statutory Monitoring Officer pursuant to section 5 and 5A Local Government and Housing Act 1989 and carry out the responsibilities assigned to the Monitoring Officer under the Council's Constitution generally.

To ensure that the Council, its officers and its elected Councillors maintain the highest standards of conduct.

To contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

To establish and maintain the Councillors' Code of Conduct, dealing with the conduct that is expected of Councillors and co-opted members of the authority when they are acting in that capacity.

To establish and maintain a register of interests of Councillors and co-opted members of the authority in accordance with the provisions of the Localism Act 2011.

To contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee.

To consider complaints against Councillors including conducting investigations into matters as appropriate and the making of reports or recommendations in respect of them to the Audit and Standards Committee.

To provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to Council officers and councillors.

To report to Councillors on any actual or potential breaches of the law or maladministration as required by section 5 Local Government Housing Act 1989.

To advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

To be responsible for the maintenance and operation of the Council's Constitution.

The Monitoring Officer has authority to make minor amendments and corrections to the Constitution to ensure that:

- a) legislative references are updated;
- b) it reflects the Council's structures and decision-making requirements;
- c) consequential amendments are made as a result of Council, Executive (Leader, Cabinet, Cabinet Member) and Committee decisions;
- d) it is clear and unambiguous and maintains efficiency of operations; and any other required changes are made as appropriate. The Monitoring Officer shall report changes pursuant to this part to the next available meeting of the Full Council.

To advise and assist the Head of Democratic Services with the proper performance of the Access to Information Procedure Rules.

To fulfil the requirements of the 'qualified person' in relation to section 36 of the Freedom of Information Act 2000.

To authorise, institute, prosecute, defend, compromise, settle or adjourn any form of legal proceedings or enforcement functions or statutory procedure or claim or arbitration and to make or defend any appeal in criminal or civil proceedings where such action is desirable to protect the Council's interests.

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

- a) The right of access to all documents and information held by or on behalf of the Council, including documents and information held by any officer or member of the Council. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political group represented on the Council;
- b) The right of access to any meetings of officers or members (or both) of the Council, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council;
- c) The right to require any officer or member of the Council, or any contractor of the Council, to provide an explanation of any matter under investigation;
- d) The right to require the assistance of any officer of the Council in carrying out an investigation and to delegate to that officer any of the powers of the post of Monitoring Officer;

- e) A power to mediate a local resolution to any complaint of breach of the Council's Councillors' Code of Conduct, in accordance with the Council's relevant procedures;
- f) The right of access to the Head of the Paid Service (the Chief Executive), relevant Directors and the Chief Finance Officer;
- g) The right, after consultation with the Head of the Paid Service (the Chief Executive) and/or the Chief Finance Officer where appropriate to notify the Police, the Council's auditors and other regulatory agencies of their concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions; and
- h) The right to obtain legal advice at the Council's expense, either internally or from an independent external solicitor or barrister, on any matter which they believes necessitates the same, and sufficient financial resource to enable them to do so.

H - Proper Officer and Specified Officer Functions

Many legislative provisions require the appointment of a "Proper Officer" or "Specified Officer" to undertake formal responsibilities on behalf of the Council.

Statutory provisions and regulations are from time to time amended, replaced or re-enacted. When a statutory provision or regulation is amended, replaced or re-enacted, the appointments in the table below shall be effective in relation to the corresponding new provision.

Substitutes are identified to act where the Proper Officer is absent or otherwise unable to act.

The Chief Executive shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless:

- a) such designation is given by the Council to any other officer or
- b) the Chief Executive/Head of Paid Service, exercising the powers given to them by this Constitution, appoints another officer of the Council to be the Proper Officer for a specific service area or function.

SPECIFIED OFFICERS

Statutory requirement	Allocated to	Substitute
Local Government and Housing Act 1989 Section 4	Chief Executive	Deputy Chief Executive
Representation of the People Act 1983 Section 8 Electoral Registration Officer	Chief Executive	Deputy Chief Executive
Representation of the People Act 1983 Section 28 Acting Returning Officer (Parliamentary)	Chief Executive	Deputy Chief Executive
Representation of the People Act 1983 Section 35 Returning Officer (Local Elections)	Chief Executive	Deputy Chief Executive
Local Government Act 2000 Section 9FB Scrutiny Officer	Policy & Performance Service Manager	Policy Manager
Local Government and Housing Act 1989 Section 5 Monitoring Officer	Monitoring Officer	Deputy Monitoring Officer
Local Government Act 1972 Section 151 Chief Finance Officer	Deputy Chief Executive	Deputy Chief Finance Officer

A table of designated Proper Officers is set out below:

Section of the Local Government Act 1972 and Proper Officer Functions	Proper Officer	Alternative Proper Officer
Section 83 (1) to (4) Witness and receipt of Declarations of	Chief Executive	Deputy Chief Executive

Acceptance of Office		
Section 84 Receipt of Declaration of Resignation of Office	Chief Executive	Deputy Chief Executive
Section 86 Declare any vacancy in office	Chief Executive	Deputy Chief Executive
Section 88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chair	Chief Executive	Deputy Chief Executive
Section 89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Chief Executive	Deputy Chief Executive
Section 99 Signature of summons to council meetings	Chief Executive	Monitoring Officer
Section 100B Exclusion of reports, etc. from inspection	Monitoring Officer	Deputy Monitoring Officer
Section 100C Written Summary where minutes would disclose exempt information	Monitoring Officer	Deputy Monitoring Officer
Section 100D Compilation of list of background papers	Monitoring Officer	Deputy Monitoring Officer
Section 100F Exclusion from production to Councillors of documents disclosing exempt information	Monitoring Officer	Deputy Monitoring Officer
Section 115 (2) Receipt of money due from officers	Head of Finance	Deputy Chief Executive
Section 146 (1) (a) and (b) Declarations and service with	Head of Finance	Deputy Chief Executive

regard to securities		
Section 191 Functions with respect to Ordnance Survey	Head of ICT	Deputy Chief Executive
Section 210 (6) and (7) Charity functions of holders of offices with existing authorities transferred to holders of equivalent offices with new authorities or, if there is no such office, to Proper Officer office, to Proper Officer	Chief Executive	Deputy Chief Executive
Section 223 Authorise officers to appear in legal proceedings	Monitoring Officer	Deputy Monitoring Officer
Section 225 (1) Receipt and retention of documents deposited with the Authority	Chief Executive	Deputy Chief Executive
Section 228 (3) Making accounts open to inspection by any Councillor of the Authority	Head of Finance	Deputy Chief Executive
Section 229 (5) Certification of Photographic copies of Documents	Chief Executive	Deputy Chief Executive
Section 234 Authentication of Documents	Chief Executive	Deputy Chief Executive
Section 234 Officer authorised to sign forms of notice to give effect to planning applications	Head of Planning & Environmental Health	Strategic Director (Services)
Section 236 (9) To send copies of byelaws to Parish	Monitoring Officer	Deputy Monitoring Officer

Council		
Section 238 Certification of byelaws	Monitoring Officer	Deputy Monitoring Officer
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Chief Executive	Monitoring Officer
Schedule 12, Para 4 (3) Receipt of notice regarding address to which summonses to meetings are to be sent	Chief Executive	Head of Democratic Services
Schedule 14, Para 25 (7) Certifying resolutions applying or dis-applying provisions of Public Health Acts 1875-1961	Chief Executive	Deputy Chief Executive
Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972	Proper Officer	Alternative Proper Officer
Section 100B (2) Exclusion of whole or part of reports from public inspection	Head of Democratic Services	Monitoring Officer
Section 100B (5) Withholding of reports containing exempt information	Head of Democratic Services	Monitoring Officer
Section 100B (7) (c) Supply of papers to press	Head of Democratic Services	Monitoring Officer
Section 100C (2) Summaries of Minutes	Head of Democratic Services	Monitoring Officer
Section 100D Inspection of	Head of Democratic	Monitoring Officer

background papers	Services	
Section 100F Members' right to papers	Head of Democratic Services	Monitoring Officer
Section of the Local Government Finance Act 1988 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 114 Duty to report etc	Deputy Chief Executive	Head of Finance
Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Part 1 and regulations made thereunder	Chief Executive	Deputy Chief Executive
Section 2 and Section 3 Preparation and deposit of politically restricted posts and issue of certificate in respect of politically restricted posts	Chief Executive	Deputy Chief Executive
Section of the Party Wall etc Act 1996 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 10(8) Appointing Officer	Chief Executive	Strategic Director (Services)
Health Protection (Notification) Regulations 2010 Public Health (Control of Infectious Diseases) Act 1984 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Proper Officer functions including the issuing of any	Director of Public Health and the Consultant/	

notice on behalf of the local authority under Regulations 2, 3 and 6 of the Health Protection (Notification) Regulations 2010 and functions for the purposes of the Milk and Dairies (General) Regulations 1959 including the issuing of notices on behalf of the authority as provided for by Part VII of those Regulations	Specialist or Nurse Specialist in Health Protection	
Section of the Public Health Act 1936 and the Public Health Act 1961	Proper Officer	Alternative Proper Officer
Sections 84 and 85 of the Public Health Act 1936 and Section 37 of the Public Health Act 1961 Proper Officer functions	Director of Public Health and the Consultant/ Specialist or Nurse Specialist in Health Protection	
Section of the Food Safety Act 1990	Proper Officer	Alternative Proper Officer
Section 5 Authorised officer to act in matters arising under the Act	Strategic Director (Services)	Head of Planning & Environmental Health
Section 27 Nomination of a Public Analyst	Strategic Director (Services)	Head of Planning & Environmental Health
Section 49 Signature on documents authorised or required under the Act	Strategic Director (Services)	Head of Planning & Environmental Health
Local Government Act 2000 and Regulations made thereunder and Proper Officer functions	Proper Officer	Alternative Proper Officer

Proper Officer Functions	Chief Executive	Deputy Chief Executive
Section of the Freedom of Information Act 2000 and Proper Officer Functions	Proper Officer	Alternative Proper Officer
Section 36 the “qualified person”	Monitoring Officer	Deputy Monitoring Officer
Section of the Regulation of Investigatory Powers Act 2000 and Proper Officer Functions	Proper Officer	Alternative Proper Officer
Part II Authorised Officers who may authorise, review or cancel the carrying out of directed surveillance or to use of covert human intelligence sources	Chief Executive Deputy Chief Executive Strategic Director (Services) Monitoring Officer	
Part II Senior Responsible Office	Monitoring Officer	
Miscellaneous: Statutory Provision and Proper Officer Functions	Proper Officer	Alternative Proper Officer
Section 67 Agriculture Act 1970 Authorised officer for appointment of Agricultural Inspectors and Agricultural Analysts	Strategic Director (Services)	Head of Planning and Environmental Health
Health and Safety at Work etc Act 1974 Service of Improvement and Prohibition Notices	Head of Planning and Environmental Health	Authorised Environmental Health Officer
Section 41 Local Government	Chief Executive	Deputy Chief Executive

(Miscellaneous Provisions) Act 1976 Certifying true copies of minutes		
Section 61 Building Act 1984 Receive notification of and having free access to repairs of drains	Strategic Director (Services)	Head of Planning and Environmental Health
Section 149 Environmental Protection Act 1990 Discharging functions relating to stray dogs	Head of Planning and Environmental Health	Strategic Director (Services)
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990 Lists of protected buildings	Strategic Director (Services)	Head of Planning and Environmental Health
Housing Grants Construction and Regeneration Act 1996 Award of Disabled Facilities Grants	Strategic Director (Services)	Head of Community Services
Executive Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 Financial assistance towards improvement works	Deputy Chief Executive	Head of Housing
Proceeds of Crime Act 2002 Part 7 Nominated Officer to receive disclosures of suspected Money Laundering	Head of Finance	Deputy Chief Executive
Section 3 Housing Act 2004 Receipt and inspection of complaints of category 1 and 2 hazards on residential premises	Head of Planning and Environmental Health	Strategic Director (Services)

Section 69 Data Protection Act 2018 Designation of Data Protection Officer	Monitoring Officer	
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