



Nottingham
City Council

Part 2

Responsibility for Functions

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Section 1

Introduction

This section of the Constitution sets out who is responsible for the various functions of the Council. The Local Government Act 2000 divides the Council's functions into the following categories:

1. Council (non-executive) Functions
2. Local Choice Functions
3. Executive Functions

Section 2

Council (non-executive) Functions

'Non-executive' functions are powers and duties that under statute are not the responsibility of the Executive Board or Executive Councillors. The power to exercise non executive functions is either reserved to full Council or delegated by full Council to committees, Corporate Directors or other specified officers. There are some non-executive functions that can only be the responsibility of the full Council and cannot be delegated to another body.

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

- (i) Development Control Committee
- (ii) Regulatory and Appeals Committee
- (iii) Licensing Committee
- (iv) Audit Committee
- (v) Appointments and Conditions of Service Committee
- (vi) Standards Committee
- (vii) Standards Assessment Sub-Committee
- (viii) Standards Hearings Sub-Committee
- (ix) Standards Review Sub-Committee

The terms of reference of these Committees and their delegated powers are set out later in this Part of the Constitution.

Where the Council has delegated responsibility for the discharge of non-executive functions to officers, these delegations will appear in the Scheme of Delegation.

Section 3

Local Choice Functions

Local Choice Functions

Local choice functions are mainly set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the “Functions Regulations”). These functions may be, but need not be, the responsibility of the Council's executive. This means that the Council can decide whether the function is to be the responsibility of the Executive (an ‘executive function’) or the responsibility of the Council (a ‘non executive’ function).

Having regard to government guidance full Council has decided that the local choice functions will be executive or non-executive as set out in the schedule below. Where a function is allocated to the Executive Board, the Board will be able to delegate decisions within that function to a committee or sub-committee of itself or to an officer. Similarly, where a function is allocated to the Council, the Council may delegate it to a committee or sub-committee or to an officer.

Local Choice Function	Status of Function ‘Executive’, ‘Non-Executive’
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities Functions Regulations.	Executive
2. The determination of an appeal against any decision made by or on behalf of the authority (other than employee dismissals).	Non-Executive
4. The making of arrangements pursuant to section 52 of the Education Act 2002 and the Education (Pupil Exclusions and Appeals (Maintained Schools) (England) Regulations 2002 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (making arrangements for appeals against exclusion of pupils).	Executive
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (making arrangements for admission appeals).	Executive
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive
7. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Non-Executive

Local Choice Function	Status of Function 'Executive', 'Non-Executive'
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Non-Executive Full Council appoint City Councillors to the Joint Committee for appointments to the Nottinghamshire Police Authority.
10. Any function relating to contaminated land.	Executive
11. The discharge of any function relating to the control of pollution or the management of air quality.	Executive
12. The service of an abatement notice in respect of a statutory nuisance.	Executive
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive
14. The inspection of the authority's area to detect any statutory nuisance.	Executive
15. The investigation of any complaint as to the existence of a statutory nuisance.	Executive
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive
17. The making of agreements for the execution of highways works.	Executive
18. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive
19. The appointment of any individual - (a) to any office other than an office in which he/she is employed by the Council; (b) to any body other than - (i) the Council; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Executive

Local Choice Function	Status of Function 'Executive', 'Non-Executive'
20. The making of agreements with other local authorities for placing staff at the disposal of those other local authorities.	Executive
22. Functions under sections 106, 110, 111, 113 of the Local Government and Public Involvement in Health Act 2007 relating to local Area Agreements	Executive
23. Unless specifically catered for elsewhere, the adoption or approval of any plan or strategy relating to the Licensing and Regulatory functions listed in Part B of Schedule 1 of the Functions Regulations 2000.	Non- Executive

Section 4

Executive Functions

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

- (i) the Executive; or
- (ii) by another Executive Councillor; or
- (iii) by a committee of the Executive; or
- (iv) by an officer of the Council.

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.

Where joint arrangements with one or more other local authorities in respect of the discharge of an executive function cease or have ceased to have effect by virtue of the Council or another local authority operation or beginning to operate executive arrangements, the Leader shall have power to make new joint arrangements to discharge those functions jointly with other local authorities and/or the executives of other local authorities, as appropriate.

In exercising delegated powers officers must have regard to the principles set out in the Introduction to the Scheme of Delegation.

Where the Leader delegates the discharge of executive functions to the Executive, the Executive may arrange for the discharge of any of those functions by a committee of the Executive or an officer of the authority.

Any arrangements made for the discharge of executive functions by an officer or committee of the Executive by the Leader do not prevent the Executive or Leader from exercising those functions.

Any arrangements made for the discharge of executive functions by an officer, committee of the Executive, or under executive joint arrangements with other local authorities by the Leader, do not prevent the Executive or Leader from exercising those functions.

Section 5

Committee Terms of Reference

- 1.1 The purpose of this section is to set out the detailed terms of reference and membership of the formal decision-making and scrutiny bodies of the Council.
- 1.2 For non-executive business, only full Council can establish committees and agree and amend terms of reference, determine their composition and make appointments to them, unless delegated elsewhere in the Council. However, where in-year changes to memberships are required, either at the request of the relevant political group or because a member has resigned or ceased to be eligible for membership, the Deputy Chief Executive/Corporate Director of Resources has the authority to action those changes subject to political balance being preserved where applicable and to the changes made being reported to the next meeting of the committee/board concerned. Details of membership will be updated and published on the Council's website on an ongoing basis.
- 1.3 Where a Councillor fails to attend three consecutive meetings of any Council committee/board/panel to which they have been appointed (other than full Council) without giving a reason for that absence, Council should consider the removal of that Councillor from membership of the committee/board/panel concerned.
- 1.4 Up to six substitutes may be appointed by each political group for each committee, sub-committee or panel etc, with the exception of those for which substitutes are not permitted.
- 1.5 The quorum for meetings of the City Council is 14 in accordance with statutory requirements and for all other meetings is 3, unless otherwise determined by Council or the Leader/Executive Board (for executive business). Having regard to the provisions as to Councillor attendance at meetings as set out in paragraph 1.3 above and also because it has the least number of ward councillors, the quorum for Bridge, Dunkirk and Lenton (Area 8) Committee has been fixed at 2 and the quorum for the Executive Board Commissioning Sub-Committee has been fixed at 2.
- 1.6 Councillors attending meetings of any bodies established by the Council and the Executive must declare any personal interest they have in any matter which is being considered at the beginning of the meeting or when the interest becomes apparent. The Members' Code of Conduct set out in Part 6 explains members' obligations in this respect in more detail.
- 1.7 Reports considered at these meetings are generally provided by the Council's officers. However, Councillors on any Board, Committee or Sub-Committee may submit a report relevant to its remit to the Deputy Chief Executive/Corporate Director of Resources who will include it in the agenda for the next available meeting of that body.
- 1.8 Below is list of the Council committees/boards/panels, the terms of reference and protocols for which are contained within this section:

Development Control Committee
 Licensing Committee
 Licensing Panels
 Audit Committee
 Trusts and Charities Committee
 Appointments and Conditions of Service Committee
 Regulatory and Appeals Committee
 Council
 Executive Board
 Executive Board Commissioning Sub Committee
 Corporate Parenting Board
 Overview and Scrutiny Committee
 Overview and Scrutiny Call-in Panel
 Health Scrutiny Panel
 Scrutiny Review Panels
 Joint City and County Health Scrutiny Committee
 Standards Committee
 Standards Assessment Sub-Committee (and Assessment Criteria)
 Standards Hearings Sub-Committee
 Standards Review Sub-Committee
 Area Committees
 City Centre Area Committee
 Joint Committee for Strategic Planning and Transport
 East Midlands Shared Services Joint Committee
 Greater Nottingham Light Rapid Transit Advisory Committee
 Health and Wellbeing Board

- 1.9 Agendas and minutes of these committees/boards/panels are published on the Council's website or, where not available on-line, can be obtained by contacting Constitutional Services (telephone: 0115 8764305). All information is published save that which is exempt or confidential under the Local Government Act 1972 (and subsequent Acts and regulations). An explanation of exempt and confidential information can be found in Part 4 of the Constitution – Procedures and Standing Orders under Access to Information.
- 1.10 The Licensing Committee and its Panels are appointed by the Council acting in its capacity as a Licensing Authority under the Licensing Act 2003. The Local Government Act provisions relating to Committees (e.g. political balance, publication of agenda and access to information, etc) do not apply to the Licensing Committee and its Panels which operate under the provision of the Licensing Act 2003, the Gambling Act 2005 and secondary legislation made under them.

Development Control Committee

- (a) All functions of the Council as a Local Planning Authority, except for matters reserved to or falling solely within the remit of Full Council or Executive Board. e.g. as The Development Plan forms part of the Council's policy framework the Executive Board is responsible for formulating the Development Plan, for approval by full Council, and in doing so will consult the Development Control Committee.
- (b) to exercise the functions of the Council relating to the regulation of the use of highways, street works and rights of way as set out in Schedule 1 of the Functions Regulations (including all powers of enforcement).
- (c) To exercise the functions of the Council in relation to the registration of town and village greens and common land except where the power is exercisable solely for the purpose of giving effect to:
 - (i) an exchange of lands effected by an order under either section 19(3) of or paragraph 6(4) of Schedule 3 to the Acquisition of Land Act 1981; or
 - (ii) an order under section 147 of the Inclosure Act 1845.

e.g. Executive Board is responsible for formulating the Development Plan, for approval by full Council, and in doing so will consult the Development Control Committee.

The Development Control Committee is accountable to Council, has 15 members (politically balanced) and usually has 12 meetings per annum. Whilst a number of delegations to Officers exist the following matters must be referred to the Committee:-

- (i) No application can be determined by officers where the decisions would be:
 - contrary to the provisions of the Development Plan;
 - contrary to approved City Council planning policy;
 - contrary to a previous decision of the Development Control Committee; orcontrary to a recommendation of any statutory consultee;
- (ii) items which give rise to complex or sensitive issues should be referred to committee for determination. Applications for A3, A4 and A5 uses are considered to be sensitive in all cases. All planning applications made by, or on behalf of Councillors, are considered to be sensitive, requiring determination by the Development Control Committee;
- (iii) although applications requiring Section 106 agreements are often complex or sensitive, Development Control Committee have granted delegated powers to enter into agreements required in connection with straightforward planning applications, provided that such agreements are being negotiated in accordance with approved planning guidance. 'Non standard' agreements remain a Committee matter.

Licensing Committee

To undertake those functions of the Licensing Authority prescribed by the Licensing Act 2003 and the Gambling Act 2005, including the power to prescribe fees under section 212 of the Gambling Act 2005.

The Committee is accountable to Council (as Licensing Authority), has between 10 and 15 members (not politically balanced) and meets as and when required.

The Licensing Committee has established a Special Licensing Panel (to consider complex or contentious licensing applications and reviews of licences) and a number of “ordinary” Licensing Panels to deal with all other contested applications except:

- where representations are received relating to ‘cumulative impact’. Cumulative impact other than in a designated Saturation Zone;
- any contested application which a Panel feels should be referred to the main Committee.

Licensing Panels

To determine contested applications under the Licensing Act 2003 and Gambling Act 2005.

Licensing Panels are accountable to the Licensing Committee, have 3 members (derived from the Licensing Committee and not politically balanced), and meet as they are required.

Special Licensing Panels:

- (a) Comprises the three Chairs of the Licensing Panels, with the ability to use one non-Chair substitute to be drawn from the membership of the full Committee;
- (b) meets as required to determine complex or contentious licensing applications and to determine reviews of licences in accordance with the allocation procedure agreed by the Licensing Committee.

Note: The Licensing Officer/Manager is responsible for the referral of applications and reviews to the Special Licensing Panel following consultation with the Chair and Vice-Chair of the Licensing Committee.

Licensing Decision Making – List of Delegated Functions

The Authority, in the majority of cases, follows the table of delegated functions set out below. However, in circumstances where it seems appropriate to the Authority, any particular matter may be dealt with otherwise than is indicated in this table whilst having due regard to statutory requirements. For example, an officer may choose not to exercise their delegated power and refer the matter to the Panel or the Panel itself may choose to refer the matter to the Full Committee.

Matter to be dealt with	Full Licensing Committee	Licensing Panel	Officer Decision*
<u>Licensing Act 2003</u>			
Application for personal licence with unspent		All cases where there is a police objection	No objection made

convictions			
Application for premises licence/club premises certificate	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application for provisional statement	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
Application to vary premises licence/club premises certificate (<i>other than an application for a Minor Variation</i>)	Representation relating to Cumulative Impact other than in a designated saturation zone	Representation made	No representation made
<i>Application for Minor variation</i>			All cases
Application to vary designated premises supervisor		Police representation made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		Police representation made	All other cases
Application for interim authority		Police representation made	All other cases
Application to review premises licence/club premises certificate (including summary reviews)		All cases	
Decision on whether a complaint or objection is irrelevant, repetitious, frivolous, vexatious, etc			All cases
Decision to object where Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	
Gambling Act 2005			
Application for premises licence including applications for reinstatement under S195 Gambling Act		<ol style="list-style-type: none"> 1. Representation made and not withdrawn (S154 (4)(a)) and/or 2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b) 	All other cases
Application to vary premises licence		1. Representation made and not withdrawn	All other cases

		(S154 (4)(b)) and/or 2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)	
Application for transfer of premises licence		Representation made and not withdrawn (S154(4)(c))	All other cases
Application for provisional statement		1. Representation made and not withdrawn (S154 (4)(d)) and/or 2. Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169(1)(b)	All other cases
Review of a premises licence		All cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		1. All cases where an objection notice has been received 2. All cases where a counter notice may be required	All other cases
Application for Club Gaming/Club Machine Permits, renewals and variations (including those leading to cancellation of permit) under Sch12 para 15		1. Objection made and not withdrawn (Sch12 para 28 (2)) 2. Refusal of a permit proposed on the grounds listed in Sch 12 para 6(1)(a)-(d), or para 10(3) as applicable	All other cases
Cancellation of Club Gaming/Club Machine Permits under Sch 12 para 21		Where a permit holder requests a hearing under para 21(2) or makes representations	All other cases
Cancellation of Club Gaming/Club Machine			All Cases

Permits under Sch 12 para 22 (non payment of annual fee)			
Applications for other permits registrations and notifications			All cases
Cancellation and variation of Licensed Premises Gaming Machine permits under Sch 13 para 16		Where permit holder requests a hearing under para 16 (2) or makes representations	All other cases
Cancellation of Licensed Premises Gaming Machine permits under Sch 13 para 17 (non payment of annual fee)			All Cases

*These powers are delegated to the Licensing Officer/Manager, the Senior Licensing Officers, the Head of Licensing, Permits and Regulation, Director of Community Protection and Corporate Director of Communities.

Audit Committee

(a) The main purposes of the Committee are to:

- (1) provide assurance of the adequacy of the Risk Management Framework and the associated control environment;
- (2) scrutinise the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment;
- (3) oversee the financial reporting process;
- (4) approve the Council's Statement of Accounts;
- (5) comment on the scope and nature of external audit;
- (6) over proposed and actual changes to the Council's policies and procedures pertaining to governance.

(b) Its functions include the following:

- (1) reviewing the mechanisms for the assessment and management of risk;
- (2) approving the Council's statement of accounts;
- (3) receiving the Council's reports on the Statement on the Annual Governance Statement and recommending their adoption;
- (4) approving Internal Audit's strategy, planning and monitoring performance;
- (5) receiving the Annual Report and other reports on the work of Internal Audit;
- (6) considering the external auditor's annual letter, relevant reports and the report to those charged with governance and the Council's responses to them;
- (7) considering arrangements for and the merits of operating quality assurance and performance management processes;
- (8) considering the exercise of officers' statutory responsibilities and of functions delegated to officers;
- (9) to recommend external audit arrangements for the Council;
- (10) to receive and consider the results of reports from external inspectors, ombudsman and similar bodies and from statutory officers.

The Committee is accountable to Council, has 9 non-executive members (politically balanced) plus 1 independent member, and normally has 6 meetings per annum.

Trusts and Charities Committee

- (a) To exercise the administrative powers and duties of Full Council in relation to all trusts for which the Council is sole trustee;
- (b) to exercise the administrative powers of the “Council as Trustee” in accordance with the relevant governing documents of each trust and Charity Commission Scheme(s);
- (c) upon receipt from colleagues, to administer and approve annual reports and accounts;
- (d) approve Charity Commission returns and all other regulatory documents;
- (e) respond to enquiries from Auditors or Independent Examiners;
- (f) inquire of and respond to the Charity Commission and any other regulatory bodies;
- (g) day to day management of any City Trust or Charity with assistance from the Director of Strategic Finance, Director of Legal and Democratic Services and/or Director of Property and/or other relevant colleagues, as appropriate;
- (h) to act as manager for the Trusts and Charities, and be authorised to take all necessary administrative decisions;
- (i) to compile and maintain a comprehensive and up to date list of all City Trusts and Charities;
- (j) to take any other action deemed appropriate or necessary to ensure the proper management and administration of all City Trusts and Charities.

Appointments and Conditions of Service Committee

- (a) To undertake the appointment process (long listing, short listing and formal interviews) (or to appoint a politically balanced panel to undertake long listing and, short listing) in respect of the Chief Executive, Deputy Chief Executive and Corporate Directors, subject to having ascertained the views of the Executive Board in accordance with Standing Orders, to make recommendations to Council;
- (b) to determine the terms and conditions of City Council employees and procedures for disciplinary action and dismissal;
- (c) to designate proper officers;
- (d) to designate officers as Head of Paid Service, Section 151 Officer and as Monitoring Officer and to ensure the provision of sufficient staff and other resources;
- (e) to exercise any other personnel functions which cannot be the responsibility of the Executive;
- (f) to receive reports on action taken in respect of terms agreed for the Chief Executive, Deputy Chief Executive, Corporate Directors and the Senior Leadership Management Group (SLMG) leaving the employment of the Council where those terms included compensation;
- (g) determines redundancies, ill health retirements, flexible retirements and terminations of employment by mutual agreement on grounds of business efficiency, under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS membership and award additional LGPS membership for the Chief Executive, Deputy Chief Executive, Corporate Directors and Directors subject in the event of a proposed dismissal to relevant notification to the proper officer, and the Executive and relevant consultation with nominated elected members and relevant approval as specified in the Officer Employment Procedure Rules (Part 4);
- (h) determines flexible retirements and terminations of employment by mutual agreement on the grounds of business efficiency, terminations of employment under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS membership and award additional LGPS membership for any employee who is part of the Senior Leadership Management Group below the level of Director. The Committee also determines terminations of employment by mutual agreement, and following consultation with the appropriate Portfolio Holder(s), on the grounds of business efficiency under the DCR for employees where any proposed compensation payment is in excess of £30,000;
- (i) to appoint an independent person to investigate matters of misconduct and capability involving the Head of Paid Service, Section 151 Officer and Monitoring Officer;
- (j) to approve any proposals for significant restructuring of the Council's management

structure;

- (j) to approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors and the Deputy Chief Executive.

NB - “Significant restructuring”

- (i) the transfer of a significant function between Council departments, or to an external body, or
- (ii) the addition or deletion of a Corporate Director or Director post to or from a department.

The Committee is accountable to Council, has 10 members (politically balanced (one place is reserved for the relevant Portfolio Holder (or their substitute) in relation to matters in respect of the appointment process for the Chief Executive and Corporate Director and the dismissal process for the Chief Executive)), and usually has 5 meetings per annum.

Regulatory and Appeals Committee

- (a) To deal with applications for local licences and registrations of various kinds including:
- Those licensing and registration functions and functions relating to health and safety at work which are contained in Schedule 1 of the Functions Regulations and are listed below under I, II and III:
 - **the Nottinghamshire County Council Act 1985**
 - regulation, under the Nottingham City Council Act 2003, of occasional sales and dealers in second-hand goods
 - but excluding matters which are statutorily the responsibility of the Licensing Committee.
- (b) To deal with all powers relating to smoke free premises listed in paragraph F of Schedule 1 of the Functions Regulations.
- (c) To provide individual case panels selected by the Deputy Chief Executive/Corporate Director of Resources from a wider group of Regulatory and Appeals Committee members to constitute an Appeals Panel to hear and determine:
- (i) appeals relating to housing rents and homelessness;
 - (ii) appeals relating to the refusal / revocation of registration under the Council's Control Scheme for Houses in Multiple Occupation;
 - (iii) day care and childminding representations;
 - (iv) access to personal files appeals;
 - (v) representations under the Data Protection Act 1998;
 - (vi) Approved Premises (Marriages) Appeals;
 - (vii) statutory complaints concerning education matters.

The Committee is accountable to Council, has 13 members (politically balanced), and meets as and when required.

I. Licensing and Registration Functions

- 1 Power to issue licences authorising the use of land as a caravan site ("site licences")
- 2 Power to license the use of moveable dwellings and camping sites
- 3 Power to license hackney carriages and private hire vehicles
- 4 Power to license drivers of hackney carriages and private hire vehicles
- 5 Power to license operators of hackney carriages and private hire vehicles
- 6 Power to register pool promoters
- 7 Power to grant track betting licences
- 8 Power to license inter-track betting schemes
- 9 Power to grant permits in respect of premises with amusement machines

- 10 Power to register societies wishing to promote lotteries
- 11 Power to grant permits in respect of premises where amusements with prizes are provided
- 12 Power to license sex shops and sex cinemas, and sexual entertainment venues
- 13 Power to license performances of hypnotism
- 14 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- 15 Power to license pleasure boats and pleasure vessels
- 16 Power to license market and street trading
- 17 Duty to keep list of persons entitled to sell non-medicinal poisons
- 18 Power to license dealers on game and the killing and selling of game
- 19 Power to register and license premises for the preparation of food
- 20 Power to license scrap yards
- 21 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds
- 22 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds
- 23 Power to license premises for the breeding of dogs
- 24 Power to license pets shops and other establishments where animals are bred or kept for the purposes of carrying on a business
- 25 Power to register animal trainers and exhibitors
- 26 Power to license zoos
- 27 Power to license dangerous wild animals
- 28 Power to license knackers' yards
- 29 Power to license the employment of children
- 30 Power to approve premises for the solemnisation of marriages and civil partnerships
- 33 Power to license persons to collect for charitable and other causes
- 34 Power to grant consent for the operation of a loudspeaker
- 35 Power to license agencies for the supply of nurses
- 36 Power to issue licences for the movement of pigs
- 37 Power to license the sale of pigs
- 38 Power to license collecting centres for the movement of pigs
- 39 Power to issue a licence to move cattle from a market
- 40 Power to sanction use of parts of buildings for storage of celluloid
- 41 Power to approve meat product premises
- 42 Power to approve premises for the production of minced meat or meat preparations
- 43 Power to approve dairy establishments
- 44 Power to approve egg product establishments
- 45 Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods
- 46 Power to approve fish products premises
- 47 Power to approve dispatch of purification centres
- 48 Power to register fishing vessels on board which shrimps or molluscs are cooked
- 49 Power to approve factory vessels and fishery product establishments
- 50 Power to register auction and wholesale markets
- 51 Duty to keep register of food business premises
- 52 Power to register food business premises
- 54 Power to register motor salvage operators

II. Functions relating to health and safety at work

- 1 Functions under any of the "relevant statutory provisions" within the meaning of Part I

(health, safety and welfare in connections with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer

III Conditions etc. and Enforcement

- 1 The functions of imposing any conditions, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject
- 2 The function of determining whether, and in what manner, to enforce:
 - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or
 - (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject
- 3 The function of:
 - (a) amending, modifying or varying any such approval, consent, licence, permissions or registration as is mentioned above, or any conditions, limitation or term to which it is subject; or
 - (b) revoking any such approval, consent, licence, permission or registration
- 4 The function of determining:
 - (a) whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and
 - (b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge
- 5 The power to enforce byelaws.

Full Council

The following functions are to be exercised only by full Council:

- (a) adopting and amending the constitution;
- (b) approving, amending and adopting the following:
 - (i) the **Policy Framework** which comprises the following plans and strategies:
 - Community Strategy (The Nottingham Plan);
 - Local Transport Plan;
 - Development Plan;
 - Licensing Policy;
 - Crime and Disorder Reduction Partnership Strategy;
 - Children and Young People's Plan;
 - Civil Contingencies Plans:
 - Managing an Emergency;
 - Pipeline Safety Plan;
 - (ii) the budget;
- (c) approving any application to the Secretary of State in respect of a Housing Land Transfer;
- (d) decisions about matters covered by the Policy Framework or the budget which the decision maker is minded to resolve in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, subject to the urgency procedure contained in the Access to Information Procedure in Part 4 of the Constitution. (Standing Orders, also in Part 4 – allow budget allocations to be moved from one service to another without reference to full Council, provided certain conditions are satisfied);
- (e) to elect the Leader at the post election annual meeting and appoint members, Chairs and Vice-Chairs of other Council bodies. Where the Council does not appoint the Chair or Vice-Chair of a body, the body itself may do so;
- (f) to remove the Leader by way of resolution by a simple majority. If the Council passes a resolution to remove the Leader, a new Leader is to be elected:
 - a. at the meeting at which the leader is removed from office; or
 - b. at a subsequent meeting;
- (g) establishing committees and agreeing and amending the terms of reference, determining the powers they may exercise, determining their composition and making appointments to them, unless delegated elsewhere in the Council;
- (h) adopting or amending a Members' Allowance Scheme, having regard to the recommendations of an Independent Remuneration Panel, and determining other allowances payable to Councillors;

- (i) conferring the title of Honorary Alderman/Alderwoman or the Freedom of the City;
- (j) confirming the appointment of the Chief Executive and Corporate Directors;
- (k) making, amending, revoking, re-enacting and adopting byelaws and promoting or opposing the making of local legislation;
- (l) deciding whether or not to delegate non-executive functions to another local authority or to accept delegations from another Council;
- (m) considering any recommendation from the Appointments and Conditions of Service Committee for the dismissal of the Chief Executive in accordance with the Local Authority (Standing Orders) (England) Regulations 2001;
- (n) the making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority;
- (o) the making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996. Full Council will appoint City Councillors to the Joint Committee for Appointments to the Nottinghamshire Police Authority;
- (p) the passing of a resolution not to issue casino premises licences (Section 166 and 154(2)(a) of the Gambling Act 2005);
- (q) approval of the “The Gambling Act Statement Of Principles (Section 349 and 154(2)(c) of the Gambling Act 2005)”;
- (r) the power to delegate to an officer powers that are not required by law to be exercisable solely by the Council, solely by a specified office holder or solely by an executive body or executive of the Council;
- (s) all other matters which, by law, must be reserved to Council.

There are normally 10 meetings per annum:

- the Annual meeting (first Monday in May unless it falls on a Bank Holiday, when it is then held on the first appropriate Monday; or, in an election year for the full City Council, it is held on the first appropriate Monday after the election, subject to the requirements of the law);
- ordinary meetings (9 per annum with the budget normally considered at a meeting in February or March);
- Extraordinary meetings as necessary (when called by the Lord Mayor or of any five City Councillors. If the Lord Mayor refuses to call a meeting, or fails to do so within seven days, any five City Councillors may themselves call the meeting).

In full City Council election years, the nominations and election or appointment of civic office holders takes place at the Annual meeting. In all other years, nominations to such posts take place at the meeting prior to the Annual meeting.

Meetings of the City Council are normally held at 2pm although the Lord Mayor has discretion to vary the time if he or she deems necessary.

Eligibility for membership:

An elected City Councillor for one of the wards specified within the City of Nottingham.

The regular election of Councillors is held on the first Thursday of May every four years. The term of office of Councillors starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election.

Executive Board

The City Council operates a Strong Leader and Cabinet form of governance as set out in the provisions of the Local Government Act 2000 (as amended).

The Executive Board has responsibility, delegated by the Leader, for the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the constitution.

Accordingly the role of the Executive Board is to:

- (a) take key decisions;
- (b) require the development of plans and strategies for approval by full Council that form the Policy Framework, with the exception of the Licensing Policy, due to it being a non-executive function;
- (c) take all other decisions that are not delegated to a specific committee or individual within the Scheme of Delegation **or any that have been reserved by the Leader**;
- (d) to respond to reports or recommendations received from the Overview and Scrutiny Panels within two months of receipt and to publish the response if the report or recommendation has been published, excepting when reports or recommendations have been received by individual members of the Executive, in which case the responsibility to respond and publish lies with that individual.

The Executive Board normally meets once per month at times agreed by the Leader.

The Executive Board's membership comprises the Leader of the Council, the Deputy Leader and up to eight other City Councillors. Political balance rules do not apply and the Board is currently a single party Executive.

Election of Leader

The Leader is elected by full Council at its post election annual meeting (or if the Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post election annual meeting (under whole elections) unless he/she before that day:

- is removed from office or resigns;
- ceases to be a councillor;
- is disqualified from being a councillor.

Appointment of Executive and Scheme of Delegation

The Leader determines the size of the cabinet (Executive Board) and appoints between 2 and 9 members of the Council to be the Executive Board in addition to himself/herself, allocates any areas of responsibility (portfolios) to them, and may remove them from the Executive Board at any time. The Leader determines the responsibility for the discharge of the executive functions of the Council. The Leader will report to the Council on all appointments to and

changes to the Executive Board.

There can be no co-optees or substitutes, nor can the Lord Mayor or Deputy Lord Mayor be members.

Representation for the minority groups is provided by giving ~~the~~ Leaders of ~~both~~ groups the right to attend and speak at Executive Board meetings, including when exempt items are being considered.

Executive Board members hold office until:

- (a) they resign from office;
- (b) they are suspended from being Councillors under part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspensions); or
- (c) they are no longer Councillors; or
- (d) they are removed from office by the Leader.

There are Executive Assistants to Portfolio Holders and their role is to support Executive Councillors in fulfilling their responsibilities, but **ONLY** Executive Councillors can formally make decisions and take part in the Executive Board decision-making. Assistants can work with officers, represent Executive Councillors at meetings and offer advice and support.

The established sub-committee of the Executive Board is the Executive Board Commissioning Sub-Committee.

Absent Leader

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

Removal of Leader

Full Council has the power to remove the Leader by way of resolution by a simple majority. If the Council passes a resolution to remove the Leader, a new Leader is to be elected:

- (a) at the meeting at which the leader is removed from office; or
- (b) at a subsequent meeting.

Executive Board Commissioning Sub-Committee

- (a) To review the implementation of the Commissioning Framework across the City Council and One Nottingham;
- (b) to evaluate the impact and success of the City Council and One Nottingham Commissioning Framework;
- (c) to approve procurement plans which have been identified for review in the annual work programme approved by the Sub-Committee, noting that the inclusion of a procurement plan within the annual work programme removes the individual delegated authority to approve the plan from the relevant Portfolio Holder, making it a decisions that may only be taken by the Executive Board, its Sub-Committee, or the Leader;
- (d) to approve commissioning and de-commissioning and third sector grant aid proposals above £25,000 (including decisions that have been identified in the Executive Forward Plan of Key Decisions in accordance with regulations¹) subject to them being identified for review in the annual work programme approved by the Sub-Committee, but noting that there may be exceptional circumstances when urgent decisions are required to be taken that will not have been included in the work programme);
- (e) to review, by exception, outcomes achieved and delivery against the Nottingham Commissioning Framework's Guiding Principles of commissioning and de-commissioning and third sector grant aid proposals above £50,000;
- (f) to receive reports on urgent commissioning decisions taken by the Leader or relevant Portfolio Holder;
- (g) to approve the Framework for Grant Aid and the Voluntary Sector Investment Programme;
- (h) to co-opt two non-voting members to represent the Voluntary Sector, namely Nottingham Council for Voluntary Services and Nottingham Equal;
- (i) to co-opt the Chair of the Health and Wellbeing Board as a non-voting member.

The Sub-Committee is accountable to the Executive Board and minutes of the Sub-Committee are to be reported to the Executive Board.

The Sub-Committee meets monthly and the membership comprises of the Leader of the Council, those Portfolio Holders whose remits include commissioning which falls within the Corporate Commissioning Framework and two co-opted members (non-voting) from Nottingham Council for Voluntary Services and Nottingham Equal.

The quorum for this Committee has been fixed at 2.

¹S.13 Local Authorities (Executive Arrangements) (Access to Information) England Regulations 2000

Corporate Parenting Board

- (a) To secure Councillor and cross-departmental involvement and commitment throughout the Council to deliver better outcomes for children in our care;
- (b) to ensure that Nottingham City Council enables children in it's care to:
 - have safe and stable care;
 - be well looked after;
 - be prepared for adult life;
 - to grow into emotionally balanced and resilient young people;
- (c) to raise the profile of looked after children and their carers, and act as champions for the needs and rights of looked after children in the Council's various service areas, political groups and settings;
- (d) to invite people other than City Councillors and officers to attend meetings of the Board, on a regular or occasional basis, to act in an advisory role and to feed in the views of children and young people in care;
- (e) to make a commitment to prioritising the needs of looked after children and their carers;
- (f) to report regularly to the Children's Partnership Board (acting as the Children's Trust) on matters relating to partnership;
- (g) to report annually to Full Council on progress and to consider matters referred to it by Full Council and the Executive Board.
- (h) to make recommendations through the Executive Board on potential strategic change required within the Council to embed this agenda;
- (i) to have the ambition to raise the standards of core services to looked after children;
- (j) to promote achievement and help build aspirations;
- (k) to listen to the views of looked after children and young people and their carers and to involve them in the development and assessment of services;
- (l) to encourage looked after children to become active citizens;
- (m) to monitor the Council's provision for looked after children;
- (n) to oversee the provision of work placements and apprenticeships for looked after children by the City Council;
- (o) to identify best practice in other Councils, and to import these ideas as appropriate.

The Board is accountable to the Executive Board, has 9 members (politically balanced, to include the Portfolio Holder for Children's Services (Chair) and the Leader or Deputy Leader), and usually has 6 meetings per annum.

Overview and Scrutiny Committee

- (a) To set, manage and co-ordinate the overview and scrutiny work programme to ensure all statutory roles and responsibilities accorded to the overview and scrutiny function are fulfilled, including the ability to:
 - i. hold local decision-makers, including the Council's Executive, to account for their decisions, action and performance;
 - ii. review policy and contribute to the development of new policy and the strategy of the Council and other local decision-makers where it impacts on Nottingham residents;
 - iii. explore any matters affecting Nottingham and/ or its residents;
 - iv. make reports and recommendations to relevant local agencies with respect to the delivery of their functions, including the Council and its Executive;
- (b) to maintain an overview of key strategic issues relevant to Nottingham and its residents to inform decisions about the work programme so that it is focused on, and adds value by the examination of, issues of local importance and concern;
- (c) to commission time-limited review panels (no more than 3 major reviews at any one time) to carry out an individual review in accordance with the overview and scrutiny work programme. This commissioning includes setting the remit, initial timescale, size of membership and chair of the panel to meet the needs of the review being undertaken;
- (d) to monitor the effectiveness of the overview and scrutiny work programme and the impact of outcomes from overview and scrutiny activity, including the outcomes of review panels;
- (e) to establish a sub-committee known as the Health Scrutiny Panel, to fulfil the statutory health scrutiny function, scrutinise the arrangements for the commissioning and delivery of local health services, and consider any matters referred to it by the Overview and Scrutiny Committee to support effective delivery of the overview and scrutiny work programme;
- (f) to establish a sub-committee known as the Call-In Panel to meet as required to consider call-in requests in accordance with the Council's Call-In Procedure;
- (g) to consider requests for councillor calls for action;
- (h) to receive petitions in accordance with the Council's Petitions Scheme;
- (i) to commission separate policy briefings to inform councillors about current key issues relevant to Nottingham, to aid decisions about the future overview and scrutiny work programme and prepare councillors to undertake overview and scrutiny work that has already been commissioned;
- (j) to co-opt people from outside the Council to sit on any of the overview and scrutiny bodies as relevant to support effective delivery of the overview and scrutiny work programme;
- (k) to establish a pool of no more than 5 scrutiny chairs (the membership of which will include the Chair of the Overview and Scrutiny Committee and the Chair of the Health

Scrutiny Panel) who will chair scrutiny review panels and / or the Call-in Panel as required by the Overview and Scrutiny Committee.

Membership will include two individuals co-opted (with voting rights) from outside the Council. Membership must not include members of the Executive Board. The allocation of seats on the Committee between political groups will be determined on a year by year basis.

The Committee has a number of established sub-committees:

- Call-in Panel;
- Health Scrutiny Panel
- Scrutiny Review Panels which are assigned specific time-limited reviews (number appointed by the Overview and Scrutiny Committee dependent on available resources).

Scheme of voting rights for co-opted members of the Overview and Scrutiny Committee

In accordance with Paragraph 12 of Schedule 1 to the Local Government Act 2000 (as amended by section 115 of the Local Government Act 2003) Nottingham City Council has agreed that non-statutory co-opted members of overview and scrutiny committees/ panels may be given voting rights at the discretion of the Overview and Scrutiny Committee.

1. The Scheme

1.1 The Council would like to draw on the experience and knowledge of people within Nottingham when undertaking its scrutiny function. While there will be occasions where non-voting co-opted members will add value to the scrutiny process, there are benefits to giving the co-opted members voting rights, including:

- giving a more active voice on behalf of the public in scrutiny;
- improving the quality of decision making by including broader based views;
- giving co-opted members the same status as the rest of Committee and therefore encouraging an equal sense of ownership and involvement;
- promoting a partnership approach to scrutiny

1.2 This Scheme enables the Overview and Scrutiny Committee to give voting rights to non statutory co-opted members of an overview and scrutiny committee/ panel, if it so wishes. It does not mean that all non-statutory co-opted members will automatically be given voting rights.

2 Appointments

2.1 The Overview and Scrutiny Committee will agree the process for selecting and appointing the non-statutory co-opted members.

3 When a Co-optee may vote

3.1 Where co-optees have been appointed by the Overview and Scrutiny Committee as voting co-optees they may exercise a vote in considering items of business on agendas for the overview and scrutiny committee/panel to which they have been appointed.

4 General Principles

- 4.1 This Scheme and arrangements made in accordance with its terms shall be subject to review by Council, including upon recommendation from the Overview and Scrutiny Committee.
- 4.2 Co-opted members will be subject to the Members' Code of Conduct and must sign a declaration of office and complete a Register entry of any relevant interests.
- 4.3 Co-opted members will be entitled to allowances to assist with expenses in accordance with the Council's Members' Allowances Scheme.

Overview and Scrutiny Call-in Panel

The Call-in Panel is a sub-committee of the Overview and Scrutiny Committee set up to determine the validity of call-in of Executive decisions, in accordance with the Constitution and Call-in Procedure

Membership

It is proposed that the Call-in Panel comprises 8 councillors. Ordinarily, Overview and Scrutiny Committees/ Panels should be politically balanced, but on 23 May 2011 Council made a unanimous resolution that seats may be allocated differently. On this basis, it is proposed that membership for the Call-in Panel 2011/12 is agreed as follows:

Labour Group: 6

Conservative Group: 2

Chairing

The Chair and Vice Chair of the Call-in Panel will be appointed at the first meeting of the Overview and Scrutiny Committee on 27 July 2011. The Chair must be appointed from the pool of 5 overview and scrutiny chairs and the Vice Chair must be a member of the Overview and Scrutiny Committee.

Overview and Scrutiny Review Panel (s)

Scrutiny Review Panels are time-limited sub-committees of the Overview and Scrutiny Committee, established by the Overview and Scrutiny Committee to carry out reviews into issues of concern relevant to Nottingham, with a view to making recommendations for improvement.

A scrutiny review panel will be responsible for:

- (a) Scoping the review within the brief and timescale set by the Overview and Scrutiny Committee
- (b) Carrying out review work according to the scope and within the timescale set
- (c) Writing a report on the findings of the review, including any recommendations. This will be sent by the review panel to those whom recommendations are directed towards, and

reported to the Overview and Scrutiny Committee for information

- (d) Receiving the response(s) to recommendations
- (e) Reviewing progress against agreed recommendations (usually at a final meeting of the review panel)
- (f) Referring any further issues/ possible areas of work to the Overview and Scrutiny Committee.

Membership

Any non-executive councillor can be a member of a scrutiny review panel, but no councillor can scrutinise a decision that they have been involved in taking. The size of each scrutiny review panel will be set by the Overview and Scrutiny Committee. It is recommended that each scrutiny review panel should comprise between 6-8 councillors. Ordinarily, Overview and Scrutiny Committees/ Panels should be politically balanced, but on 23 May 2011 Council made a unanimous resolution that seats may be allocated differently. No substitutes are allowed.

Where matters being considered by a scrutiny review panel relate to education, the statutory education co-optees will be full and equal members of that review panel, with voting rights. The Overview and Scrutiny Committee can also choose to appoint additional co-opted members to sit on scrutiny review panels, in accordance with agreed arrangements governing overview and scrutiny co-option.

Chairing

The chair of each review panel will be appointed by the Overview and Scrutiny Committee from a pool of scrutiny chairs, and will be a member of the Overview and Scrutiny Committee. As a part of his/ her role, the Chair will be responsible for liaison between the Overview and Scrutiny Committee and the scrutiny review panel, including reporting progress of the panel and any issues to the Overview and Scrutiny Committee and presenting the review panel's final report.

Meetings

Meetings to be held as required within the timescales specified by the Overview and Scrutiny Committee

Quorum

The quorum for meetings of the City Council is 14 in accordance with statutory requirements and for all other meetings is 3, unless otherwise determined by Council. Having regard to the limited size of scrutiny review panels (6-8 councillors), the quorum for a review panel has been fixed at 2.

Health Scrutiny Panel

The Health Scrutiny Panel is a sub-committee of the Overview and Scrutiny Committee. The Health Scrutiny Panel sets and manages its own work programme and methods of working in order to:

- (a) undertake the Council's statutory role in scrutinising health services for the City in accordance with sections 7 and 8 of the Health and Social Care Act 2001 and associated regulations and guidance;
- (b) engage with and respond to formal and informal NHS consultations;
- (c) monitor the Council Executive's statutory responsibility to ensure an effective LINK through commissioning a host organisation;
- (d) scrutinise local arrangements for the commissioning and delivery of local health services to ensure reduced health inequalities, access to services and the best health outcomes for citizens.

The Panel will monitor the effectiveness of its work programme and the impact of outcomes from health scrutiny activity.

Membership

It is proposed that the Health Scrutiny Panel comprises 10 members. Ordinarily, Overview and Scrutiny Committees / Panels should be politically balanced, but on 23 May 2011 Council made a unanimous resolution that seats may be allocated differently. On this basis, it is proposed that membership for the Health Scrutiny Panel 2011/12 is agreed as follows:

Labour Group:	8
Conservative Group:	2

The Overview and Scrutiny Committee can also choose to appoint co-opted members to sit on the Health Scrutiny Panel, in accordance with agreed arrangements governing overview and scrutiny co-option.

Chairing

The Chair must be appointed from the pool of 5 overview and scrutiny chairs. The Vice-Chair will be appointed at the first meeting of the Health Scrutiny Panel from the membership of the Panel.

Joint City and County Health Scrutiny Committee

- (a) To scrutinise health matters which impact on the Greater Nottingham area (i.e. the Nottingham City Council area and the Broxtowe, Gedling, Hucknall and Rushcliffe areas of Nottinghamshire) to include the statutory health scrutiny role in relation to those health services which serve the conurbation of Greater Nottingham;
- (b) where an NHS Trust operates in an area wider than the Greater Nottingham area, the Joint Committee will scrutinise any health matter that affects the Greater Nottingham

area and the wider area (as far as the County boundary) but will defer to the relevant City or County Health Scrutiny Committee if requested by that health scrutiny committee;

- (c) the Joint Committee is accountable to Council, has 8 City Councillors (who cannot be members of the Executive Board) and 8 County Councillors (also non-executive);
- (d) the Chair and Vice-Chair will be appointed in alternate years by each authority. The Vice-Chair will always be appointed by the authority not holding the Chair.

Meetings:

- (a) The Joint Committee will meet at least 2 times per year and usually has 11 meetings per year;
- (b) notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the authority which holds the Chair, or such Standing Orders which may be approved by the parent authorities. Meetings will be open to citizens;
- (c) the secretariat of the Joint Committee will alternate annually between the two authorities with the Chair. The costs of operating the Joint Committee will be met by the Council providing the secretariat services.

Standards Committee

- (a) To promote and maintain high standards of conduct by Councillors and co-opted members;
- (b) to advise the Council on the adoption or revisions of its Code of Conduct, to monitor its operation and to assist Councillors and co-opted members in observing it;
- (c) to arrange training and advice for Councillors and co-opted members on matters relating to the Council's Code of Conduct, and related probity issues;
- (d) to receive annual reports from the Monitoring Officer relating to complaints from citizens, internal complaints, whistle-blowing and any other matters relating to conduct and propriety;
- (e) to consider reports and recommendations from the District Auditor relevant to the Code of Conduct and related probity issues;
- (f) to hear cases under the Council's procedure for dealing with complaints about Councillors' conduct;
- (g) to consider matters referred to it under relevant legislation;
- (h) to make recommendations regarding the settlement of cases of maladministration;
- (i) to keep under review and make recommendations on the content of the Code of Conduct for officers and protocols in connection with Councillor/officer relations;
- (j) granting dispensations to Councillors, co-opted members and church and parent governor representatives in relation to the Code of Conduct, as permitted by legislation;
- (k) to review the operation of the Council's Confidential Reporting Code and make recommendations for any changes to it;
- (l) to respond to consultation exercises carried out by government and other agencies on issues related to the work of the Committee;
- (m) to consider any other matters referred to it by the Monitoring Officer;
- (n) granting and supervising exemptions from political restriction.

The Committee is accountable to Council and comprises 6 City Councillors and four independent members who are not Councillors or officers and satisfy the statutory conditions to ensure their independence. The independent members are entitled to vote at meetings. Substitutes are not permitted.

The Leader of the Council may not be a member of the Committee. Only one Executive Councillor can be a member. The Chair of the Committee shall be drawn from the independent members and in the event of equality of votes on any issues, shall have a casting vote. The Committee meets as and when required.

Standards Assessment Sub-Committee

- (a) To receive allegations that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
- (b) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - ii refer the allegation to Standards for England;
 - iii decide that no action should be taken in respect of the allegation; or
 - iv where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii the matter should be referred for consideration at a hearing before the Hearings Sub Committee of the Standards Committee; or
 - iii the matter should be referred to the Adjudication Panel for determination.
- (d) Where the Sub-Committee resolves to do any of the actions set out in paragraph (b) or (c) above, the Sub-Committee shall state its reasons for that decision.

The membership comprises 3 members of the Standards Committee with at least one Councillor. The Chair must be an independent member.

Standards Hearings Sub-Committee

- (a) To hold hearings into complaints under Regulation 18 of the Standards Committee Regulations 2008 and to make findings in accordance with Regulation 19:
 - that the member who was the subject of the hearing has not failed to comply with the Code of Conduct; or

- that the member who was the subject of the hearing had failed to comply with the Code of Conduct but that no action needs to be taken; or
 - that the member who was the subject of the hearing had failed to comply with the Code of Conduct and that a sanction should be imposed.
- (b) The exercise of all other powers conferred by Regulation 19 including the imposition of any sanctions available under the Regulations where it considers it appropriate.

The membership comprises 5 members of the Standards Committee (with a quorum of 3), with at least one Councillor. The Chair must be an independent member.

Standards Review Sub-Committee

- (a) At the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Council's Code of Conduct, to review a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation.
- (b) Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Review Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:
- i refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii refer the allegation to Standards for England;
 - iii decide that no action should be taken in respect of the allegation; or
 - iv where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) Where the Review Sub-Committee resolves to take any of the actions set out in paragraph (b) above, the Review Sub-Committee shall state its reasons for that decision.

The membership comprises 3 members of the Standards Committee with at least one Councillor, having had no involvement in the decision of the Assessment Sub-committee. The Chair must be an independent member.

Area Committees

Area One	Bulwell and Bulwell Forest	North Locality
Area Two	Basford and Bestwood	North Locality
Area Three (known as West Area)	Aspley, Bilborough and Leen Valley	North Locality
Area Four	Arboretum, Dunkirk and Lenton, Radford and Park	Central Locality
Area Five	Berridge and Sherwood	Central Locality
Area Six	Mapperley and St Anns and Dales	South Locality
Area Seven	Wollaton West and Wollaton East and Lenton Abbey	Central Locality
Area Eight	Bridge, Clifton North and Clifton South	South Locality
City Centre	(covering those parts of Areas 4,6 and 8 that fall within the City Centre area)	Central Locality

~~There are 10 Area Committees covering the City area:~~

~~Area One (Bulwell and Bulwell Forest)~~
~~Area Two (Basford and Bestwood)~~
~~Area Three (Aspley, Bilborough and Leen Valley)(known as West Area)~~
~~Area Four (Arboretum, Berridge, Radford and Park)~~
~~Area Five (Mapperley and Sherwood)~~
~~Area Six (St Anns and Dales)~~
~~Area Seven (Wollaton and Lenton Abbey)~~
~~Area Eight (Bridge, Dunkirk and Lenton)~~
~~Area Nine (Clifton and Wilford)~~
~~City Centre (covering those parts of Areas 4, 6 and 8 that fall within the City Centre area)~~

Area Committees, including the City Centre Area Committee, can exercise both executive and non-executive functions delegated to them by the Executive and Full Council accordingly. The terms of reference of Areas 1 to 9 are set out below and the terms of reference of the City Centre Area Committee then follow.

- (a) To approve, ensure the delivery of and monitor ward action plans and other relevant area plans;
- (b) to lead and co-ordinate regeneration and renewal activity at an area level;
- (c) to undertake and co-ordinate consultation within their areas;
- (d) within budgetary limits, to be empowered to undertake any measures to achieve the following objectives:
 - (i) the promotion or improvement of the economic wellbeing of their area;
 - (ii) the promotion of improvement or improvement of the social wellbeing of their area;

- (iii) the promotion or improvement of the environmental wellbeing of their area;
- (e) to agree priorities, work programmes, and variations in performance standards, including through Transforming Neighbourhoods processes, for services such as, but not limited to:
 - (i) footpath replacement;
 - (ii) street lighting;
 - (iii) patch maintenance;
 - (iv) grounds maintenance on community parks and playgrounds (excluding heritage sites and Bulwell Hall and Bulwell Forest Golf Courses);
- (f) in respect of services in the local area, and if urgent, via a panel of the Chair, Vice-Chair, an opposition Councillor (if there is one) and a community representative, to approve:
 - (i) housing environmental improvements;
 - (ii) highway environmental improvements of a local nature;
 - (iii) minor traffic schemes, diversions and closures under highways and road traffic legislation, of a local nature;
 - (iv) applications for footpath closures on grounds of amenity or development;
 - (v) requests for the making, variation or revocation of gating orders;

and to be consulted on proposals for the following services in relation to the local area:

 - (vi) strategic planning applications;
 - (vii) schools re-organisation;
 - (viii) detailed proposals for landscaping, open space provisions, park equipment provision and other local enhancements relating to agreements under Section 106 of the Town and Country Planning Act 1990 and section 278 of the Highways Act 1980;
- (g) to be part of the process for monitoring and scrutinising the performance of local services (provided by the Council and other bodies) and provide feedback and recommendations on their effectiveness to the Executive Board and the Overview and Scrutiny, to include:
 - (i) refuse collection;
 - (ii) housing – void properties;
 - (iii) community safety;
 - (iv) voluntary sector grants – a half yearly report;
- (h) to contribute to Best Value Reviews;
- (i) to advise the Executive Board and the Overview and Scrutiny Committee on local needs and priorities and on the impact of Council policy on their areas;
- (j) to input local needs and priorities, identified through area working, to the preparation of corporate budgets, policies and strategies;
- (k) to prepare, implement and review local projects in consultation with local communities and secure funding from appropriate sources;

- (l) to build partnerships between other public, private, voluntary and community organisations, local residents' and tenants' associations;
- (m) to suggest and/or approve proposals of local significance to rationalise the City Council's operational property holdings and to be consulted on any proposals to dispose of operational property holdings in their area of more than local significance; a proportion of capital receipts to be retained in accordance with a scheme to be determined by the Executive Board;
- (n) to allocate grants in amounts not exceeding £25,000 to community or voluntary organisations for the purposes of benefit to the area covered by the Committee, within a framework to be approved and reviewed from time to time by the Executive Board;
- (o) to make appointments to outside bodies (where the body relates to the area concerned) as specified by the Executive Board;
- (p) to approve any further matters delegated from time to time by Council or the Executive Board.

Area Committees are accountable to Council and the Executive Board and there are usually 6 meetings per annum for each Area Committee.

Membership comprises, for each Area Committee, the Councillors who represent the wards within the area of that Committee. Substitutes are not permitted.

By provisions contained in regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990, Area Committees need not reflect the political balance of the Council as a whole where the Councillors on those committees were elected for wards wholly or partly within the area concerned. A Councillor on the Executive Board may serve on the Area Committee appropriate to their ward. Co-options to the committees may be made.

Where there is an equality of party representation on an Area Committee, the Chair is appointed by Council, Area Committees themselves appointing the Chair in all other circumstances.

The terms of reference of the City Centre Area committee are as follows:

City Centre Area Committee

- (a) To oversee the provision of services within the City centre, the geographical remit of which is to be defined as that used for corporate planning purposes;
- (b) to make arrangements to consult with interested parties on matters of concern and interest that impact on the City Centre;
- (c) to lead and co-ordinate regeneration and renewal activity at an area level;
- (d) to identify the operational needs and priorities of the commercial sector, local

residents and other interested parties with regard to the City Centre and bring these to the attention of service providers;

- (e) to approve, ensure the delivery and co-ordination of the Council's relevant plans and to provide direction and scrutiny for specific area management operations;
- (f) to appoint tasks groups, as necessary, to facilitate the operation of the Committee;
- (g) to consider those crime and anti-social behaviour issues which need to be co-ordinated and addressed on a City Centre basis which are not being dealt with through other processes;
- (h) within budgetary limits, to be empowered to undertake any measures to achieve the following objectives:
 - (i) the promotion or improvement of the environmental wellbeing of the area;
 - (ii) the promotion or improvement of the social wellbeing of the area;
 - (iii) the promotion or improvement of the economic wellbeing of the area;
- (i) to agree priorities, work programmes, and variations in performance standards, including through Transforming Neighbourhoods processes, for services such as, but not limited to:
 - (i) footpath replacement;
 - (ii) street lighting;
 - (iii) patch maintenance;
 - (iv) grounds maintenance on community parks and playgrounds (excluding heritage sites and Bulwell Hall and Bulwell Forest Golf Courses);
- (j) in respect of services in the local area, and if urgent, via a panel of the Chair, Vice-Chair, and opposition Councillor, to approve:
 - (i) housing environmental improvements;
 - (ii) highway environmental improvements of a local nature;
 - (iii) minor traffic schemes, diversions and closures under highways, road traffic legislation and traffic regulation orders;
 - (iv) applications for footpath closures on grounds of amenity or development;
 - (v) requests for the making, variation or revocation of gating orders;

and to be consulted on proposals for the following services in relation to the local area:

- (vi) strategic planning applications;
 - (vii) schools re-organisation;
 - (viii) detailed proposals for landscaping, open space provisions, park equipment provision and other local enhancements relating to agreements under Section 106 of the Town and Country Planning Act 1990 and section 278 of the Highways Act 1980;
- (k) to be part of the process for monitoring and scrutinising the performance of local services (provided by the Council and other bodies) and provide feedback and recommendations on their effectiveness to the Executive Board and Overview and Scrutiny, to include refuse collection, housing (void properties), community safety and voluntary sector grants – a half yearly report;

- (l) to advise the Executive Board and the Overview and Scrutiny Committee on local needs and priorities and on the impact of Council policy on the area;
- (m) to input local needs and priorities identified through area working, to the preparation of corporate budgets, policies and strategies;
- (n) to prepare, implement and review local projects in consultation with local communities and secure funding from appropriate sources;
- (o) to build partnerships between other public, private, voluntary and community organisations, local residents' and tenants' associations;
- (p) to suggest and/or approve proposals of significance to rationalise the City Council's operational property holdings and to be consulted on any proposals to dispose of operational property holdings in their area or significance; a proportion of capital receipts to be retained in accordance with a scheme to be determined by the Executive Board;
- (q) to make appointments to outside bodies (where the body relates to the area concerned) as specified by the Executive Board;
- (r) to approve any matters delegated from time to time by Council or the Executive Board;
- (s) to be responsible for the operational management of the Old Market Square and other public open spaces in the City Centre;
- (t) to approve the City Centre events programme;
- (u) agree the markets and fairs trading regime and the street trading regime for the City Centre other than in relation to the designation of streets and determination of applications which shall remain the responsibility of the Regulatory and Appeals Committee.

The Committee is accountable to Council and usually has 6 meetings per annum.

The membership comprises one Councillor from Area Committees four, six and eight and 3 additional Councillors from across the City (subject to ensuring political balance is achieved on the Committee).

In order to provide executive support to the Committee and to ensure the co-ordination of operational officers, officer representation at meetings will include the following (or a representative if for any reason the named Officer is unable to attend):

- (i) Director of Sustainable Development;
- (ii) Director of Environmental Services;
- (iii) Director of Neighbourhoods and Communities;
- (iv) Chief Executive of the Crime and Drugs Partnership.

A range of operational officers from across and beyond the Council will co-ordinate their activity and report to the Committee. This is to be supported by a small group of

executive officers liaising with the Chair of the Committee.

The service areas that will report to the Committee are as follows:

- (i) City Centre Management;
- (ii) City Services;
- (iii) Neighbourhood Management;
- (iv) Highways;
- (v) Traffic Management;
- (vi) Crime and Drugs Partnership.
- (vii) Markets and Fairs

Joint Committee on Strategic Planning and Transport

In April 1998 Nottinghamshire County Council and Nottingham City Council established a Joint Committee between the two Authorities to advise on strategic planning and transport matters in Greater Nottingham.

The protocol agreed between the two Authorities on the establishment and operation of the Joint Committee (agreed February 2000) required a two yearly review, to ensure it remained relevant to the needs of the Joint Committee.

The terms of reference for the Joint Committee are:

- (a) the role of the Joint Committee is to advise the County Council and City Council on strategic planning and transport matters taking account of the best interests of the whole of Greater Nottingham;
- (b) the Joint Committee will be responsible for providing advice on regional, sub-regional and strategic planning and on transport matters including the following:
 - (i) preparation, review, modification and monitoring of strategic planning advice to the Regional Planning Body;
 - (ii) conformity of Local Development Documents, as agreed with the Regional Planning Body, and strategic planning and transport comments on Draft Development Plans prepared by other Local Planning Authorities;
 - (iii) the implementation of the Greater Nottingham elements of the 3 Cities and 3 Counties Growth point, including the preparing of bids for funding, agreeing programmes for implementation and keeping the implementation of the Growth Point under review;
 - (iv) co-ordination of policies and management for minerals and waste matters, including joint Local Development Documents;
 - (v) Greater Nottingham Local Transport Plan;
 - (vi) strategic issues arising from the management of the Traffic Control Centre;

- (vii) strategic issues arising from Public Transport operations, including Bus Quality Partnerships and the development of the Nottingham Express Transit;
 - (viii) Greater Nottingham Rail Development Plan;
 - (ix) Regional Spatial Strategies, relevant sub-regional studies, Regional Transport Strategy, the Integrated Regional Strategy and any other regional/sub-regional consultation/ consultant studies insofar as the impact upon Greater Nottingham;
 - (x) strategic issues arising from the District Council air quality review and assessment;
- (c) to assist the Joint Committee in carrying out the responsibilities in (b) above, they shall be entitled to receive information and to comment where they deem appropriate on other relevant matters including;
- (i) Development Plan policies and strategy for the rest of the County;
 - (ii) Local Transport Plan for the rest of the County;
 - (iii) planning applications within Greater Nottingham subject to the statutory timetable;
 - (iv) wider aspects of Regional Spatial Strategies and Sub-Regional Studies;
 - (v) major development proposals in areas surrounding Greater Nottingham;
 - (vi) significant development in the highway and transport networks;
 - (vii) major strategic initiatives of either Authority in Greater Nottingham e.g. tackling climate change;
 - (viii) economic strategies for Greater Nottingham;
 - (ix) government legislation, regulations and guidance affecting strategic planning and transport matters;
- (d) the Joint Committee will be responsible for advising on strategic planning and transport matters across the Nottinghamshire Part of the 3 Cities Sub Area as defined by the East Midlands Regional Strategy. This area will be known as Greater Nottingham. In undertaking the responsibilities for Growth Point in paragraph (b)(iii) above, the area will also include Erewash Borough, to coincide with the boundaries of the Nottingham Core Housing Market Area element of the 3 Cities and 3 Counties Growth Point;
- (e) the views of the Joint Committee will be communicated to the appropriate executive or other body or bodies of the County and City Councils as soon as

possible following a resolution by the Joint Committee. Where the Joint Committee has expressed a view on a particular matter that is the subject of a report to any of the parent executive bodies, the recommendation of the Joint Committee will be included in the report.

Membership:

- (a) the Joint Committee will be composed of four Councillors from each Authority;
- (b) with the agreement of the Chair and Vice-Chair, other members may be co-opted onto the Committee from time to time to assist the Joint Committee in carrying out the responsibilities in paragraphs (b) to (d) above. Such members will not have voting rights;
- (c) the appropriateness of co-opted members will be reviewed in accordance with review paragraph below;
- (d) the Chair and Vice-Chair will be appointed in alternate years by each authority. The Vice-Chair will always be appointed by the authority not holding the Chair.

Meetings:

- (a) the Joint Committee will meet at least 4 times a year;
- (b) notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the authority which holds the Chair, or such Standing Orders which may be approved by the parent authorities. Meetings will be open to citizens;
- (c) the secretariat of the Joint Committee will alternate annually between the two authorities with the Chair. The costs of operating the Joint Committee will be met by the Council providing the secretariat services. The work of the Joint Committee will be serviced by a Joint Officer Steering Group which will assist the Chair and Vice-Chair in setting agendas and brief them prior to meetings. They will also be responsible for communicating the views of the Joint Committee.

Disagreement between the two authorities:

- (a) where the members of the Joint Committee cannot arrive at a view on a particular issue which enjoys the support of the majority of members, that issue should be referred back to the relevant executive bodies of the two Councils;
- (b) participation in the Joint Committee will not deter either authority from expressing a dissenting opinion on any specific issue. The right to make representations at a formal deposit stage, at the Examination in Public, at a Public Local Inquiry or at any consultation stage in the formal development plan making process, will not in any way be curtailed by membership of the Joint Committee.

Review:

The role and operation of the Joint Committee will be kept under review, with a further complete review of its responsibilities and workings not later than two years from the adoption of this revised protocol.

East Midlands Shared Services Joint Committee

Subject to the terms of the East Midlands Shared Services Partnership Agreement to:

- (i) Oversee and provide strategic direction for the development, implementation and on-going operation of EMSS;
- (ii) Ensure the effective delivery of the shared service functions in accordance with the terms of the agreement
- (iii) Monitor the effectiveness of those arrangements and make recommendations to the Member Authorities e.g. in the event of any changes to legislation, developments in best practice or the requirements imposed on Member Authorities;
- (iv) On an annual basis, agree a three year business plan for EMSS including:
 - Service delivery, service development & financial objectives
 - Performance improvement & efficiency targets
 - Staffing
 - Business continuity planning
 - Risk management
- (v) Set annual capital, revenue and staffing budgets for EMSS and no later than 1st December in each year submit these to the Member Authorities for approval as part of the business plan
- (vi) Monitor the operational performance of EMSS on a quarterly basis
- (vii) Ensure service delivery is in accordance with the key performance indicators and agreed national, regional and local priorities
- (viii) Ensure effective action is taken to remedy any under-performance in the delivery of services
- (ix) Monitor the financial performance of EMSS – quarterly report and monthly updates
- (x) Determine the arrangements for support services in agreement with the Host Authority and in consultation with the Head of Shared Service
- (xi) Produce an annual report to the member Authorities by no later than 30th June in each year covering the performance of EMSS in the 12 month period ending on the preceding 31st March

- (xii) Co-operate with and participate in Overview and Scrutiny exercises of the Member Authorities into the activities of EMSS
- (xiii) Review the operation and effectiveness of the shared service arrangements at least every two years, consider ways in which the Shared Services partnership can be expanded and make recommendations to the Member Authorities as appropriate

RULES FOR CONDUCT OF MEETINGS AND PROCEEDINGS OF THE JOINT COMMITTEE

Preamble: The Joint Committee shall follow the normal arrangements which apply to the proceedings of local government committees with the following additional provisions applying:

1. Annual Meeting

- 1.1 The Joint Committee shall in every year hold an Annual Meeting
- 1.2 The first meeting held after the Annual Meeting of all the Member Authorities in any year shall be the Annual Meeting
- 1.3 The Joint Committee may in every year hold in addition to the Annual Meeting such other meetings as they may determine

2. Membership

- 2.1 The membership of the Joint Committee to comprise four elected members, two being drawn from each Council's Executive
- 2.2 Each Authority will have the right to appoint a substitute elected member drawn from their Executive to attend any meeting of the Joint Committee in place of an appointed elected member provided that the Secretary shall be given at least 24 hours notice of any such appointment

3. Appointment of Chairman, Vice Chairman, Secretary and Treasurer

- 3.1 The Joint Committee shall appoint one of its Members to be Chairman of the Joint Committee who shall subject to paragraph 3.2 and, unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act
- 3.2 The first Chairman of the Joint Committee shall be a person nominated by Nottingham City and shall hold office for the period up to 31st May 2013
- 3.3 The Chairmanship of the Joint Committee following the initial

appointment by Nottingham City shall rotate between Leicestershire and Nottingham City on a two year cycle

- 3.4 The Joint Committee shall appoint one of its Members to be Vice Chairman of the Joint Committee who shall subject to paragraph 3.5 and, unless he resigns his office or ceases to be a member of the Joint Committee, continue in office for a period of 24 months or until his successor becomes entitled to act
- 3.5 The first Vice Chairman of the Joint Committee shall be a person nominated by Leicestershire and shall hold office for the period up to 31st May 2013.
- 3.6 The Vice Chairmanship of the Joint Committee following the initial appointment by Leicestershire shall rotate between Nottingham City and Leicestershire on a two year cycle
- 3.7 The role of Secretary and Treasurer to the Joint Committee will be provided by Nottingham City Council

4. Casual Vacancies

- 4.1 On a casual vacancy occurring in the office of Chairman or Vice Chairman of the Joint Committee the vacancy shall be filled by the appointment by the Joint Committee of one of their members at the next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired

5. Calling of Meetings

- 5.1 The Secretary of the Joint Committee shall summon the members to such meetings as may:
 - 5.1.1 have been agreed in accordance with paragraph 1.3;
 - 5.1.2 be called by the Chairman of the Joint Committee or, if the office of Chairman is vacant, the Vice Chairman of the Joint Committee at any time;
 - 5.1.3 be requisitioned by any two members of the Joint Committee giving notice in writing signed by them to the Secretary of the Joint Committee specifying the nature of the business to be transacted; or
 - 5.1.4 be requisitioned by any Member Authority giving notice in writing to the Secretary of the Joint Committee specifying the nature of the business to be transacted and signed by the Chief Executive or proper officer of the Member Authority
- 5.2 Unless the persons giving notice requisitioning a meeting in accordance with paragraph 5.1.3 or paragraph 5.1.4 agree otherwise any meeting consequent upon such a requisition shall so far as practicable be held within 10 working days of the date of the receipt of

the requisition by the Secretary to the Joint Committee

5.3 At least five clear working days before a meeting of the Joint Committee

5.3.1 notice of the time and place of the intended meeting shall be published at the offices of both Leicestershire and Nottingham City: and

5.3.2 a summons to attend the meeting, specifying the agenda for that meeting and signed by the Secretary to the Joint Committee shall be sent to

5.3.2.1 every member of the Joint Committee;
and

5.3.2.2 the proper officer of every Member Authority by sending by first class mail to the principal office address of the Member Authority or by sending an electronic copy by e-mail to any e-mail address notified to the Secretary of the Joint Committee for that purpose

5.4 The Secretary will draw up the agenda in consultation with both the Chairman and Vice Chairman.

5.5 No business shall be transacted at a meeting requisitioned by the members of the Joint Committee other than that specified in the agenda

6. Nominated Officers To Attend

6.1 The Head of Paid Service the Monitoring Officer and the s151 Officer of each Member Authority or their respective nominees shall be entitled to attend every meeting of the Joint Committee in the capacity of observer.

7. Quorum

7.1 The number of Members constituting a quorum shall be one quarter of the membership of the Joint Committee provided that in no case shall a quorum be less than three members and further provided that no item of business shall be transacted at a meeting of the Joint Committee unless at least one member from each Founding Member Authority ** is present and entitled to vote thereon.

8. Standing Orders

8.1 Subject to anything expressly provided herein the Standing Orders (Meeting Procedure Rules) of the Authority providing the Secretariat will apply to the Joint Committee

9. Voting

Given the composition of the Joint Committee, decisions shall normally be taken on the basis of consensus

10. Sub-Committees

The provisions of these Terms of Reference shall apply mutatis mutandis to meetings of subcommittees as they do to meetings of the Joint Committee

** Nottingham City Council and Leicestershire County Council

Greater Nottingham Light Rapid Transit Advisory Committee

The Committee advises on issues relating to the construction and operation of the system (within the constraints of contractual arrangements).

The Committee is accountable to Council and usually has 4 meetings per annum.

The membership comprises 5 City Councillors, 5 County Councillors and the following independent representatives:

PEDALS

Nottinghamshire Chamber of Commerce and Industry

Midlands Rail Passenger Committee

Nottingham Trent University

Nottinghamshire Transport 2000

Nottingham Transport Partnership

HEALTH AND WELL BEING BOARD

(Agreed at Executive Board on 19 July 2011)

The Nottingham City Shadow Health and Wellbeing Board will act as a shadow until the formal constitution of the Health and Wellbeing Board in April 2013, when it will become a committee of the City Council with executive powers.

During the interim period the Shadow Health and Wellbeing Board (the Board) will promote the development of robust and appropriate governance arrangements to ensure the effective introduction of the formal statutory Health and Wellbeing Board and will oversee relevant transitional arrangements for health, social care and public health until the new arrangements are fully in place for the NHS.

The Board will lead and advise on work to improve the health and wellbeing of the population of Nottingham City and specifically to reduce health inequalities. It will support the development of improved and joined up health and social care services. In support of these aims the role of the Board is:

- (a) to identify health and well-being needs and inequalities, and agree priorities across the city;

- (b) to oversee, where appropriate, the use of relevant public sector resources across a wide spectrum of services and interventions to ensure outcomes from health care, social care and public health interventions;
- (c) to prepare and publish a Joint Health and Wellbeing Strategy, supported by all stakeholders, for approval by the Council, NHS Nottingham City and the NHS Nottingham Clinical Commissioning Group to provide a strategic framework for commissioning of health care, social care and public health to meet the needs (identified in a Joint Strategic Needs Assessment);
- (d) to publish and refresh the Joint Strategic Needs Assessment (JSNA), including the Pharmaceutical Needs Assessment, so that future commissioning and policy decisions and priorities are based on evidence;
- (e) to oversee joint commissioning and joined up provision for patients, social care service users and carers, including social care, public health and NHS services with aspects of the wider local authority agenda that also impact on health and wellbeing, such as housing, education and the environment;
- (f) to consider local commissioning plans to ensure that are in line with the Joint Health and Wellbeing Strategy;
- (g) to promote public involvement in the development of the JSNA and the Health and Wellbeing Strategy;
- (h) to liaise with the NHS Commissioning Board (once established) as necessary, including to give the Board's views on the establishment and authorisation of the statutory Clinical Commissioning Group for the city, on the Group's commissioning plans to ensure that they are in line with the Health and Wellbeing Strategy and on the Group's annual assessment;
- (i) to establish time limited task and finish groups to carry out work on behalf of the Board;
- (j) to ensure that robust arrangements are in place for smooth transition into the statutory Health and Wellbeing Board by April 2013

The Board is accountable to the Executive Board of the Local Authority and in the interests of public accountability and transparency will also be subject to overview and scrutiny by the Council's existing structures for the statutory scrutiny of local authority and health functions.

All Board partner organisations agree to provide the relevant overview and scrutiny committee of the City Council with such information about the planning, provision and operation of services within their area as the committee may reasonably require to discharge its scrutiny functions. Partners will not, however, be required to give:

- Confidential information which relates to and identifies an individual unless the information is disclosed in a form ensuring

- that individuals' identities cannot be ascertained, or an individual consents to disclosure;
- Any information, the disclosure of which is prohibited by or under any enactment;
- Any information, the disclosure of which would breach commercial confidentiality.

Board members agree that their representatives will attend and answer such questions as appear to the committee to be necessary for discharging its functions. The committee will give the members concerned reasonable notice of the intended date of his / her appearance.

With regard to meetings:

- (a) the Board shall meet every other month on a programme of meetings to be determined at the first full meeting of the Board;
- (b) the Chair of the Board shall have the right to convene, in consultation with the Vice Chair, special meetings of the Board as appropriate;
- (c) all business of the Board shall be conducted in public in accordance with the provisions of Schedule 12(A) of the Local Government Act 1972 (as amended) shall apply to meetings of the Board;
- (d) the quorum for meetings shall be three voting members and must include at least one councillor and one representative of the Clinical Commissioning Group;
- (e) the conduct of all members of the Board shall be governed by the code of conduct of their respective organisations and members shall behave with courtesy and respect towards others and shall say nothing which might bring the Board into disrepute or disrupt the business of the Board, the City Council, NHS Nottingham City, or the Clinical Commissioning Group.

With regard to the agenda and reports:

- (a) the summons to attend a meeting of the Board and all reports referred to in the summons shall be sent to members of the Board at least five clear working days before the meeting concerned;
- (b) reports accompanying the agenda must be received by the Constitutional Services Officer two clear days prior to the despatch of the agenda summons;
- (c) unless previously agreed, all reports shall be in writing and shall conform to the style and templates of Nottingham City Council, who will act as Secretary to the Board.

Membership

- (a) It is the role of the Local Involvement Network (HealthWatch when

constituted) representative to ensure that the diversity of the Nottingham City's patient, public and carer population is represented at meetings of the Board.

- (b) It is the role of the Third Sector Forum representative to represent and be accountable to all providers within this sector at meetings of the Board.
- (c) Substitutes for voting members are allowed for any of the voting members, providing that notice of substitution is given at least one hour in advance of a meeting date.
- (d) Substitutes for non-voting members are allowed, providing that they are empowered by the organisation they are representing to make decisions in line with the terms of reference of the Board and providing that notice of substitution is given at least one hour in advance of a meeting date.
- (e) All members of the Board are accountable to the organisation / sector which appointed them and employees of partner organisations are accountable to their respective employers. Each member has a responsibility and a role to play in the communication of the Board's business and progress through their respective organisation's mechanisms. They should be of sufficient seniority to represent the views of their organisation sector and to commit resources to the Board's business. It will be the responsibility of each partner agency to determine what those arrangements are.
- (f) The Board may co-opt additional non voting members as relevant to support effective delivery of its responsibilities.

Chairing / Voting arrangements:

- (a) the Chair of the Board shall be appointed by the Executive Board and shall be one of the councillor members.
- (b) the Vice Chair of the Board shall be appointed by the Board and shall be one of the Clinical Commissioning Group members.
- (c) it is expected that most items will be agreed by consensus but, where this is not the case, then only those members listed as voting members may vote;
- (d) In Nottingham City Council, the statutory roles of Director of Children's Services and Director of Adult Social Services are held by the same post holder who will, therefore, have two votes.
- (e) the Chair of the Board shall have a second or casting vote;
- (f) voting on all issues shall be by show of hands, subject to any legal requirements;

To receive regular reports from:

- (i) The Commissioning Executive Group - on progress towards priorities
- (ii) Children's Partnership Board - on health related activities happening against Children and Young People Plan
- (iii) Nottingham City Safeguarding Children Board - on health related activities
- (iv) Nottingham City Adults' Safeguarding Partnership Board - on health related activities

Section 6

Memberships of Committees/Boards

EXECUTIVE BOARD

To be updated after full Council on 14 May 2012

EXECUTIVE BOARD COMMISSIONING SUB COMMITTEE (5)

To be updated after full Council on 14 May 2012

CORPORATE PARENTING BOARD (9) (7:2)

Labour Group

To be updated after full Council on 14 May 2012

Conservative Group

AUDIT COMMITTEE (10) (7:2:1)

Labour Group

To be updated after full Council on 14 May 2012

Conservative Group

TRUSTS AND CHARITIES COMMITTEE (9) (7:2)

Labour Group

To be updated after full Council on 14 May 2012

Conservative Group

DEVELOPMENT CONTROL COMMITTEE (15) (13:2)

Labour Group

To be updated after full Council on 14 May 2012

Conservative Group

LICENSING COMMITTEE (15) (13:2)

Labour Group

To be updated after full Council on 14 May 2012

Conservative Group

REGULATORY AND APPEALS COMMITTEE (13) (11:2)

Labour Group

Conservative Group

To be updated after full Council on 14
May 2012

APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE (11) (9:2)

Labour Group

Conservative Group

To be updated after full Council on 14
May 2012

STANDARDS COMMITTEE (6) (5:1) plus 4 Independent Members

Labour

Conservative

To be updated after full Council on 14
May 2012

AREA COMMITTEES

Membership comprises, for each Area Committee, the Councillors who represent the wards within the area of that Committee. Substitutes are not permitted.

To be updated after full Council on 14 May 2012

CITY CENTRE AREA COMMITTEE (7) (5:2)

Labour Group

Conservative Group

To be updated after full Council on 14
May 2012

OVERVIEW AND SCRUTINY COMMITTEE (16) (12:2:2)

Labour Group

Conservative Group

To be updated after full Council on 14
May 2012

**JOINT COMMITTEE FOR APPOINTMENTS TO THE POLICE AUTHORITY
(3) (3:0)**

City Membership

Labour Group

To be updated after full Council on 14 May 2012

Nominations to the Joint Committee for Appointments to the Police Authority are made for a two year term.

**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE
AUTHORITY (6) (5:1)**

City Membership

Labour Group

Conservative Group

To be updated after full Council on 14
May 2012

HEALTH SCRUTINY PANEL (10) (8:2)

Labour Group

Conservative

To be updated after full Council on 14
May 2012

CALL IN PANEL (8) (6:2)

Labour Group

Conservative

To be updated after full Council on 14
May 2012

ALCOHOL RELATED HARM SCRUTINY REVIEW PANEL (5) (4:1)

Labour

Conservative

To be updated after full Council on 14
May 2012

FUEL POVERTY SCRUTINY REVIEW PANEL (6) (5:1)

Labour

Conservative

To be updated after full Council on 14
May 2012

DRUG EDUCATION SCRUTINY REVIEW PANEL (10) (5:1:4)

Labour

Conservative

To be updated after full
Council on 14 May 2012

**BUDGET CONSULTATION WITH THE VOLUNTARY SECTOR SCRUTINY
REVIEW PANEL (6) (5:1)**

Labour

Conservative

To be updated after full Council on
14 May 2012

EMPTY AND DERELICT PROPERTY SCRUTINY REVIEW PANEL (6) (5:1)

Labour

Conservative

To be updated after full Council on
14 May 2012

PERSONAL BUDGETS SCRUTINY REVIEW PANEL (6) (5:1)

Labour

Conservative

To be updated after full Council on
14 May 2012

**RESETTLEMENT AND REHABILITATION OF PRISONERS SCRUTINY
REVIEW PANEL (6) (5:1)**

Labour

Conservative

To be updated after full Council on
14 May 2012

JOINT CITY AND COUNTY HEALTH SCRUTINY COMMITTEE (8) (7:1)

City Membership

Labour Group

Conservative Group

To be updated after full Council on 14
May 2012

JOINT COMMITTEE ON STRATEGIC PLANNING AND TRANSPORT (4) (4:0)

City Membership

Labour Group

To be updated after full Council on 14 May 2012

EAST MIDLANDS SHARED SERVICES JOINT COMMITTEE (4) (2:2)

City Membership

Labour Group

To be updated after full Council on 14
May 2012

HEALTH AND WELL BEING BOARD **Voting members**

To be updated after
full Council on 14 May
2012

Non-voting Members

Ms E Yardley	Nottingham City Council
Mr T O'Neill	Nottingham City Council
Ms A Schofield	Nottingham City Homes
Ms L Bacon	Nottingham City Care Partnership
Mr P Moyes	Nottingham Crime and Dugs Partnership
Dr P Miller	Nottingham Healthcare NHS Trust
Ms A Danvers	Nottingham Jobcentre Plus
Ms A Kandola	Nottingham Third Sector Forum
Mr D Mortimer	Nottingham University Hospitals NHS Trust
S Nickless	Chief Superintendent Nottinghamshire Police (City Division)

**GREATER NOTTINGHAM LIGHT RAPID TRANSIT ADVISORY
COMMITTEE (5) (5:0)**

City Membership

Labour Group

To be updated after full Council on 14 May 2012

Section 7

Formal roles and responsibilities

This section details the roles and responsibilities of individual formal positions within the Council that are either statutory or occupy a significant role in respect of the executive, scrutiny or civic and ceremonial infrastructure of the Council.

The following positions are detailed in the numbered sections indicated:

- 1 City Councillor
- 2 Lord Mayor
- 3 Sheriff of Nottingham
- 4 Leader of the Council
- 5 Deputy Leader of the Council
- 6 Portfolio Holders - General responsibilities
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- 16 Executive Assistants to Portfolio Holders
- 17 Chairs of Overview and Scrutiny
- 18 Vice Chairs of Overview and Scrutiny
- 19 Chair of Development Control Committee
- 20 Chair of Licensing Committee
- 21 Chairs of Area Committees
- 22 Chair of Standards Committee
- 23 Chair of Audit Committee
- 24 Chair of Appointments and Conditions of Service Committee
- 25 Chair of Regulatory and Appeals Committee
- 26 Chair of Trusts and Charities Committee
- 27 Executive Portfolio Holders (names and addresses)

**Portfolio Holder Titles will be updated after the annual
meeting of Full Council on 14 May 2012**

1. City Councillor (and general member of a Committee)

The key responsibilities for the role of City Councillor are identified as follows, all Councillors:

- 1 Are collectively the ultimate policy makers and carry out a number of strategic and corporate functions appropriate to a member of Council.
- 2 Represent their communities and bring their views into the Council's decision making process. They are the advocate of, and for, the communities they serve.
- 3 Effectively, fairly and impartially represent the interests of their ward and those of individual citizens.
- 4 Undertake the necessary action arising from citizen casework.
- 5 Contribute to the good governance of the Council and of the City and actively encourage community participation in decision making.
- 6 Are members of the Area Committee covering the ward which they represent.
- 7 Are willing to take on special standing or time-limited responsibilities should it be required of them.
- 8 Are available to represent the Council on other bodies.
- 9 Are to participate actively and effectively as a member on any scrutiny, regulatory or other committee / panel, assembly or forum to which they are appointed.
- 10 Should seek to play an active role in the Council's overview and scrutiny function.
- 11 Develop and maintain a working knowledge of the organisation, services and activities and other matters which affect and impact on the role of the Committee they are appointed to.
- 12 Are required to maintain the highest standards of conduct and ethics. Additionally, a number of Councillors are appointed to special roles within the Council and these roles and their responsibilities are also set out later in this Part.
- 13 Should undertake an annual Personal Development Review, commit to attend necessary and recommended development activities relevant to their roles and responsibilities. To keep informed on matters relating to the Council, the City and local government generally.

Rights and duties

Upon being elected as a Councillor, certain rights and duties are conferred upon individual Councillors:

- 14 All Councillors have a right of access to documents, information, land and buildings of the Council as is necessary for the proper discharge of their duties and in accordance with the law and the protocols set out in this constitution.
- 15 Councillors must not make public information which is confidential or exempt or divulge information given in confidence to anyone other than a Councillor or colleague entitled to know it; for these purposes “confidential” and “exempt” information are defined in the Core Constitution (Access to Information).

2. Lord Mayor

The key responsibilities for the role of the Lord Mayor are identified as follows:

- 1 Upholding and promoting the purposes of the Council's constitution and the interests of the wider Council and citizens.
- 2 Presiding over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community; to make rulings that are binding in the Council meeting.
- 3 Ensuring that the business of the Full Council is planned and managed effectively and transparently in the interests of the wider Council and citizens.
- 4 To ensure that the plans and strategies that form the Council's Policy Framework are considered by Council in a planned and co-ordinated manner.
- 5 Ensuring that the Council meeting is a forum for the debate of matters of concern to the local community.
- 6 The resolution, in accordance with the Council's Standing Orders, of any disagreement between the Council and the Executive Board in respect of the budget and the policy framework.
- 7 Attending civic and ceremonial functions as the Council requires.
- 8 Presiding over Citizenship ceremonies to welcome new British citizens to the City of Nottingham.
- 9 Receiving members of the Royal Family and other important visitors to the City.

3. Sheriff of Nottingham

The key responsibilities for the role of Sheriff of Nottingham are identified as follows:

- 1 In the absence of the Lord Mayor, the Sherriff of Nottingham assumes the specific responsibilities outlined as per the Lord Mayor's responsibilities.
- 2 Section 246 of the Local Government Act 1972 preserves the right of councils to appoint a Sheriff. The post of Sheriff does not have a legal position within a council nor within Royal or social precedence. It is therefore without legal or administrative functions.
- 3 The role of the Sheriff of Nottingham City is a ceremonial one to promote the City as a destination for visitors for short breaks, conferences, business and shopping, and to encourage local residents to use and take part in cultural and leisure activities in the City. This is achieved by performing the following functions:
 - (i) supporting the tourism strategy for the City and County;
 - (ii) welcoming tourists and visitors to the City at various events, including conferences and entertainment/hospitality venues;
 - (iii) hosting welcome receptions in order to promote the City, in particular for conference delegates and journalist familiarisation visits;
 - (iv) working with Experience Nottinghamshire at promotional events such as tourism and destination exhibitions;
 - (v) opening new retail, entertainment or visitor attractions in the City and County.

4. Leader of the Council

The key responsibilities for the role of Leader of the Council are identified as follows:

- 1 Under the Strong Leader and Cabinet Executive Governance Model adopted by the City Council on 13 December 2010, the Leader is responsible for:
 - (i) the allocation and discharge of all executive functions;
 - (ii) determining the size of the executive, appointing its members and removing them at any time;
 - (iii) appointing a member of the Executive as the Deputy Leader or removing that person from Office and appointing a replacement.
- 2 To carry out the functions of his/her specifically allocated Portfolio as follows:
 - (i) working with partners to build a shared vision for the City, aiming to ensure that Council policies and plans, and those of the Council's partners, match that vision;
 - (ii) promoting the City, and the Council and its core values and

- objectives;
- (iii) steering and overseeing the strategic use of resources and the strategic planning cycle of the Council to achieve its objectives;
- (iv) leading the political development of the City, within the context of regional, national, European and international policy and strategic partnerships;
- (v) leading the work of the Executive Board in developing, setting and implementing policy and in taking key decisions;
- (vi) speaking and issuing statements on behalf of the City Council.

- 3 To report to Full Council on all appointments he/she makes to the Executive Board.
- 4 To prepare the forward plan of 'key decisions'.
- 5 To ensure that the Code of Conduct is observed and that ethical behaviour is promoted.
- 6 To support open and transparent Scrutiny, encouraging Full Council, The Executive and statutory partners to work constructively with Scrutiny in developing policies and strategies for the future and in improving Council services.
- 7 The Leader may give notice to the Chief Executive or any relevant Corporate Director that he/she requires a report or portfolio holder decision to be prepared for consideration by himself/herself or the appropriate decision making board/committee in relation to functions within his/her remit of responsibility. On receipt of this notice the Chief Executive or relevant Corporate Director will ensure that a report or portfolio decision form is produced for consideration within 14 working days or will provide reasons to the Leader as to why it cannot be produced within that timescale. Any such notice from the Leader shall be copied to the Head of Democratic Services.

5. Deputy Leader of the Council

The key responsibilities for the Deputy Leader are identified as follows:

- 1 If the Leader is unable to act or the office of Leader is vacant, to deputise for and act in his/her place.
- 2 To provide assistance and support to the Leader and all portfolio holders in the delivery of their individual areas of responsibility.
- 3 Value for Money and Organisational Health.
- 4 Improved cross-cutting service delivery.
- 5 To carry out the functions of his/her specifically allocated portfolio.
- 6 The Deputy Leader and Portfolio Holder(s) may give notice to the Chief Executive or any relevant Corporate Director that he/she requires a report

or portfolio holder decision to be prepared for consideration by themselves or the appropriate decision making board/committee in relation to functions within their remit of portfolio responsibility. On receipt of this notice the Chief Executive or Corporate Director will ensure that a report or portfolio decision form is produced for consideration within 14 working days or will provide reasons to the Deputy Leader or Portfolio Holder as to why it cannot be produced within that timescale. Any such notice from the Deputy Leader or Portfolio Holder(s) shall be copied to the Head of Democratic Services.

6. Portfolio Holders – general responsibilities

In addition to their specific portfolio responsibilities all Portfolio Holders also have the following common responsibilities:

- 1 Sharing responsibility with the Leader, Deputy Leader and other members of the Executive for the Executive business of the Council.
- 2 Promoting and being accountable for the services in their portfolio within the Council and the City as a whole, and nationally and internationally as required, representing the Council's views on matters of corporate or strategic policy within their portfolio.
- 3 Ensuring that the executive functions within the portfolio are performed in accordance with approved Council policies and strategies, and to the highest ethical standards.
- 4 Below the level of Key Decisions, and where not otherwise delegated, taking executive decisions in relation to executive functions within their portfolio, and in accordance with constitutional requirements. A portfolio holder may delegate decisions in respect of matters within their portfolio to an officer (subject to the financial limits set out in the constitution).
- 5 Reporting to the Leader, Executive Board and Overview and Scrutiny bodies on the performance of their portfolio, as reasonably required.
- 6 Directing, encouraging and developing Executive Assistants working on behalf of the Executive, and other Councillors and, generally, acting as a role model.
- 7 Approving capital expenditure in accordance with Financial Regulations on schemes within the remit of their portfolio which form part of the approved capital programme.
- 8 Speaking and issuing statements on behalf of their area of responsibility, in line with policy agreed by the Leader.
- 9 To support open and transparent Scrutiny and to work constructively with Scrutiny in developing policies and strategies for the future and in improving Council services. To work collaboratively with Scrutiny councillors (including attendance at scrutiny meetings, as required).

- 10 Any Portfolio Holder may give notice to the Deputy Chief Executive/ Corporate Director of Resources that he/she requires a report or portfolio holder decision to be prepared for consideration by themselves or the appropriate decision making board/committee in relation to functions within their remit of portfolio responsibility. On receipt of this notice the Deputy Chief Executive/Corporate Director of Resources will ensure that a report or portfolio decision form is produced for consideration within 14 working days or will provide reasons to the Portfolio Holder as to why it cannot be produced within that timescale.

PLEASE NOTE:

All information relating to roles and responsibilities for Portfolio Holders will be updated after the annual meeting of full Council on 14 May 2012.

16. Executive Assistants

The key responsibilities for the role of an Executive Assistant are identified as follows:

- 1 Executive Assistants will provide general political support to the Executive and will, mainly, achieve this by supporting particular Executive Councillors' portfolios and areas of executive work and be responsible in the first instance to a named Portfolio Holder. Their roles will include the following:
- (a) Development of policy in areas allocated by the Executive including leading policy development in particular areas of the Portfolio Holder's responsibilities.

This will involve attending weekly briefings with executive councillors and/or senior officers, contributing to the discussions of key issues facing the leadership of the council and its partners.
 - (b) Assisting Executive Councillors in all elements of work within their portfolios, including:
 - (i) carrying out research and providing advice on executive functions, including briefings to support portfolio decisions;
 - (ii) supporting liaison between the Executive Councillors and other Councillors, Corporate Directors and the Overview and Scrutiny function, and external organisations;
 - (iii) representing the Executive Councillors at internal meetings and at consultation events with the voluntary sector, business and other partners, service users and citizens;
 - (iv) representing the Executive Councillor and the Council at external meetings ensuring that the Council is represented at

as many events as possible.

- (c) Development of knowledge, experience and expertise in the portfolio of the Executive Councillor through:
 - (i) attending conferences and development events for their portfolio area;
 - (ii) visiting frontline delivery points for the portfolio area;
 - (iii) reading and research as appropriate to keep up to date with issues in the portfolio area.

Executive Assistants do not have delegated authority to take executive decisions in relation to any executive functions.

An Executive Assistant may not participate in the business of the Overview and Scrutiny Committee nor any of its Review Panels involving a portfolio with which they are assisting. They may, however, be invited to attend the meeting in the capacity of expert witness.

17. Chairs of Overview and Scrutiny

The key responsibilities for the role of Chairs of Overview and Scrutiny are identified as follows:

- 1 To be responsible for and lead on scrutiny of a review area within the panel's allocated remit.
- 2 To work with and take advice from the overview and scrutiny team.
- 3 To effectively Chair and manage meetings, including facilitating healthy discussion.
- 4 To ensure that all panel members (including any co-opted members) are engaged in the work of the panel and have the opportunity to contribute to the scrutiny process.
- 5 To maintain the direction of the review, ensuring that the scope is clear, that the panel remains focused on the topic and that timescales are adhered to.
- 6 To fully involve relevant key stakeholders, including colleagues, Executive councillors, service users, expert contributors and partners.
- 7 To ensure that resources allocated to the panel are used effectively.
- 8 To ensure that high standards of conduct, courtesy and consideration are maintained at all times.
- 9 To ensure that scrutiny is an open, transparent process that informs, consults, and engages with the needs of local people and local communities, particularly traditionally excluded groups where relevant.
- 10 To make sure that recommendations are evidence-based.

- 11 To be a member of the Overview and Scrutiny Committee and contribute to its work and the overall scrutiny function.
- 12 To act as a link between the panel and the Overview and Scrutiny Committee
- 13 To champion scrutiny, identifying and sharing best practice.
- 14 To take responsibility for continuous development and improvement to fulfil the role.

Chairs of Scrutiny Panels

In addition to the above:

- 1 To support the panel to agree and prioritise its work programme, taking into account resources and workload.
- 2 To guide the panel's work to scrutinise relevant topics.
- 3 To develop constructive ongoing working relationships with Executive councillors, colleagues and partners.
- 4 To represent and promote the scrutiny function to internal and external bodies.
- 5 To represent the Council when required at local, regional and national forums concerned with overview and scrutiny.
- 6 To evaluate the impact and value of work carried out and to identify areas for improvement.

Chair of the Overview and Scrutiny Committee

In addition to the above:

- 1 To be the councillor lead for the Scrutiny function of the authority, with specific responsibility for chairing meetings of the Overview and Scrutiny Committee.
- 2 To lead the development and delivery of an annual review programme, ensuring that it reflects the corporate and improvement priorities of the Council and its partners.
- 3 To liaise with the Leader or his/her deputy on matters requiring urgent determination.

18. Vice-Chairs of Overview and Scrutiny

The key responsibilities for Vice-Chairs of Scrutiny are as follows:

- 1 To actively support the committee / panel Chair in his / her role, including in the preparation for and management of meetings.
- 2 To perform any or all of the duties of the Chair of the relevant committee / panel in his / her absence or as required by the Chair.
- 3 To develop constructive ongoing working relationships with Executive councillors, colleagues and partners.
- 4 To champion scrutiny, identifying and sharing best practice.
- 5 To take responsibility for continuous development and improvement to fulfil the role.

19. Chair of Development Control Committee

The key responsibilities for the Chair of Development Control Committee are identified as follows:

- 1 Chairing meetings of the Committee effectively and in accordance with best practice given the semi judicial nature of this Committee.
- 2 Ensuring that applications for planning permission and consent to display advertisements, building regulation aspects of proposals submitted to the City Council and other matters relating to development control are determined in accordance with legislative requirements and Council policies, in particular the Nottingham Local Plan, more up to date City Planning Guidance and the Nottinghamshire Structure Plan, and with regard to central and regional guidance and directives.
- 3 Keeping in regular contact with the Portfolio Holder with responsibility for strategic planning and with the Deputy Chief Executive/Corporate Director of Resources, Corporate Director of Development and with the Head of Development Management and other colleagues as appropriate regarding development control and other related matters.
- 4 Ensuring that site visits are undertaken by members of the Committee when considered necessary.
- 5 Encouraging close liaison with officers through joint training which seeks to maintain and enhance the effectiveness of the Committee.

20. Chair of Licensing Committee

- 1 The Chair of the Licensing Committee will be responsible for ensuring that issues relating to the determination and regulation of the issue of licences and other related matters are properly considered in accordance with legislative requirements and Council policy. Full Council (as Licensing Authority) may reserve to itself decisions on particular matters within the Committee's remit. The Chair will have the following specific responsibilities:

- (i) chairing meetings of the Committee to determine those applications under the Licensing Act 2003 and the Gambling Act 2005 which are not delegated to officers, ensuring decisions conform to the relevant legislation, the authority's Statement of Policy/Principles and with Statutory Guidance;
- (ii) ensuring that consultation is undertaken as appropriate and in accordance with the relevant legislation;
- (iii) liaising with the Neighbourhood Regeneration and the Transport and Area Working Portfolio Holders on issues relating to licensing and gambling, including responses to regional and national consultation;
- (iv) maintaining close liaison with the Deputy Chief Executive/Corporate Director of Resources, the Corporate Director of Communities and other colleagues as appropriate regarding licensing and gambling matters.

These requirements also apply to the Chairs of Licensing Panels

21. Chairs of Area Committees

Chairs of Area Committees are the spokespersons and champions of their areas and have the following specific responsibilities:

- 1 Chairing area committee meetings.
- 2 Leading and promoting consultation, area working, partnership development, community planning and regeneration and renewal activity at a local level.
- 3 Reporting to and liaising with the Portfolio Holder for Area Working, Cleansing and Community Safety on matters relating to the area committee and its work programme on a regular basis and as required.
- 4 ensuring that the area committee examines and comments on the effectiveness of Council services and inter-agency provision in the area, that reviews of service areas are commissioned as deemed necessary by the Executive, the Overview and Scrutiny Committee and the area committee and the results reported back to Overview and Scrutiny and the Executive Board or Council.
- 5 Leading the area committee in drawing up the action plan for the area and determining the budgetary requirements, and submitting them to the Executive Board for approval.
- 6 Ensuring effective participation and representation at area committee meetings and area committee activities in general.
- 7 Member of the Area Chairs Panel.
- 8 With the Portfolio Holder for Area Working, Cleansing and Community Safety and other members of the Area Chairs Panel, ensuring that the needs and priorities of the area are brought to the attention of the Executive and the Overview and Scrutiny Committee and are considered during the

Council's policy planning and budgetary processes.

- 9 Liaising with the Lead Corporate Director and Area Manager for the area and other colleagues engaged in providing services within the area.

22. Chair of Standards Committee

The key responsibilities for the Chair of the Standards Committee are identified as follows:

- 1 Effectively chair meetings of the Standards Committee.
- 2 Champion high standards of conduct by Councillors and co-opted members.
- 3 Act as an advisor on aspects of the code of conduct.
- 4 Ensure development and overview is available on matters relating to the code of conduct.
- 5 Ensure any reports received from the Monitoring Officer about complaints relating to conduct and propriety are handled appropriately.
- 6 Ensure any recommendations from the District Auditor on these matters are considered.
- 7 Ensure cases arising from complaints about members' conduct are heard under the Council's procedure.
- 8 Ensure matters referred under legislation or from the Standards Board are considered.

23. Chair of Audit Committee

The role of the Chair of the Audit committee is to drive forward improvements on our corporate focus on governance. The Chair should:

- 1 Consider the reports of external audit and inspection agencies.
- 2 Support the Committee in reviewing the financial statements, external auditor's opinion and reports to Councillors, and monitor management action in response to the issues raised by external audit.
- 3 Support the Committee in reviewing the Council's integrated planning and performance framework.
- 4 Support consideration of the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- 5 Seek assurances that action is being taken on risk-related issues identified

by auditors and inspectors.

- 6 Lead the Committee to be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- 7 Lead approval (but not direct) Internal Audit's strategy, plan and monitor performance.
- 8 Support the review of the summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
- 9 Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- 10 Lead the Audit Committee in procuring external audit if required

24. Chair of Appointments and Conditions of Service Committee

To chair meetings of the Appointments and Conditions of Service Committee, the functions of which are:

- 1 To undertake the appointment process (long listing, short listing and formal interview) (or to appoint a politically balanced panel to undertake long listing and short listing) in respect of the Chief Executive and Corporate Directors. Subject to having ascertained the views of the Executive Board in accordance with Standing Orders, to make recommendations to Council.
- 2 To determine the terms and conditions of City Council colleagues (employees) and procedures for disciplinary action and dismissal.
- 3 To designate proper officers.
- 4 To designate Constitutional/Statutory officers as Head of Paid Service, Section 151 Officer and as Monitoring Officer and to ensure the provision of sufficient staff and other resources.
- 5 To exercise any other personnel functions which cannot be the responsibility of the Executive.
- 6 To receive reports on action taken in respect of terms agreed for the Chief Executive, Corporate Directors and the Senior Leadership Management Group (SLMG) to leave the employment of the Council where those terms included compensation.
- 7 To determine redundancies, ill health retirements, flexible retirements and terminations of employment by mutual agreement on grounds of business efficiency, under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of

Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (the 'DCR') and any exercise of discretions to increase total Local Government Pension Scheme (LGPS) membership and award additional LGPS membership for the Chief Executive, Deputy Chief Executive, Corporate Directors and Directors subject in the event of a proposed dismissal to relevant notification to the Proper Officer, and the Executive and relevant consultation with nominated elected members and relevant approval as specified in the Officer Employment Procedure Rules (Part 8).

- 8 To determine flexible retirements and terminations of employment by mutual agreement on the grounds of business efficiency, terminations of employment under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS membership and award additional LGPS membership for any employee who is part of the SLMG below the level of Director. The Committee also determines terminations of employment by mutual agreement on the grounds of business efficiency under the DCR for employees where any proposed compensation payment is in excess of £30,000.
- 9 To appoint an independent person to investigate matters of misconduct and capability involving the Chief Executive, the Section 151 Officer and the Monitoring Officer.
- 10 To approve any proposals for significant restructuring of the Council's management structure.
- 11 To approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors and the Deputy Chief Executive.

NB – "Significant Restructuring"

- (i) the transfer of a significant function between Council departments, or to an external body, or
- (ii) the addition or deletion of a Corporate Director or Director post to or from a department.

25. Chair of the Regulatory and Appeals Committee

The key responsibilities for the Chair of the Regulatory and Appeals Committee are as follows:

- 1 To deal with applications for local licences and registrations of various kinds (including the adoption or approval of any plan or strategy relating to them) including:
 - (i) those licensing and registration functions and functions set out in

- Schedule 1 of the Functions Regulations which are within the remit of the Committee and including powers of imposing conditions, limitations or other restrictions, determining charges and enforcement;
- (ii) the regulation, under the Nottingham City Council Act 2003, of occasional sales and dealers in second-hand goods;
 - (iii) enforcement of byelaws

but excluding matters which are statutorily the responsibility of the Licensing Committee.

- 2 To deal with powers relating to smoke free premises listed in paragraph F of Schedule 1 of the Functions Regulations.
- 3 To chair individual case panels selected by the Deputy Chief Executive/Corporate Director of Resources from a wider group of members constituting the Appeals Panel to hear and determine:
 - (i) appeals relating to housing rents and homelessness;
 - (ii) day care and childminding representations;
 - (iii) access to personal files appeals;
 - (iv) representations under the Data Protection Act 1998;
 - (v) Approved Premises (Marriages) appeals;
 - (vi) statutory complaints concerning education matters.
- 4 To consider matters relating to the exercise of the Council's functions relating to health and safety at work under Schedule 1 of the Functions Regulations and the functions of imposing any conditions.

26. Chair of Trusts and Charities Committee

To Chair meetings of the Charities Committee, the functions of which are to deal with:

- 1 To exercise the administrative powers and duties of Full Council in relation to all trusts for which the Council is sole trustee.
- 2 To exercise the administrative powers of the "Council as Trustee" in accordance with the relevant governing documents of each trust and Charity Commission Scheme(s).
- 3 Upon receipt from council colleagues, to administer and approve annual reports and accounts.
- 4 Approve Charity Commission returns and all other regulatory documents.
- 5 Respond to enquiries from Auditors or Independent Examiners.
- 6 Inquire of and respond to the Charity Commission and any other regulatory bodies.

- 7 Full Council sitting as “Council as Trustee” will be responsible for decisions concerning the use and/or disposal of charity property and assets, and will delegate the day to day management of any City Trust to the Trusts and Charities Committee, with assistance from the Democratic and Legal Services Team as and when required.
- 8 To act as manager for the Trusts and Charities, and be authorised to take all necessary administrative decisions.
- 9 To compile and maintain a comprehensive and up to date list of the City Trusts.
- 10 To take any other action deemed appropriate or necessary to ensure the proper management and administration of the City Trusts.

27. Executive Portfolio Holders (names and addresses)

PLEASE NOTE:

All information relating to Portfolio Holders names and addresses will be updated after the annual meeting of full Council on 14 May 2012.

Section 8

Statutory Officers/ Proper Officers

Statutory Officers

Full Council has made or approved the appointments set out below.

Title and Statutory Derivation	Officer Appointed	Function
Director of Children's Services S18 Children's Act 2004	Corporate Director for Children and Families	<p>The functions conferred or exercisable by the authority which are specified in s.18(2) Children Act 2004; and such other functions conferred or exercisable by the authority as may be prescribed by the Secretary of State by regulations; and such additional other functions conferred or exercisable by the authority as the authority considers appropriate.</p> <p>*At the time of publication, the Council's Appointments and Conditions of Service Committee is due to consider a report on 6 September 2011 which, if approved as per the recommendations, will permanently reassign the statutory function of the DASS to the Corporate Director of Children and Families whose title will also change to Corporate Director for Children and Adults in order to better describe the responsibilities of this post holder.</p>
Director of Adult Social Services (S6 Local Authority Social Services Act 1970)	Corporate Director for Children and Families	<p>The functions are the authority's social services functions, other than those for which the local authority's Director of Children's Services is responsible under S18 Children Act 2004</p> <p>**At the time of publication, the Council's Appointments and Conditions of Service Committee is due to consider a report on 6 September 2011 which, if approved as per the recommendations, will permanently reassign the statutory function of the DASS to the Corporate Director of Children and Families whose title will also change to Corporate Director for Children and Adults in order to better describe the responsibilities of this post holder.</p>
Officer responsible for financial administration (S151 Local Government Act 1972)	Deputy Chief Executive and Corporate Director for Resources	<p>The functions are:</p> <p>(i) Ensuring lawfulness and financial prudence of decision making – after consulting with the Head of Paid Service and the Monitoring Officer, to report to Council, or the Executive Board in relation to executive functions, and the Council's external auditor</p>

Title and Statutory Derivation	Officer Appointed	Function
		<p>if it appears to him/her that any proposal, decision or course of action would involve incurring unlawful expenditure, is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.</p> <p>(ii) Administration of financial affairs – responsibility for the administration of the financial affairs of the Council.</p> <p>(iii) Contributing to corporate management – in particular through the provision of professional financial advice.</p> <p>(iv) Providing advice – to provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the Council and to support and advise councillors and officers in their respective roles.</p> <p>(v) Giving financial information – to provide appropriate financial information to the media, members of the public and the community.</p> <p>(vi) The Chief Finance Officer within Corporate Services is the designated Section 151 Responsible Financial Officer. The Council will provide the Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.</p>
Head of Paid Service (S4 Local Government and Housing Act 1989)	Chief Executive	The duties of the Head of Paid Service are to report to the Council where necessary setting out proposals with respect to the co-ordination of the Council's functions, the number and grades of staff required and the organisation, appointment and proper management of the Council's staff.
Monitoring Officer S5 Local Government and Housing Act 1989)	Director for Legal and Democratic Services	<p>Functions of the Monitoring Officer include:</p> <p>(i) Maintaining the Constitution – to maintain an up-to-date version of the Constitution which is widely available to members, staff</p>

Title and Statutory Derivation	Officer Appointed	Function
		<p>and the public;</p> <p>(ii) Ensuring lawfulness and reasonableness of decision making – after consulting with the Head of Paid Service and the Chief Finance Officer, to report to Council, or to the Executive Board in relation to an executive function, if it appears to him/her that any proposal, decision or omission has given or would give rise to contravention of any enactment or rule of law or to maladministration, provided in the last mentioned case, the Local Government Ombudsman has investigated the matter concerned. Such reports would have the effect of stopping the implementation of the proposal or decision until the report has been considered;</p> <p>(iii) Supporting the Standards Committee – to contribute to the promotion and maintenance of high standards of conduct;</p> <p>(iv) Receiving reports – to receive and act on reports made by ethical standards officers and decisions of case tribunals;</p> <p>(v) Conducting investigations – to conduct investigations into matters referred to him/her by the Standards Board and to report and make recommendations in respect of them to the Standards Committee;</p> <p>(vi) Proper officer for access to information – to ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible;</p> <p>(vii) Advising whether executive decisions are within the budget and policy framework – to advise whether decisions of the executive are in accordance with the agreed budget and policy framework;</p> <p>(viii) Providing advice – to provide advice on the scope of powers and authority to take</p>

Title and Statutory Derivation	Officer Appointed	Function
		<p>decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the Council.</p>
<p>Electoral Registration Officer and Returning Officer Ss 8, 28 and 35 Representation of the People Act 1983)</p>	<p>Chief Executive</p>	<p>Functions of the Electoral Registration Officer and Returning Officer relating to parliamentary, local government and European parliamentary elections and referenda include:</p> <ul style="list-style-type: none"> (i) power to assign officers in relation to requisitions of the registration officer; (ii) duty to provide assistance at European Parliamentary elections; (iii) powers in respect of holding of elections; (iv) power to pay expenses properly incurred by electoral registration officers; (v) power to fill vacancies in the event of insufficient nominations; (vi) duty to declare vacancy in office in certain cases; (vii) duty to give public notice of casual vacancy; (viii) duties relating to publicity; (ix) duties relating to notice to Electoral Commission. <p>Note: The following sub-delegations in relation to DEROs are also in place:</p> <ul style="list-style-type: none"> (i) The Director of Legal and Democratic Services is authorised to act as DERO performing and exercising any and all of the Deputy Chief Executives current duties and powers as Electoral Registration Officer, including adjudicating upon hearings and appeals to objections and reviews of entries to the Register of Electors. (ii) The Legal Services Manager(s) and the Head of Democratic Services is authorised to perform and exercise the duties of a DERO, to determine objections and reviews, including adjudicating upon hearings and appeals to objections and

Title and Statutory Derivation	Officer Appointed	Function
		<p>reviews of entries to the Register of Electors.</p> <p>(iii) The Electoral Registration Officer and his/her deputy are authorised to perform the full powers detailed in (2) above and to appoint additional DEROs as necessary.</p>
Scrutiny Officer S31(2) Local Democracy, Economic Development and Construction Act 2009	Head of Democratic Services	<p>Functions of the Scrutiny Officer include:</p> <p>(a) The promotion of the role of the authority's overview and scrutiny committee or committees.</p> <p>(b) The provision of support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees.</p> <p>(c) The provision of support and guidance to—</p> <ul style="list-style-type: none"> (i) members of the authority, (ii) members of the executive of the authority, and (iii) officers of the authority, in relation to the functions of the authority's overview and scrutiny committee or committees.

Proper Officer Provisions

Legislation		Description	Proper Officer
Local Government Act 1972	S83 (1)-(4)	Officer to whom persons elected to any of the following offices of the City Council shall make declaration of acceptance of office: Lord Mayor, Deputy Lord Mayor, Councillor	Chief Executive
Local Government Act 1972	S84	The Officer to whom a person elected to any office under the City Council may give written notice of resignation	Chief Executive
Local Government Act 1972	S88(2)	The Officer who may convene a meeting of the Council for the election to fill a vacancy	Chief Executive
Local Government Act 1972	S89(1)(b)	The Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors	Chief Executive
Local Government Act 1972	S115(2)	The Officer who shall receive all money due from every officer employed by the Council	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S146 (1)(a) and (b)	The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S146(1)(a)	Declarations and Certificates with regard to securities	Chief Executive
Local Government Act 1972	S151	The Officer responsible for the proper administration of financial affairs	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S191	Functions with respect to ordnance survey	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S191(2), (4) (b)	The Officer to whom applications under Section 1 of the Ordnance Survey	Deputy Chief Executive/Corporate Director of

		Act 1842 should be sent	Resources
Local Government Act 1972	S204(3)	The Officer to whom notice of application for a Justices Licence under Schedule 1 to the Licensing Act 1964 should be given	Corporate Director of Communities
Local Government Act 1972	S210(6) and (7)	Charities	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S225(1)	Deposit of Documents with the Proper Officer and the making of notes or endorsements and receipts	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S229(4) and (5)	The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council	The Director having custody of the original or the Director of Legal and Democratic Services
Local Government Act 1972	S234(1)	Authentication of documents	The Director having custody of the original or the Director of Legal and Democratic Services
Local Government Act 1972	S234(2)	(a) Statutory notices under the Public Health Act 1936 and 1961, the Public Health (Recurring Nuisances) Act 1969, the Clean Air Acts 1956 and 1968, the Control of Pollution Act 1974, the Housing Acts 1957 to 1988 and the Local Government and Housing Act 1989 (other than for Council Houses), the Local Government (Miscellaneous Provisions) Act 1976, the Prevention of Damage by Pests Act 1948, the Food Act 1984 and the Environmental Protection Act 1990 (as it relates to statutory nuisances). The Building Regulations and the	Corporate Director of Communities or the Director of Legal and Democratic Services

		Building Act 1984 and under the Local Government (Miscellaneous Provisions Act 1976 with regard to dangerous trees and excavations.	
		(b) Notices in respect of Council dwellings relating to the right to buy or proceedings for the termination of a secure tenancy.	Corporate Director of Communities or the Director of Legal and Democratic Services
Local Government Act 1972	236(9)	The Officer responsible for sending certified copies of byelaws to appropriate bodies	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	238	The Officer who shall certify copies of Byelaws as true copies	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	248	Keeping the roll of Freemen	Chief Executive
Local Government Act 1972	Sch.12/para 4 (2) (b)	Summons to attend meeting	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	Sch.12/para.4 (3)	The Officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	Sch.14/para.25 (7)	The Officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings.	Director of Legal and Democratic Services
Local Government Act 1972	S100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is	Deputy Chief Executive/Corporate Director of Resources

		likely not to be open to the public.	
Local Government Act 1972	S100B(7)(C)	The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed.	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S100C(2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Deputy Chief Executive/Corporate Director of Resources
Local Government Act 1972	S100D(1)(a) and (5)(a)	Identification of background papers and compilation of list of such documents.	Director responsible for the report.
Local Government Act 1972	S100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Deputy Chief Executive/Corporate Director of Resources
Local Elections (Principal Areas) Rules 1986	--	All references to the Proper Officer in these rules relate to the Chief Executive	Chief Executive
Local Government Act 1974	S30(5)	Publication in newspapers of reports of Local Commissioner.	Chief Executive
Local Government Act 1976	S41	Certification of copies of resolutions, minutes and other documents.	Director of Legal and Democratic Services
Public Health (Control of Diseases) Act 1984	S11	Notifiable disease/food poisoning	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S18	Information to be furnished with regard to Notifiable diseases/food poisoning	Corporate Director of Communities
Public Health (Control of	S20	Preventing someone working to stop spread of disease	Corporate Director of Communities

Diseases) Act 1984			
Public Health (Control of Diseases) Act 1984	S21	Exclusion from school of a child liable to convey a notifiable disease	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S22	List of day pupils at school having a case of Notifiable diseases	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S24	Infected articles not to be sent to any laundry	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S29	Letting of house or room after recent case of concerning a notifiable disease	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S31	Disinfection of premises	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S32	Removal of person from an infected house	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S48	Removal of body to a mortuary or for immediate burial	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S59	Authentication of documents	Corporate Director of Communities
Public Health (Control of Diseases) Act 1984	S60	Service of notices and other documents	Corporate Director of Communities
Food Safety Act 1990	S49	Proper Officer of the Authority as regards documents relating to	Corporate Director of Communities

		matters within his/her province	
Housing Act 1985	S606(1) and (2)	Reports on unfitness and clearance	Corporate Director of Communities
Local Government and Housing Act 1989	S2	Receipt of list of politically restricted posts	Chief Executive
Local Government and Housing Act 1989	S114	Financial report to the authority	Deputy Chief Executive/Corporate Director of Resources
Registration Service Act 1953	--	All references to Proper Officer	Director of Legal and Democratic Services
The Local Government (Committees and Political Groups) Regulations 1990	--	Notifications to and by the Proper Officer	Deputy Chief Executive/Corporate Director of Resources
The Local Authorities (Standing Orders) (England) Regulations 2001	--	Functions in relation to notifying executive of appointments, dismissals etc	Deputy Chief Executive/Corporate Director of Resources or Director of Human Resources and Organisational Transformation
The Local Authorities (Standing Orders) (England) Regulations 2001	--	The Local Code of Conduct	Deputy Chief Executive/Corporate Director of Resources
Freedom of Information Act 2000	S36	Exemption	Monitoring Officer or in his absence , the Chief Executive

Deputy Proper Officer Provisions

Returning Officer

The Chief Executive can designate an individual Officer (in writing) who is authorised to act as a Deputy Returning Officer for Elections when the Chief Executive is unable to act

In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:

- For the Chief Executive Any Corporate Director
- For any Corporate Director A Director in the same department

The Chief Executive is designated as Proper Officer for any purposes where no other Officer has been specifically designated. If neither the Proper Officer nor the Deputy Proper Officer is able to act the Chief Executive may designate an appropriate Officer to act as Proper Officer or Deputy Proper Officer. If the Chief Executive is unable to exercise this power then it shall be exercised by the Deputy Chief Executive/Corporate Director of Resources or a Resources second tier Officer.

The Monitoring Officer and the Section 151 officer designate their own deputy direct and are not covered by the above.

Section 9
Scheme of Delegation
("the Scheme")

Introduction

- 1 Delegated powers may only be exercised in accordance with:
- (i) this Constitution;
 - (ii) statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998, Equality Act, statutory guidance and statutory codes of practice;
 - (iii) the revenue and capital budgets of the Council, subject to any variation which is permitted by the Council's Financial Regulations;
 - (iv) the Council's policy framework;
 - (v) delegations made by the Council, the Leader of the Council, Executive Board or its sub-committees, a Portfolio Holder, a Committee, sub-committee, Chief or other officer which shall be exercised in accordance with paragraphs (i) to (iv) above.

2 Consultations and written advice from appropriate officers

In exercising delegated powers, it should be ensured that:

- (i) in relation to officer decisions, arrangements are in places to brief and consult the Leader and Portfolio Holders on executive decisions, at a level that is appropriate to the decision being taken and, for all other decisions, to brief and consult proportionately any Councillors nominated for such purposes by any of the political groups on the Council on matters of consequence within their service area. This may be by such means as may be agreed with the relevant Councillors;
- (ii) as far as possible, delegated decisions taken by officers were not, and were not perceived to be, pre-emptive in respect of specific courses of action still to be decided by Portfolio Holder, regardless of the financial threshold of the delegated decision;
- (iii) Equality Impact Assessments (EIAs) are carried out, where required, in order to ensure that the Council meets its statutory under the Equality Act 2010 to have due regard for equality in the exercise of its functions. Case law has set out some general principles, now known as the Brown principles, which set out how the above statutory duty should be exercised:
 - a decision maker must be aware of his/her duty to have 'due regard';
 - the 'due regard' must be fulfilled before or at the time that a particular decision was being considered;
 - the duty must be exercised in substance, with rigour and with an open mind;
 - the duty is non-delegable;
 - the duty is a continuing one; and

- it is good practice to keep a record showing that the duty has been actively considered and pondered.

Note: Colleagues and Councillors are requested to refer to the Equality and Community Relations intranet pages for further resources and guidance on equality, diversity and community cohesion issues.

<http://gossweb.nottinghamcity.gov.uk/ccextranet/index.aspx?articleid=9770>

- (iv) except where the decision relates to a day to day operational matter, regulatory or enforcement action, contract management matters or is governed by other statutory procedures/processes or guidance, written advice must be sought from appropriate officers (e.g. legal, financial, Human Resources and equalities) before a decision is taken;
- (v) in addition, except where the decision relates to a day to day operational matter, regulatory or enforcement action, contract management matters or is governed by other statutory procedures/processes or guidance, then decision takers should generally consult any individuals, groups and Councillor(s) specific to the ward(s) that are affected, and must allow reasonably sufficient time for receipt of comments from consultees and for consideration of those comments.

3 Scheme of Executive Delegation

- (i) The Leader may amend the Scheme of Delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Deputy Chief Executive/Corporate Director for Resources and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any officer, body, committee, Executive Board or the Executive Board Commissioning Sub Committee as a whole. The Deputy Chief executive/Corporate Director for Resources will, for information, present a report to the next ordinary meeting of the Council setting out the changes made by the Leader;
- (ii) where the Leader seeks to withdraw an executive delegation from any person, body or committee, reasonable notice will be given and will be deemed to be served on that officer, body or committee when the Leader has served it on the Deputy Chief Executive/Corporate Director for Resources.

4 Records of decisions

Records of decisions must comply with the following:

- (i) if it is a Portfolio Holder decision, it should be made in conjunction with a Corporate Director and a declaration should be signed by both parties that this has been the case. The form recording the decision must be signed by both parties within 10 working days of each other;
- (ii) in those circumstances where a delegated decision comes within the remit

of more than one Portfolio, only the signature of the principal Portfolio Holder is required. However, consultation must take place with the other affected Portfolio Holder(s) and a record of their affirmation of the proposals should be recorded on the form approved for these purposes;

- (iii) it must record reasons why it was not considered necessary to consult (where appropriate) in accordance with paragraph 2 above;
- (iv) if it is an officer decision committing expenditure or making savings of £10,000 (except where they relate to day to day operational matters, regulatory or enforcement action, contract management matters or is governed by other statutory procedures/processes) it shall be recorded in the prescribed form which can be found set out later in this Part and shall be signed by an officer authorised to take the decision in accordance with this scheme;
- (v) Ward Councillor decisions are made by either the Corporate Director for Communities or Director of Neighbourhoods and Communities, in consultation with the Ward Councillor(s), and the declaration should be signed by either Director;
- (vi) all completed Delegated Decision Making Forms must be submitted to the Deputy Chief Executive/Corporate Director for Resources within 2 working days of signature and should be recorded in the prescribed form which can be found set out later in this Part;
- (vii) the form recording the decision should include any documentation required to demonstrate how 'due regard' for equality has been considered, including Equality Impact Assessment documents, and the advice received from appropriate officers in accordance with paragraph 2(iv) above.

5 Sub-delegation of powers

The powers delegated to **portfolio holders and** officers within this Scheme may be sub-delegated by them to other officer by means of a delegated decision. **Officer to Officer** ~~The sub-delegations~~ should be in writing, and the department should maintain a register of such delegation to be available for inspection on request. **Portfolio Holder to Officer delegations should be in writing, with a copy of the notice of the delegation being sent to the Head of Democratic Services with the department also maintaining a register of such delegations to be available for inspection of request.** A recommended form for use by departments is set out later in this Part.

6 Delegation of powers to Portfolio Holders (Portfolio Holder Decisions)

- (i) A Portfolio Holder has power to make any Executive decision (other than a Key Decision) in respect of their portfolio subject to compliance with the requirements set out in this Scheme (see Section 7 of this Part for Portfolio Holder roles and responsibilities);

- (ii) (a) a Portfolio Holder may delegate decisions in respect of matters within their portfolio to an officer (subject to the financial limits set out on paragraph 11 below). To do so, the Portfolio Holder must give written notice to the Deputy Chief Executive/Corporate Director for Resources and to the officer concerned. The notice must set out the extent of the delegation, and whether it entails the withdrawal of a delegation from an officer. The Deputy Chief Executive/Corporate Director for Resources will, for information, present a report to the next ordinary meeting of Council setting out the changes made by the Portfolio Holder;
- (b) where a Portfolio Holder seeks to withdraw an executive decision from any officer, reasonable notice will be given and will be deemed to be served on that officer when the Portfolio Holder has served it on the Deputy Chief Executive/Corporate Director for Resources;
- (iii) as stated in paragraph 3(ii) above, in those circumstances where a delegated decision comes within the remit of more than one Portfolio, only the signature of the principal Portfolio Holder is required. However, consultation must take place with the other affected Portfolio Holder(s) and a record of their affirmation of the proposals should be recorded on the form approved for these purposes;
- (iv) in the event that an agreement cannot be achieved between the Portfolio Holder as to who the principal Portfolio Holder is on a particular decision, as required by paragraph 6(iii) above, then the decision on which is the principal portfolio will be taken by the Leader.

7 Ward Councillor Decisions

- (i) Ward Councillor Budgets are allocated at the start of the financial year to be spent on supporting ward initiatives. Area Committees divide their overall Ward Councillor Budgets between an Area Allocation Budget, to fund grants to community and voluntary sector organisations and inter-ward initiatives, and individual Ward Support Budgets, to fund other initiatives recommended by the relevant Ward Councillor;
- (ii) the Corporate Director for Communities, ~~and~~ Director of Neighbourhoods and Communities **and the Locality Managers** have delegated authority to take expenditure decisions ~~in relation to:~~ **having regard to the recommendation of the relevant Ward Councillors(s); and where either the Corporate Director, Director of Neighbourhoods and Communities or Locality Managers are not prepared to take a decision in such circumstances, then the proposals will be reported to the Area Committee for decision.**
 - ~~(a) individual Ward Support Budgets, having regard to the recommendation of the relevant Ward Councillor(s); and~~
 - ~~(b) urgent funding requests, from Area Allocation Budgets, having~~

~~regard to the outcomes of consultation with relevant members
and the reason for urgency;~~

~~and where either Director of not prepared to take a decision in such
circumstances, then the proposal will be reported to the Area
Committee for decision;~~

~~(iii) any individual Ward Support Budget not spent or allocated to a project
at municipal year end is to then be allocated to the relevant Area
Committee's Area Allocation Budget.~~

8 Delegations to Officers

- (i) Officers may exercise all functions delegated to them by the City Council, its committees and sub-committees, the Leader of the Council and Portfolio Holders and any powers conferred by Standing Orders and Financial Regulations;
- (ii) these detailed functions are set out in the Scheme. References to the boards/committees and officers responsible for the matters concerned and references to specific legislation shall be construed as referring to the board/committees and officers within whose remit those matters currently lie and any legislation amending, extending or succeeding the specified legislation, including regulations and orders made under it.

9 Chief Executive and Corporate Directors (Remits of Responsibility)

(i) Chief Executive

The remit of the Chief Executive includes:

- Strategic Partnerships (Corporate Policy and Partnerships Policy);
- Communications and Marketing (Corporate Communications and Corporate Marketing);
- One Nottingham;
- Overall corporate management and operational responsibility (including overall management responsibility for all Officers).

(ii) Deputy Chief Executive/Corporate Director for Resources

The remit of the Deputy Chief Executive/Corporate Director for Resources includes:

- Information and Technology (IT Application Development, IT Operations and IT Strategy and Security and Information Governance);
- Human Resources and Transformation (Talent and Skills, People Practices, Change and Improvement and HR Shared Services);
- Finance (Strategic Finance, Corporate Finance, Internal Audit, Revenues, Benefits and Welfare Rights and Departmental Financial Support);
- Legal and Democratic Services (Legal Services, Democratic Services, Emergency Planning, Health and Safety (internal), Civic Registration

- and Coronial Services);
- acting on behalf of the Chief Executive when the Chief Executive is unavailable.

(iii) Corporate Director for Communities

The remit of the Director includes:

- Neighbourhood Engagement and Services (Area Committees, Equality and Diversity, Customer Services, Community Centres, Street Services and Refuse Collection, Sustainability and Climate Change, Transport Services, Highways);
- Adult Services and Adult Community Inclusion (residential and day care, Social Work Assessments, Self Directed Support);
- Sport, Culture and Parks (Sports, leisure centres, parks and open spaces, libraries, cultural services and council owned cemeteries and crematoria);
- Public and Community Protection (Environmental Health and Trading Standards including food safety and standards, health and safety enforcement, noise and pollution control, statutory nuisance, public health, trading standards, tobacco control and strategy, student strategy, houses in multiple occupation, housing strategy, infectious disease control, dog and pest control, Licensing Registration and permits, Parking, abandoned and untaxed vehicles, Enviro-crime, crime and anti-social behaviour (including litter, high hedges, graffiti and relevant functions of the Council as Local Planning Authority such as enforcement powers relating to the amenity of land, advertisement control);
- Crime and Drugs Partnership.

(iv) Corporate Director for Development

The remit of the Director includes:

- Planning (including Development Management, Building Control, Planning and Transport Strategy, Road Safety, Housing and Regeneration);
- Major programmes (corporate projects, project finance, BSF, LIFT, Leisure Transformation);
- Property (Property Services, catering and cleaning, facilitates management);
- Economic Innovation and Employment (jobs and training, Royal Centre, tourism, creative industries);
- NET and Public Transport (including Workplace Parking Levy).

NOTE: Development Services – additional delegation requirements:

- (a) the Development Control Committee is responsible for most town and country planning and development control functions, with the exception of the Local Development Framework;

- (b) many of the powers of the Development Control Committee are delegated in turn to the Corporate Director for Development, and also to the Director of City Planning and are set out in this Scheme;
- (c) in general, the Scheme in relation to planning matters is subject to certain key limitation. No application can be determined by officers where the decisions would be:
 - contrary to the provisions of the Development Plan;
 - contrary to approved City Council planning policy;
 - contrary to a previous decision of the Development Control Committee; or
 - contrary to a recommendations of any statutory consultee;
- (d) items which give rise to complex or sensitive issues should be referred to Committee for determination. Applications for A3, A4 and A5 uses are considered to be sensitive in all cases. All planning applications made by, or on behalf of Councillors, are considered to be sensitive, requiring determination by the Development Control Committee;
- (e) although applications requiring Section 106 agreements are often complex or sensitive, Development Control Committee have granted delegated powers to enter into agreements required in connection with straightforward planning applications, provided that such agreements are being negotiated in accordance with approved planning guidance. 'Non standard' agreements remain a Committee matter.
- (v) Corporate Director for Children and Families

The remit of the Director includes:

- Schools and Learning (relationships with Schools, School Standards, School improvement, admissions, Special Educational needs, Vulnerable Pupils, services to schools and inclusion);
- Family Community Teams (Specialist Services, Family Community Team North, Family Community Team South, Family Community Team Central, Frontline Integrated Prevention Services, YOT, Positive Activities for Young People, Disabled Children, Family Support, CAMHs);
- Children's Safeguarding (Children's Social Care, Children in Care, Child Protection, Local Safeguarding Children Board, Local Safeguarding Adult Board, Quality Assurance, Safeguarding Children);
- Quality and Commissioning (Commissioning Services for Children, Commissioning Services for Adults, Market Development, Placements, Insight and Quality, Performance, Early Intervention);
- Adults Safeguarding (Safeguarding Adults, Adult Protection, Adult Assessment (Learning Disability, Physical Disability, Older People, Children in Transition, Sensory Impairment, Hospital Discharge, Deprivation of Liberty Assessors), Integrated Adult Assessment with Health (Mental Health, Community Neurological Service, Intermediate Care Crisis Service)).

~~*At the time of publication, the Council's Appointments and Conditions of Service Committee is due to consider a report on 6 September 2011 which, if approved as per the recommendations, will permanently reassign the statutory function of the DASS to the Corporate Director of Children and Families whose title will become Corporate Director for Children and Adults in order to better describe the responsibilities of this post holder. It will further clarify that the provider services for adults will remain within the Communities department, while the delivery and commissioning, assessment and reablement services for Adult Social Services will come under the Children and Adults department. The summary description of the remit of responsibility for the Corporate Director for Children and Adults assumes the report will be approved.~~

10 Financial limits of delegation

The following table sets out the financial limits of general delegations, with the exception of the following circumstances:

- where the Scheme specifically states different financial thresholds;
- where specific delegated authority is granted by the Council, a Committee/board of the City Council, or the Leader;
- Treasury Management – decisions on borrowing, leasing, investments, and financing, and related day to day transactions, are delegated, without limit, to the Chief Finance Officer, in accordance with Financial Regulations (section C.15 to C.21).

	Revenue	Capital
Executive Board	Any sum but £1m plus is a key decision	Any sum but £1m plus is a key decision
Executive Portfolio Holder	£999,999 (provided the spend is on services/goods within the current policy framework of the Council)	£999,999 (provided the spend is on services/goods within the current policy framework of the Council)
Corporate Director	£25,000 (provided the spend is on services/goods within the current policy framework of the Council)	£25,000 (provided the spend is on services/goods within the current policy framework of the Council)

Any financial decision taken under this delegation should be in compliance with Financial Regulations. In any case, the exercise of the delegation must be on the basis that an uncommitted budget is available to cover the expenditure and that in the case of revenue spend, there will be no increase in spending in a future year as a result of the decision.

11 Key Decisions

- (i) Key decisions are defined under The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. Nottingham City Council has decided that significant decisions are those likely:
 - (a) to result in the Council incurring expenditure or making income or savings of more than £1,000,000 revenue, taking account of the overall impact of the decisions; or £1,000,000 capital (see paragraph 10 above for explanation of revenue and capital expenditure);
 - (b) to be significant in terms of its effects on communities living or working in an area consisting of two or more wards in the City.
- (ii) Who can take Key Decisions?

Nottingham City Council has decided (and included within the provisions of this Constitution) that Key Decisions may be taken by the Leader of the Council, Executive Board and the Executive Board Commissioning Sub Committee. The taking of Key Decisions must be undertaken in compliance with the Executive Board Procedure Rules set out in Part 4 of the Constitution. Where Key Decisions are taken by the Leader, steps must be taken to ensure that the public have no less rights to access the decision-making process and information supporting it than would be the case had the decision been taken by the Executive Board or its Sub Committee. **Key Decisions being taken by the Leader shall be in accordance with Paragraph 3 of the Executive Procedure Rules.**

- (iii) Who decides if a decision is key?

It is for the Corporate Director to decide which decisions within their responsibility are key. They should consider the definition and where appropriate seek advice. The procedures and guidance in relation to the Forward Plan of Key Decisions are set out in Part 4. The Forward Plan of Key Decisions is a statutory document which enables citizens to see what Key Decisions are due to be taken by the City Council, who will be taking the decision, when the decision will be taken, how and with whom consultations are taking place, how comments can be submitted and how further information can be requested.

12 Misattribution of functions

The Scheme of Delegation describes particular functions as executive functions and non-executive functions for illustrative purposes only, and misattribution of a function as executive or non-executive shall not be treated as preventing the exercise of the function or delegation.

13 Effect of structural reorganisation within the Council on the Scheme of Delegation

The delegations granted in the Scheme remain in force notwithstanding any change in the title or remit of a Directorate, a Corporate Director or any officer or Portfolio Holder the subject of these delegations. In the event of any reorganisation within the Council these delegations shall pass to such other Portfolio Holder, officer or officers within whose remit the function lies at the relevant time.

Scheme of Delegation

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
<u>CHIEF EXECUTIVE AND ALL CORPORATE DIRECTORS</u>				
1.	<p><u>All functions within remit</u> To administer all functions within their remit including the exercise of all relevant duties and powers under any legislation or at Common Law. This includes the power to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of those functions. By way of example this delegation includes, but is not limited to:</p> <ul style="list-style-type: none"> • administration (including taking all necessary action to implement Council, committee and executive decisions within approved budgets), • regulation (including the administration of any relevant order making, permit and certification, registration, consent, or permission processes and powers), • investigation, and enforcement (including the power to issue simple cautions), • advice and information giving, • funding and finance, • providing instructions to the Director of Legal and Democratic Services and/or the Legal Service Manager(s) in relation to any relevant legal proceedings, service of notice, or the entering or negotiation of any agreements, property matters or controls, • appointment of inspectors and authorised officers to carry out some or all of the powers specified under any legislation relating to any matter within their remit, • appointment of experts, consultants and 	--	Can be either depending on the circumstances	General function to all Corporate Directors for all matters within their remit

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>advisors (in accordance with the corporate procedure and with the exception of legal advisors who can only be appointed with the approval of the Director of Legal and Democratic Services);</p> <ul style="list-style-type: none"> acting in accordance with any authorisation, instruction, or order granted by any Government Department or body, entering into relevant memorandum of understanding, and carry out any associated powers and duties. 			
2.	<p><u>Visits abroad</u> To determine officer and councillor attendance on visits (including visits abroad).</p>	--	Executive	General function to all Corporate Directors for all matters within their remit
3.	<p><u>Attendance at Conference/Seminars</u> To determine officer and Councillor attendance at Conference/Seminars, (including those held abroad).</p> <p>Where more than one service is involved and in the event of any disagreement, determination of attendance by Officers and Councillors at Conference/Seminars, (including those held abroad), shall be by the Chief Executive.</p>	--	Executive	General function to all Corporate Directors for all matters within their remit
4.	<p><u>Fees and Charges</u> Subject to any statutory provision and/or any specific provision made elsewhere in this Constitution, to agree, in consultation with the appropriate Chair (for non-executive functions) or Portfolio Holder (for executive functions), fees and charges for all matters within their remit where a power to charge exists.</p>	--	Can be either depending on the circumstances	<p>General function to all Corporate Directors for all matters within their remit</p> <p>Director of Community Protection</p>
5.	<p><u>Service of Statutory Notices</u> Service of statutory notices, fixed penalty notices,</p>		Can be either depending on the	General function to all Corporate Directors for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>orders and/or arranging for the execution of work consequent on non-compliance with such notices or orders in relation to any matter within their remit, together with any action to recover associated costs and expenses.</p> <p>N.B</p> <p>(i) In respect of planning enforcement notices, breach of condition notices, stop notices, certificates of lawfulness of existing and proposed uses, tree replacement and preservation notices, listed building repair notices, blight and purchase notices (and responses thereto), they are to be served only by the Director of Legal and Democratic Services or the Legal Services Manager (s), subject to him/her being satisfied with the evidence available.</p> <p>(ii) Where a matter falls within the remit of more than one Director (e.g. those matters which are Planning Functions but also relate to environmental crime such as enforcement of unauthorised advertisements, or land affecting the amenity of an area) then the powers may be exercised by either Director.</p>		circumstances	<p>all matters within their remit</p> <p>Director of Legal and Democratic Services</p> <p>Legal Services Manager(s)</p> <p>Director of Community Protection</p>
6.---	<p><u>Acceptance of Tenders</u></p> <p>To accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value over £50,000. A quarterly report must be forwarded to the Chief Finance Officer which sets out all schemes let</p>	--	Executive	<p>General function to all Corporate Directors for all matters within their remit</p>

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	under this authority in the preceding quarter.			
7.—	Tenders—Contract Documentation To enter into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal—for Schemes with a value of £2 million or more).	--	Executive	General function to all Corporate Directors for all matters within their remit
(new 7)	<p><u>Authorisation to invite and accept tender(s) and bid(s)</u></p> <p>Up to contract value of £25,000</p> <p>1. To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is below £25,000, subject to compliance with Contract Procedure Rules which require three quotations to be sought where the contract values are between £10,000 and £50,000;</p> <p>For contract values above £25,000</p> <p>2. (a) To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is above £25,000, subject to the appropriate level of executive Councillor or Board approval being sought and in compliance with Contract Procedure Rules which require:</p> <p>(i) three quotations to be sought where the</p>	--	Executive	<p>General function to all Corporate Directors for all matters within their remit</p> <p>Executive Board or Portfolio Holder depending on value of tender(s) or bid(s)</p>

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>contract values are between £10,000 and £50,000;</p> <p>(ii) a full tender process being undertaken for a</p> <p>(iii) contract estimated to exceed £50,000.</p> <p>For any schemes let in accordance with 2 above, a quarterly report must be forwarded to the Chief Finance Officer setting out the details of schemes let under this authority in the preceding quarter.</p> <p>(3) Provided that authority to a let a contract has been obtained, acceptance of the most economically advantageous tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the Deputy Chief Executive/Corporate Director for Resources.</p>			
8.	<p><u>Tenders – Invitations to suppliers</u></p> <p>To ensure that invitations to suppliers to provide quotations or to submit tenders for work, goods, materials or services incorporate adequate and appropriate price adjustment provisions (unless the circumstances of the particular invitation requires a different approach).</p>	--	Executive	General function to all Corporate Directors for all matters within their remit
9.	<p><u>Invitation to tenders – written consent for assignment or sub-contracts</u></p> <p>Corporate Directors shall ensure that invitations to suppliers to provide quotations or to submit tenders for work, goods, materials or services incorporate a notification that assignment or sub-contracting is not permitted without prior written consent from the City Council unless the circumstances of the particular invitation required a different approach.</p>	--	Executive	General function to all Corporate Directors for all matters within their remit

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
10.	Acceptance of Tender Provided that authority to a let a contract has been obtained acceptance of the most economically advantageous tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the Deputy Chief Executive/Corporate Director for Resources.	--	Executive	General function to all Corporate Directors for all matters within their remit
11.	<u>Contracts</u> The assignment or novation of a contract.	--	Executive	General function to all Corporate Directors for all matters within their remit
12.	<u>Virements</u> May exercise virement on budgets under his/her control for amounts up to £25,000 on any one budget head during the year, following notification to the Chief Finance Officer and in consultation with the appropriate Portfolio Holder under arrangements agreed by the full council and subject to the conditions set out in the Corporate Financial Procedures.	--	Executive	General function to all Corporate Directors for all matters within their remit
13.	<u>Management of stock</u> Subject to the agreement of the Deputy Chief Executive/Corporate Director for Resources: (i) the writing off of debts which are irrecoverable or losses due to burglaries, break-ins, etc and (ii) the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc.	--	Executive	General function to all Corporate Directors for all matters within their remit
14.	<u>Write-off of redundant stocks and equipment</u>	--	Executive	General function to all

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To authorise write-off and disposal of redundant stocks and equipment. The procedures for disposal for such stocks and equipment should be by competitive quotations or auction, unless following consultation with Chief Finance Officer, Executive Board.			Corporate Directors for all matters within their remit
(new 13)	<u>Management of stock</u> Subject to the agreement of the Deputy Chief Executive/Corporate Director for Resources: <ul style="list-style-type: none"> (iii) the writing off of debts which are irrecoverable or losses due to burglaries, break-ins, etc and (iv) the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc (v) the write-off and disposal of redundant stocks and equipment. The procedures for disposal for such stocks and equipment should be by competitive quotations or auction. 	--	Executive	General function to all Corporate Directors for all matters within their remit
15.	<u>Variation of price of goods and services</u> To vary the price of goods and services supplied, in accordance with changes in the cost incurred by the City Council, in consultation with the Deputy Chief Executive/Corporate Director for Resources.	--	Executive	General function to all Corporate Directors for all matters within their remit
16.	<u>Management of Employees</u> The recruitment(within approved staffing budgets), management and discipline of all employees in their department below the level of Director, in accordance with and subject to restrictions in the relevant national	--	Non- Executive	General function to all Corporate Directors for all matters within their remit

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>and local schemes and conditions of service, as set out in:</p> <p>(a) the City Council's People Management Handbook,</p> <p>(b) the Officer Employment Procedure Rules and Appointments and Conditions of Service Committee terms of reference (as set out in the Council's Constitution); and</p> <p>(c) the approved budget provision not being exceeded,</p> <p>noting that these may be reviewed and amended from time to time to reflect the changing needs of the Council, in consultation (or where necessary, negotiation) with recognised trade unions).</p> <p>Note to Corporate Directors: In exercising this general delegation, reference should always be made to the specific procedures as set out in the People Management Handbook.</p>			
17.	<p><u>Variation in contracts</u> To negotiate and agree variations in contracts.</p>	--	Executive	General function to all Corporate Directors for all matters within their remit
18.	<p><u>Opening hours of facilities</u> Determination of hours of opening of Council owned or operated premises and facilities, including seasonal arrangements and closure during holiday periods.</p>	--	Executive	General function to all Corporate Directors for all matters within their remit
19.	<p><u>Production of publications relating to the service</u> Production of publications, relating to the service provided, for sale or free distribution to the public, subject to Section 2 of the Local Government Act 1986</p>	--	Executive	General function to all Corporate Directors for all matters within their remit

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	and the Code of Recommended Practice on Local Authority Publicity.			
20.	<u>Consultation papers – responses</u> To respond to consultation papers relating to matters within the Corporate Director's remit.	--	Executive	General function to all Corporate Directors for all matters within their remit
21.	<u>Disclosure of information</u> To exercise the functions of the Council pursuant to Section 115 (disclosure of information to a relevant authority) of the Crime and Disorder Act 1998.	Crime and Disorder Act 1998 – Section 115	Executive	General function to all Corporate Directors for all matters within their remit Director of Community Protection
22.	<u>Power of Entry</u> To authorise appropriate competent officers to enter premises under any legislation granting such powers to the Council (including the power to be accompanied by such other persons as may be deemed appropriate), and exercise any or all relevant statutory powers under that legislation such as powers of inspection, examination, investigation, seizure, forfeiture, condemnation, destruction, sampling, testing, recording, closure and prohibition.	--	Can be either depending on the circumstances	General function to all Corporate Directors for all matters within their remit Director of Community Protection
23.	<u>Particulars of persons interested in land</u> Obtaining particulars of persons interested in land.	Local Government (Miscellaneous Provisions) Act 1976 – Section 16	Can be either depending on the circumstances	General function to all Corporate Directors for all matters within their remit
CHIEF EXECUTIVE				
24.	<u>Urgent Decisions by Chief Executive</u>	--	Non-Executive	Chief Executive

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>Discharge any non-executive function of the Council which has not been specifically delegated to another colleague or committee or to discharge a function which is necessary before the next meeting of the appropriate committee after consultation with the Chair or Vice-Chair and with the main minority party spokesperson, provided:</p> <p>(i) that every such decision is recorded in accordance with current corporate requirements and open to public inspection unless the decision falls within the rules relating to Exempt Information; and</p> <p>(ii) that a report on the exercise of the delegation together with a summary of the consultations and the reasons for urgency shall be submitted to the next meeting of the committee concerned and that the power shall be exercised by the Deputy Chief Executive/Corporate Director for Resources only when the Chief Executive is not available.</p>			
25.	<p><u>Capital and Revenue Grants</u> Make all decisions relating to the reclaim of capital grants, cessation of revenue grants and variation to any legal agreement (including financial returns to the City Council) in relation to the above expenditure.</p>	--	Executive	Chief Executive
26.	<p><u>Economic Regeneration – administration of fund</u> Administer, following consultation with the Leader, the economic regeneration fund for the purposes of improving services, keeping and generating jobs, attracting visitors to the City, or raising Nottingham's national and international profile.</p>	--	Executive	Chief Executive

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
27.	<u>Capital Investment bids</u> Be responsible for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating and other plant.	--	Executive	Corporate Director for Development Director for Property and Workplace Strategy
28.	<u>List of Senior Nominated Officers – Protection of children</u> Maintain the list of Senior Nominated Officers in connection with establishment arrangements for the protection of children.	--	Executive	Chief Executive
29.	<u>Approval of Development briefs</u> Approve development briefs in consultation with the Leader and other relevant Portfolio Holders.	--	Executive	Chief Executive Corporate Director for Development
30.	<u>Civil emergencies and disasters</u> Deal with emergencies and disasters and the carrying out of civil defence functions.	--	Executive	Chief Executive Deputy Chief Executive/Corporate Director of Resources
31.	<u>Press and Media – Co-ordination</u> Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including approval of the issue of all official publicity and official publications.	--	Executive	Chief Executive
32.	<u>Complaints – Chief Officer and Councillors</u> Deal with issues relating to the Commission for Local Administration provided that: (i) complaints involving Councillors shall be notified to the Councillor concerned and the Leader of the party of which the Councillor is a member;	--	Executive	Chief Executive

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(ii) complaints involving the Chief Executive shall be undertaken by a Corporate Director nominated by the Leader; (iii) the Leader shall be consulted about statements to be published with the Local Commissioner.			
33.	<u>Arrangements for civic hospitality</u> Determine arrangements for civic hospitality.	--	Executive	Deputy Chief Executive/Corporate Director of Resources
RESOURCES				
34.	<u>Claims settling</u> To settle claims of any value in line with the Council's procedure for claims handling and in accordance with the Ministry of Justice - Pre Action Protocols for Personal Injury Claims, subject to claims in excess of £100,000 being referred to the Strategic Finance Manager for approval.	--	Executive	Deputy Chief Executive/Corporate Director for Resources Strategic Finance Manager Insurance and Risk Manager
35.	<u>Allocation of funds for the purpose of managing risk</u> To allocate funds for the purposes of managing risk, subject to all allocations over £500 being referred to the Strategic Finance Manager.			Deputy Chief Executive/Corporate Director for Resources Strategic Finance Manager Insurance and Risk Manager
36.	<u>Outside Bodies – Appointments</u> To approve and action in-year nominations to existing outside bodies as directed by relevant group whips.	--	Executive	Deputy Chief Executive / Corporate Director for Resources

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
37.	<u>Protection of rights and interests of the Council</u> Take preliminary steps to protect the rights and interests of the Council subject to consultation with the Leader in relation to any Bill or Statutory Instrument or Order in Parliament.	--	Can be either depending on the circumstances	Deputy Chief Executive/Corporate Director for Resources Director of Legal and Democratic Services
38.	<u>Members' Allowances Scheme</u> Administer the scheme of Members' allowances and to adjust such allowances annually in accordance with the formula agreed by the Council.	--	Non-Executive	Deputy Chief Executive/Corporate Director for Resources
39.	<u>Pensions</u> Subject to 1 and 2 below, to exercise the functions of the authority in relation to pensions. (CFP D10 3-5) (1) In consultation with the Portfolio Holder for Resources and the Director of Legal and Democratic Services, to determine requests for guarantees to the Nottinghamshire Pension Fund from bodies entering into admission agreements with the Fund. (2) Be the person specified to determine disputes in the first instance arising from the decisions of the Council as scheme employer under the Local Government Pension Regulations 1997.	Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) Local Government Pension Scheme (Miscellaneous) Regulations 2009 (as amended) Local Government	Non-Executive	Deputy Chief Executive/Corporate Director for Resources

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		Pension Scheme (Administration) 2008 (as amended)		
40.	<u>Petty Cash</u> Determine appropriate arrangements for the reimbursement of expenditure incurred by staff in exercise of Council duties, including establishing petty cash accounts where this is the most appropriate arrangement.	--	Non-Executive	Deputy Chief Executive/Corporate Director for Resources
41.	<u>Accounts and Audit</u> To discharge the functions of the Council under the Accounts and Audit Regulations 2009 [with the exception of Regulation 4(3), 6(4) and 10(3)].	Accounts and Audit Regulations 2009	Non-Executive	Deputy Chief Executive/Corporate Director for Resources
42.	<u>Statement of Accounts</u> In accordance with Regulation 5(2) of the Accounts and Audit Regulations 2009 as amended, to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Council at the end of the year to which it relates and of the Council's income and expenditure for that year.	Accounts and Audit Regulations 2009	Non-Executive	Deputy Chief Executive/Corporate Director for Resources
43.	<u>Financial Regulations and Corporate Financial Procedures</u> To exercise the responsibilities assigned to the Chief Finance Officer in the Standing Orders and Financial Regulations and Corporate Financial Procedures	--	Executive	Deputy Chief Executive/Corporate Director for Resources
44.	<u>Loans and Investments</u> To raise loans and make investments (temporary investment of surplus monies and longer term investment of monies for specific purposes) as and	--	Executive	Deputy Chief Executive/Corporate Director for Resources

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	when required at appropriate rates in accordance with Council Treasury Management policy.			
45.	<u>Leasing agreements completion</u> To complete and sign leasing agreements for items included within the approved capital or revenue budgets.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
46.	<u>Home Loans Scheme</u> To operate the Home Loans scheme including mortgage advances, transfer of mortgages, sales of houses in possession and guarantees to building societies.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
47.	<u>Benefits</u> (a) To assess and pay Council Tax Benefits, Housing Benefits and Education Benefits. (b) To determine requests for the award of discretionary housing benefit in exceptional circumstances. (c) To represent the Council at HM Court and Tribunal Service or equivalent body in connection with Benefit Appeals. (d) To select and contract with third party agencies and suppliers as required in the administration of Benefits. (e) To initiate and carry out whatever steps are necessary in accordance with any legislation now or subsequently made relating to the administration of Council Tax Benefit, Housing	--	Executive	Deputy Chief Executive/Corporate Director for Resources

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	Benefit and Education Benefit.			
48.	<p data-bbox="231 1688 263 1861"><u>Council Tax</u></p> <p data-bbox="300 1072 406 1861">(a) To institute and conduct recovery proceedings (including winding up of companies) in relation to Council Tax.</p> <p data-bbox="448 1077 555 1861">(b) To nominate persons to appear in Courts of Law in connection with any proceedings for recovery action relating to the Council Tax.</p> <p data-bbox="596 1173 663 1861">(c) To represent the City Council at Valuation Tribunals.</p> <p data-bbox="705 1077 812 1861">(d) To maintain and make available the valuation list and to supply information to the Listing Officer in order to assist that officer in maintaining the list.</p> <p data-bbox="853 1084 999 1861">(e) To serve completion notices in respect of any newly completed or erected property, specifying the date of completion or the date upon which it could reasonably be expected to be completed.</p> <p data-bbox="1040 1207 1107 1861">(f) To issue proposals for alterations to the valuation list.</p> <p data-bbox="1149 1099 1294 1861">(g) To issue notices requiring information from occupiers, owners or management agents, and to issue notices advising of joint and several liability, and exempt dwellings.</p> <p data-bbox="1335 1077 1442 1861">(h) To take all steps necessary to ascertain whether discounts or exemptions should apply, including discounts under Section 13(A)(1) of the Local</p>	--	Executive	Deputy Chief Executive/Corporate Director for Resources

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>Government Finance Act 1992.</p> <p>(i) To serve and quash penalties.</p> <p>(j) To serve demand notices and reminder notices.</p> <p>(k) To initiate and carry out whatever steps are necessary in accordance with any regulations now or subsequently made under the Local Government Finance Act 1992.</p> <p>(l) To select and contract with third party agencies and suppliers as required in the administration of Council Tax.</p> <p>(m) In accordance with Section 38 of the Local Government Finance Act 1992, to publish within 21 days in the local newspaper notice of the amount of Council Tax set by the authority.</p>			
49.	<p><u>Non Domestic Rates</u></p> <p>(a) To grant discretionary rate relief under Sections 47 and 48 of the Local Government Finance Act 1988.</p> <p>(b) To reduce or remit liability for rates under Section 49 of the Local Government Finance Act 1988.</p> <p>(c) To institute and conduct recovery proceedings (including winding up of companies) in relation to</p>	<p>Local Government Finance Act 1988 – Sections 47 and 48</p> <p>Local Government Finance Act 1988 – Section 49</p>	Executive	Deputy Chief Executive/Corporate Director for Resources

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	Non Domestic Rates.			
	(d) To nominate persons to appear in Courts of Law in connection with any proceedings for recovery action relating to the Non Domestic Rates.			
	(e) To represent the City Council at Valuation Tribunals.			
	(f) To maintain and make available the valuation list and to supply information to the Valuation Officer in order to assist that officer in maintaining the list.			
	(g) To serve completion notices in respect of any newly completed or erected property, specifying the date of completion or the date upon which it could reasonably be expected to be completed.			
	(h) To issue proposals for alterations to the valuation list.			
	(i) To ascertain whether relief's or exemptions should apply.			
	(j) To serve demand notices and reminder notices.			
	(k) To initiate and carry out whatever steps are necessary in accordance with any regulations now or subsequently made under the Local Government Finance Act 1988.			
	(l) To select and contract with third party agencies and suppliers as required in the administration of Non Domestic Rates.			

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
50.	<u>Financial Services</u> To provide financial services, either on an agency basis or where required by statute for other authorities or bodies.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
51.	<u>Loans to Housing Associations – interest rates</u> To determine and declare local average rates in accordance with legislation and the interest rate for loans to housing associations.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
52.	<u>Sign certificates under Local Government (Contracts) Act 1997</u> To sign certificates under the Local Government (Contracts) Act 1997.	Local Government (Contracts) Act 1997	Executive	Deputy Chief Executive/Corporate Director for Resources
53.	<u>Nominated Officer – Proceeds of Crime Act 2002</u> To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
54.	<u>Receipt of Cash by Council – Maximum amount</u> To determine an amount (not exceeding the sterling equivalent of 15,000 euros) being the maximum sum which the Council will receive in cash without the express written consent of the Deputy Chief Executive/Corporate Director for Resources.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
55.	<u>VAT status on land and property transactions</u> Where appropriate, to elect for VAT status on particular land and property.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
56.	<u>Conditions of Service and Pay Awards</u> Implement and adopt nationally negotiated decisions	--	Non-Executive	Deputy Chief Executive/Corporate

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	on conditions of service and pay awards.			Director for Resources
57.	<u>Outside bodies – Company and Creditors Meetings</u> To authorise persons to act for the Council at Company and creditors meetings.	--	Executive	Deputy Chief Executive/Corporate Director for Resources
58.	<u>Legal – General</u> The provision of legal advice to the authority (including all meetings, decision makers, Members and officers of the authority), the instruction of solicitors and counsel, the approval of contract terms, the conveyancing of land and property and the formal certifying of documents on behalf of the authority.	--	Can be either depending on the circumstances	Director of Legal and Democratic Services and Legal Services Manager(s)
59.	<u>Legal Services – Sealing of Documents</u> To authorise the sealing or signature of any Order, Deed, notice, undertaking, contract or any other document when this is necessary to give effect to the substance of a decision of the Executive Board, an Executive Member, the Council (or any of its committees) or of an officer acting under delegated powers, or otherwise to protect the authority's position.	--	Can be either depending on the circumstances	Director of Legal and Democratic Services and Legal Services Manager(s)
60.	<u>Legal Services - Authorisation to institute or defend the authority in legal proceedings</u> To: (i) (subject to being satisfied as to the evidence available) authorise, institute or defend on behalf of the authority any legal proceedings (under any legislation or at common law); (ii) appear on behalf of the authority in proceedings before any Courts, Tribunals or other legal forums; (iii) take all necessary action in connection with such	--	Can be either depending on the circumstances	Director of Legal and Democratic Services and Legal Services Manager(s)

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>proceedings (including as to settlement of actual or threatened litigation on the best terms available where this is in his/ her opinion appropriate);</p> <p>(iv) make all appropriate applications and take all reasonable steps in relation to ancillary matters and the enforcement of judgements (e.g. as to costs, forfeiture, proceeds of crime, anti-social behaviour orders, levying distress etc);</p> <p>(v) authorise council officers to appear in court where they do not otherwise have legal rights of audience;</p> <p>(vi) instruct Counsel, professional advisers and experts where appropriate;</p> <p>(vii) accept on behalf of the Council the service of notices, orders and legal procedures.</p>			
61.	<p><u>Legal Services – Instructions to Counsel/ professional advisers</u></p> <p>To instruct Counsel and professional advisers, where appropriate.</p>	--	Can be either depending on the circumstances	Director of Legal and Democratic Services
62.	<p><u>Legal Services – Procedural arrangements for issue of decisions</u></p> <p>To determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of the Council under statutory power.</p>	--	Can be either depending on the circumstances	Director of Legal and Democratic Services
63.	<p><u>Democratic Services – School Exclusion appeals</u></p> <p>Make arrangements for appeals against exclusion of pupils.</p>	--	Non-Executive	Director of Legal and Democratic Services
64.	<p><u>Democratic Services – School Admission Appeals</u></p> <p>Make arrangements for school admission appeals.</p>	--	Non-Executive	Director of Legal and Democratic Services

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
65.	<u>Democratic Services - Petitions Administration</u> To arrange for the discharge of the Council's functions relating to petitions.	Local Democracy, Economic Development and Construction Act 2009 – Sections 10 to 22	Executive	Director of Legal and Democratic Services
66.	<u>Legal Services – Appeals by governing bodies</u> Make arrangements for appeals by governing bodies.	--	Non-Executive	Director of Legal and Democratic Services
67.	<u>Registrars – Approval of Premises</u> Approve premises for the solemnisation of marriages and civil partnerships.	--	Non-Executive	Director of Legal and Democratic Services
68.	<u>Enforcement order – Common Land</u> Power to apply for an enforcement order against unlawful works on common land.	Commons Act 2006 – Section 41	Non-Executive	Director of Legal and Democratic Services
69.	<u>Common Land – Unlawful Interference</u> Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Commons Act 2006 – Section 45(2)	Non-Executive	Director of Legal and Democratic Services
70.	<u>Applications for registration of town of village greens</u> Power to determine whether any current or future applications for registration of town or village greens are duly made.	Commons Registration Act 1965 and Commons Act 2006	Non-Executive	Director of Legal and Democratic Services
71.	<u>Applications for registration of town of village greens – appointment of independent expert</u> Power in relation to any application for registration of		Non-Executive	Director of Legal and Democratic Services

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>land as a town or village green determined to be duly made, to appoint an independent expert to consider the application and either:</p> <p>(a) in the event that no objections to the application are received, to instruct the independent expert to make recommendations regarding the determination of the application, such recommendations to be submitted to the Development Control Committee for consideration;</p> <p>or</p> <p>(b) if objections to the application are received, to appoint the independent expert to:</p> <ul style="list-style-type: none"> (i) hold a non-statutory local inquiry; or (ii) if all objectors agree, consider written representations; and (iii) in each case, to make recommendations to the Development Control Committee regarding the determination of the application. 			
72.	<p><u>Local Land Charges</u> To arrange for the discharge of the Council's functions relating to Local Land Charges.</p>	--	Executive	Director of Legal and Democratic Services
73.	<p><u>Access Land</u> Without prejudice to the generality of number 59 above delegations:</p>	Countryside and Rights of Way Act 2000 provisions as follows:	Executive	Director of Legal and Democratic Services

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>(i) To prosecute any person who places or maintains a notice deterring public use of access land;</p> <p>(ii) to enter into an agreement re access land with an owner/occupier and to serve notice to do works in default of compliance with such agreement;</p> <p>(iii) to serve notice re: access land in the absence of agreement with the owner/occupier and to do works in default;</p> <p>(iv) to defend appeals against notices served under sections 36 (3) and 37 (1) of the above legislation.</p>	<p>Section 14(1),</p> <p>Sections 35 and 36</p> <p>Section 37</p> <p>Section 38</p>		
74.	<u>Undertakings</u> To give undertakings on behalf of the Council.	--	Executive	Director of Legal and Democratic Services
75.	<u>Authorisation of Officers to conduct actions – recovery of houses/rent etc</u> To authorise officers of the Council to conduct actions on behalf of the Council in the County Court in respect of: <ul style="list-style-type: none"> (i) the recovery of possession of houses and other property belonging to the Council; (ii) the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation by any person of such a house. 	County Courts Act 1984 – Section 60	Executive	Director of Legal and Democratic Services
76.	<u>Freedom of Information – determination of exemptions</u> To determine exemptions.	Freedom of Information Act – Section 36	Executive	Director of Legal and Democratic Services.

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
77.	<u>Amendments to Constitution</u> Power to make amendments to the Constitution which are required to comply with the law (any such amendments to be reported to Council as soon as possible) or to reflect decisions of Council. All other Changes to the Constitution require the specific approval of full Council.		Executive	Director of Legal and Democratic Services/Monitoring Officer
COMMUNITIES				
78.	<u>Crime and Disorder Strategy - Implementation</u> To implement the Crime and Disorder Strategy and to discharge or arrange for the discharge of the Council's functions in relation to the reduction of crime and disorder and antisocial behaviour.	Crime and Disorder Act 1998 (as amended)	Executive	Corporate Director for Communities Director of Community Protection Director of Neighbourhood Crime and Justice
79.	<u>Parenting Contracts</u> Discharge the functions of the Council in relation to Parenting Contracts (under the Anti-Social Behaviour Act 2003) and Parenting Orders (including making applications for parenting orders whether within existing proceedings or freestanding under the Crime and Disorder Act 1998 or the Anti-Social Behaviour Act 2003).	Anti-Social Behaviour Act 2003 (as amended)	Executive	Corporate Director for Communities Director of Community Protection
80.	<u>Anti-social Behaviour Orders</u> Discharge the functions of the Council in relation to Anti-Social Behaviour Orders (including making applications for Anti-Social Behaviour Orders whether on conviction in criminal proceedings (following sentence) or freestanding under the Crime and	Crime and Disorder Act 1998	Executive	Corporate Director for Communities Director of Community Protection

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	Disorder Act 1998)			Legal Services Managers
81.	<u>Child Curfew Schemes</u> Discharge (in consultation with the Corporate Director for Children and Families) the functions of the Council in relation to local child curfew schemes under Section 14 of the Crime and Disorder Act 1998 and in relation to the local provision of youth justice services under Section 38 of the Crime and Disorder Act 1998.	Crime and Disorder Act – Section 14 and Section 38	Executive	Corporate Director for Communities Corporate Director for Children and Families Director of Community Protection
82.	<u>Waste Disposal Plans</u> To liaise with the Chief Executive, the Waste Disposal Authority and other local authorities in the preparation and revision by the Waste Disposal Authority of waste disposal plans.	--	Executive	Corporate Director for Communities
82(a)	<u>Ward Councillor Decisions</u> The Corporate Director for Communities, Director of Neighbourhoods and Communities and the Locality Managers have delegated authority to take expenditure decisions having regard to the recommendation of the relevant Ward Councillor(s); and where either the Corporate Director, Director of Neighbourhoods and Communities or Locality Managers are not prepared to take a decision in such circumstances, then the proposal will be reported to the Area Committee for decision.	--	Executive	Corporate Director for Communities Director of Neighbourhoods and Communities Locality Managers
83.	<u>Markets</u> (i) To discharge the functions of the Council relating to markets and fairs (ii) Without prejudice to the generality of discharging	--	Executive	Corporate Director for Communities

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>the functions of the Council relating to markets, to determine the following matters:</p> <ul style="list-style-type: none"> • allocation, letting or revocation of stalls and premises to traders; • applications for occupants of markets to install equipment in connections with their business; • routine assignments of tenancies; • minor variations in type of business and change of names; • charity collections in markets; • applications for licences for privately operated specialist markets and the level of licence fees; • applications for licences for charity car boot sales. 			
84.	<p><u>Market Trader Licence Appeals</u> To determine appeals by market traders where the trader's licence has been revoked under the Council's non-statutory appeal procedure.</p>	--	Executive	Corporate Director for Communities
85.	<p><u>War memorials and public statues</u> To maintain war memorials and public statues.</p>	War Memorials (Local Authorities Powers) Act 1923	Can be either depending on the circumstances	Corporate Director for Communities
86.	<p><u>Issue, amend or replace Safety Certificates (whether general or special) for sports grounds</u> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p>	Safety of Sports Grounds Act 1975	Non-Executive	Corporate Director for Communities Director of Community Protection

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Head of Environmental Health and Trading Standards Food and Health and Safety Manager
87.	<u>Safety Certificates – regulated stands</u> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part 3 of the Fire and Safety of Places of Sport act 1987.	--	Non-Executive	Corporate Director for Communities Director of Community Protection Head of Environmental Food and Health and Safety Manager
88.	<u>Fire Safety</u> To administer and enforce the requirements in accordance with Articles 25 (d) (i) and (ii) of the Regulatory Reform (Fire Safety) Order 2005 at designated sports grounds requiring a general safety certificate, under section 1(1) of the Safety at Sports Grounds Act 1975 and Regulated Stands within the meaning of section 26(5) of the Fire Safety and Safety of Places of Sports act 1987.	--	Non-Executive	Corporate Director for Communities Director of Community Protection Head of Environmental Food and Health and Safety Manager
89.	<u>Licensing Functions</u> (i) For those licensing and registration functions set out in Schedule 1 of the Functions Regulations and within the remit of the Regulatory and Appeals Committee to:	--	Non-executive	Corporate Director for Communities Director of Community

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Version 7.3	<ul style="list-style-type: none"> grant, renew, transfer, authorise, vary, review, suspend, revoke and cancel licences/permits/registrations and approvals; determine, impose, periodically review and revise, application procedures, conditions, byelaws, regulations, specifications, standards and similar policy guidelines associated with the above; review and revise fees and charges associate with the above. <p>(ii) For those Functions that are within the remit of the Licensing Committee to:</p> <ul style="list-style-type: none"> exercise those delegations shown within the Table of Delegations contained within Part 4 of this Constitution (Responsibility for Functions and Terms of Reference); to serve and receive notices, counter notices, notifications, etc; determine points of clarification required for hearings and whether representations are frivolous, vexatious, not relevant, etc; reject applications/representations in accordance with the governing legislations; agree that a hearing is unnecessary; adjourn hearings where all parties are in agreement; extend time limits; exercise the role of the Licensing Authority as a Responsible Authority (including proposals to attach conditions and exclude default conditions). <p>(iii) To keep and maintain any public registers associated with the above.</p>			<p>Protection</p> <p>Head of Licensing, Permits and Regulation</p> <p>Licensing Officer/Manager</p> <p>NB The power to grant, renew, transfer, authorise, vary, review, suspend, revoke and cancel licences/permits/registrations/ and approvals which are within the remit of the Regulatory and appeals Committee is also delegated to the Senior Licensing Officers.</p> <p>The power to exercise the role of the Licensing Authority as a Responsible Authority (including proposals to attach conditions and exclude default conditions) is not exercisable by the Licensing Officer/Manager</p>

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(iv) To give effect to the decision of the Court on an appeal.			
90.	<u>Burials</u> To arrange and undertake public and private burials and associated activities under the Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 (as amended).	Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 (as amended)	Executive	Corporate Director for Communities
91.	<u>Burials and Crematoria</u> To exercise the functions of the Council as Burial Authority, manage the Council's cemeteries and crematoria, issue deeds of grant of right of burial and exercise the Council's powers in respect of closed or disused church yards and burial grounds.		Executive	Corporate Director for Communities
92.	<u>Cremations</u> To arrange and undertake cremations and associated activities under the Regulations as to Cremations 1930 (as amended) and the Environmental Protection Act 1990.	Regulations as to Cremations 1930 (as amended) and the Environmental Protection Act 1990	Executive	Corporate Director for Communities
93.	<u>Municipal Funeral Service</u> To arrange for the provision of a municipal funeral service under the Local Government Act 1972.	Local Government Act 1972	Executive	Corporate Director for Communities
94.	<u>Maintenance and repair of Vehicles</u> To arrange for the maintenance and repair of Council owned and operated vehicles and to be responsible for	--	Executive	Corporate Director for Communities

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	the testing of Hackney Carriages and Private Hire vehicles, and the M.O.T testing of motor vehicles.			
95.	<u>Management of Council Vehicles</u> To arrange for the management of the Council's vehicle fleet including the disposal of surplus vehicles.	--	Executive	Corporate Director for Communities
96.	<u>Abandoned Vehicles</u> To deal with abandoned vehicles and vehicles causing a nuisance and to take whatever action is required, including authorisation of entry into land and premises.	--	Executive	Corporate Director for Communities
97.	<u>Public Conveniences</u> To be responsible for the provision of public conveniences.	--	Executive	Corporate Director for Communities
98.	<u>Street Scene Maintenance (1)</u> To discharge the functions of the Council relating to grounds maintenance, street cleansing, arboriculture services and the removal of graffiti, etc.	--	Executive	Corporate Director for Communities
99.	<u>Street Scene Maintenance (2)</u> To arrange for sweeping of highways, streets and passages, the removal of fallen leaves, the removal of litter from landscaped areas, and the emptying of litter bins.	--	Executive	Corporate Director for Communities
100.	<u>Grounds Maintenance</u> To be responsible for grounds maintenance functions (excluding schools, parks and gardens).	--	Executive	Corporate Director for Communities
101.	<u>Concessionary use of facilities</u> To determine application for the concessionary use of recreational facilities.	--	Executive	Corporate Director for Communities

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
102.	<u>Concessions for Events</u> To determine applications for the letting of concessions in parks for special events that fall outside the regular events that are let following receipt of Sealed Tenders.	--	Executive	Corporate Director for Communities
103.	<u>Pleasure Fairs</u> To determine the use of recreational facilities for events under Pleasure Fairs.	--	Executive	Corporate Director for Communities
104.	<u>Hire of bands/concert parties</u> To determine applications for the hire of bands, concert parties and entertainments in recreational facilities.	--	Executive	Corporate Director for Communities
105.	<u>Programmes of events</u> To approve Programmes of Events.	--	Executive	Corporate Director for Communities
106.	<u>Event Entertainments</u> To hire bands, discotheques and entertainments in Council catering establishments either for special promotional purposes or on behalf of a third party where this is subject to a full recharge.	--	Executive	Corporate Director for Communities
107.	<u>Tariffs and Charges – Leisure Facilities</u> To set tariffs and charges for the use of Council controlled leisure facilities.	--	Executive	Corporate Director for Communities
108.	<u>Parking places in parks, etc</u> Provision of parking places in parks, etc.	--	Executive	Corporate Director for Communities
109.	<u>Vehicles in parks, etc</u> Provision of vehicles in parks, etc.	--	Executive	Corporate Director for Communities
110.	<u>Provision of recreational facilities</u>	--	Executive	Corporate Director for Communities

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
111.	<u>Complimentary Tickets for theatre productions</u> The issue of complimentary tickets for theatre productions to persons deemed appropriate, subject to records of all such issues being kept.	--	Executive	Corporate Director for Communities
112.	<u>Nottingham Theatre Royal and Concert Hall – booking performances</u> In consultation with the Portfolio Holder for Leisure, Culture and Tourism authorisation to enter into negotiations and contractual agreements with promoters/producers/agents and artist(s) in order to book performances for the Nottingham Theatre Royal and Concert Hall, or other performances to be delivered at venues elsewhere within Nottinghamshire, including the agreement of ticket pricing but subject to a maximum of £200,000 per week per engagement contract, subject to the Corporate Director for Development keeping full and proper records of all expenditure incurred and income received in respect of each engagement contract.	N/A	Executive	Corporate Director of Communities Director of Economic Innovation and Employment Manager Director of Nottingham Theatre Royal and Concert Hall
113.	<u>Nottingham Theatre Royal and Concert Hall – pantomime performances</u> In consultation with the Portfolio Holder for Leisure, Culture and Tourism, enter into negotiations and contractual agreements with promoters/producers/agents and artist(s) regarding pantomime performances at the Concert Hall and Theatre Royal, including the agreement of ticket pricing but subject to a maximum of £200,000 per week per engagement contract but including the ability to release staged payments to promoters/producers, subject to the Corporate Director for Development keeping full and proper records of all expenditure incurred and income received in respect of each engagement contract.	N/A	Executive	Corporate Director of Communities Director of Economic Innovation and Employment Manager Director of Nottingham Theatre Royal and Concert Hall

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
113A	<p><u>Nottingham Theatre Royal and Concert Hall – Marketing Brochure</u></p> <p>Authority to produce a quarterly marketing brochure for forthcoming productions and events for both the Theatre Royal and Royal Concert Hall:</p> <p>(1) up to a spend of £85,000 per financial year; and</p> <p>(2) subject to the brochure being produced by providers who have been the subject of a full and proper procurement exercise directly by the City Council which remains valid at the time of commission.</p>	--	Executive	<p>Corporate Director for Communities</p> <p>Director for Economic Innovation and Employment</p> <p>Managing Director of Nottingham Theatre Royal and Concert Hall</p>
114.	<p><u>Selection of Books in Libraries</u></p> <p>To authorise the selection of books and other materials in accordance with the City Council's policies.</p>	--	Executive	Corporate Director for Communities
115.	<p><u>Libraries – refusal of borrowing rights</u></p> <p>To bar persons from library premises and/or refuse persons borrowing rights in accordance with the byelaws and regulations approved by the City Council.</p>	--	Executive	Corporate Director for Communities
116.	<p><u>Library Collections – loan arrangements</u></p> <p>Authority to make loan arrangements for items in the library collections.</p>	--	Executive	Corporate Director for Communities
117.	<p><u>Reproduction of items in the library</u></p> <p>To grant permission to reproduce items in the library collections.</p>	--	Executive	Corporate Director for Communities
118.	<u>Private Room hire of Council premises</u>	--	Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To hire out rooms in departmental premises to suitable external organisations and individuals and power to charge, when deemed appropriate, a fee for such service.			Communities
119.	<u>Grant/sponsorship applications</u> To apply for grants, gifts or sponsorship in the promotion and furtherance of the work of the department.	--	Executive	Corporate Director for Communities
120.	<u>Gifts from benefactors</u> To accept gifts from benefactors to the Council.	--	Executive	Corporate Director for Communities
121.	<u>Offer of accommodation to suitable bodies</u> To offer accommodation in departmental premises where available for the meeting of suitable bodies e.g. societies of educational or cultural nature.	--	Executive	Corporate Director for Communities
122.	<u>Removal of things so deposited on highways as to be a nuisance</u> Powers relating to the removal of things so deposited on highways as to be a nuisance.	Highways Act 1980 – Section 149	Non-Executive	Corporate Director for Communities
123.	<u>Deposit of builders' skips on the highway</u> Power to permit deposit of builders' skips on the highway.	Highways Act 1980 – Section 139	Non-Executive	Corporate Director for Communities
124.	<u>Control scaffolding or other structures which obstruct the highway</u> Power to control scaffolding or other structures which obstruct the highway.	Highways Act 1980 – Section 169	Non-Executive	Corporate Director for Communities
125.	<u>Dispense with obligation to erect hoarding or fence</u> Power to dispense with obligation to erect hoarding or	Highways Act 1980 – Section	Non-Executive	Corporate Director for Communities

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	fence.	172		
126.	<u>Workplace Parking Levy – administration and enforcement</u> To administer the City Council's Workplace Parking Levy Scheme and to take necessary compliance and enforcement action in relation to the Scheme.	The City of Nottingham Workplace Parking Levy Order 2008 The Workplace Parking Levy (England) Regulations 2009	Executive	Corporate Director for Communities Director of Neighbourhood Services
Revised 127	<u>Community Protection – Various Environmental Protection delegations</u> The power to exercise the Public and Community Protection functions within the remit of the Corporate Director of Communities, including:- <ul style="list-style-type: none"> • Environmental Health • Trading Standards • Food Safety and Standards • Health and Safety enforcement • Noise and Pollution Control • Statutory Nuisance • Public Health • Tobacco Control and Strategy • Student Strategy • Houses in Multiple occupation • Housing strategy • Infectious disease control • Dog and pest control • Licensing Registration and Permits • Parking 	Various	Executive or non-executive depending on the circumstances	Corporate Director of Communities Director of Community Protection

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<ul style="list-style-type: none"> • CCTV • Licensing permits and regulation • Prevention of terrorism • Community safety • Abandoned and untaxed vehicles • Enviro-crime, crime and anti-social behaviour (including litter, high hedges, graffiti and relevant functions of the Council as Local Planning Authority such as enforcement powers relating to the amenity of land, advertisement control etc). <p>The delegations granted are of the complete functions within their remit including the exercise of all relevant duties and powers under any legislation or at Common Law. This includes the power to do anything which is calculated to facilitate, or is conducive, or incidental to the discharge of those functions including those things cited by way of example in delegation 1 above.</p>			
127. —	<p>Community Protection — Various Environmental Protection delegations</p> <p>The delegations listed below are in summary form, but the delegations granted are of the complete function including the investigation of offences and, where relevant, the power to enter land, seize property, and to issue and enforce fixed penalty notices, other notices, and also includes the delegation of any provision supportive of that function.</p> <p>(1) — Leaving litter</p>	<p>Environmental Protection Act 1990 — Section 87</p>	<p>Executive</p>	<p>Corporate Director for Communities</p> <p>Director for Community Protection</p>

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(2) Failure to comply with litter clearing notice-- Power to serve notice	Environmental Protection Act 1990 -- Section 92A --	Executive	
	(3) Failure to comply with Street Litter notice -- power to serve notice	Environmental Protection Act 1990 -- Sections 93, 94	Executive	
	(4) Unauthorised distribution of free printed matter	Environmental Protection Act 1990 -- Section 94B, Schedule 3A	Executive	
	(5) Fly-tipping	Environmental Protection Act 1990 -- Section 33 (Part II)	Executive	
	(6) Breach of Duty of Care -- Business	Environmental Protection Act 1990 -- Section 34 (Part II)	Executive	
	(7) Breach of Duty of Care -- householder	Environmental Protection Act 1990 -- Section 34 (2A) (Part II)	Executive	
	(8) Failure to comply with notice relating to	Environmental Protection Act 1990 -- Section	Executive	

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	waste receptacles	46 Environmental Protection Act 1990—Section 47	Executive	
	(9) Failure to comply with notice relating to commercial waste receptacles	Environmental Protection Act 1990—Part VIII	Executive	
	(10) Power to seize stray dogs	Clean Neighbourhoods and Environment Act 2005—Section 55	Executive	
	(11) Offences for breach of Dog Control Orders	Clean Neighbourhoods and Environment Act 2005—Section 3	Executive	
	(12) Exposing a vehicle for sale on a road	Clean Neighbourhoods and Environment Act 2005—Section 4	Executive	
	(13) Repairing vehicles on a road	Clean Neighbourhoods and Environment Act 2005—Section 4	Executive	
	(14) Offences in relation to alarm notification	Clean Neighbourhoods and Environment Act 2005—Section 4	Executive	

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>areas</p> <p>(15) Abandonment of vehicles or other refuse</p> <p>(16) Transporting Controlled Waste without registering</p> <p>(17) Failing to comply with request to produce authority to transport controlled waste</p> <p>(18) Failure to remove dog faeces forthwith (Act has been repealed, but remains in force until new Dog Control Order made)</p> <p>(19) Offences where noise from a dwelling exceeds permitted level after service of a notice</p>	<p>Environment Act 2005—Section 74</p> <p>Refuse Disposal (Amenity) Act 1978—Sections 1—6</p> <p>Control of Pollution (Amendment) Act 1989—Section 4</p> <p>Control of Pollution (Amendment) Act 1989—Section 5</p> <p>Dogs (Fouling of Land) Act 1996—Section 3</p> <p>Noise Act 1996—Section 4</p> <p>Warning notice must first be served under</p>	<p>Executive</p> <p>Executive</p> <p>Executive</p> <p>Executive</p> <p>Executive</p> <p>Executive</p>	

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>(20) Graffiti — fixed penalty notice</p> <p>(21) Unauthorised marks on highways — Fixed penalty notice</p> <p>(22) Pulling down/obliterating traffic sign without lawful excuse — Fixed penalty notice</p> <p>(23) Dispersal Orders — local authority consent</p>	<p>Section 3</p> <p>Criminal Damage Act 1971 — Section 1</p> <p>Anti-Social Behaviour Act 2003 — Section 43 Part 6</p> <p>Highways Act 1980 — Section 132 Part IX</p> <p>Anti-Social Behaviour Act 2003 — Section 43</p> <p>Highways Act 1980 — Section 131 Part IX</p> <p>Anti-Social Behaviour Act 2003 — Section 43</p> <p>Anti-Social Behaviour Act 2003 — Section 30</p> <p>NB Orders are made by the Police, but</p>	<p>Executive</p> <p>Executive</p> <p>Executive</p> <p>Executive</p>	

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>(24) Class A Controlled Drugs – premises use, production and supply – Closure Order – local authority consent</p> <p>(25) Premises Closure Orders – persistent disorder/nuisance – local authority consent</p>	<p>must be made with the consent of the Local Authority – Anti-Social Behaviour Act 2003 – Section 34</p> <p>Anti-Social Behaviour Act 2003 – Part 1</p> <p>NB Orders are made by the Police, but must be made with the consent of the Local Authority</p> <p>Anti-Social Behaviour Act 2003 – Part 1</p>	<p>Executive</p> <p>Executive</p>	
DEVELOPMENT				
128.	<p><u>Traffic Regulation Orders - determination</u></p> <p>To consider and determine objections and representations in respect of proposed traffic regulation orders, speed limits, on street parking places orders and traffic calming measures, and disposal or appropriation of open spaces.</p>	--	Executive	Corporate Director for Development
129.	<u>Traffic Regulation Orders</u>	Road Traffic	Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To approve the making of permanent and experimental traffic regulation orders, speed limits and on street parking places orders and their implementation including associated engineering measures.	Regulation Act 1984 Sections 1, 9, 32 & 84		Development
130.	<u>Temporary Traffic Regulation Orders and Notices</u> To make temporary traffic regulation orders and issue temporary notices under the Road Traffic Regulation Act 1984 and to make Orders under the Town Police Clauses Act 1847 and to carry out associated works.	Road Traffic Regulation Act 1984 – Section 14	Executive	Corporate Director for Development
131.	<u>Traffic Regulation Orders - Advertisements</u> To instruct the Director of Legal and Democratic Services to advertise the intention of making Traffic Regulation Orders concerning pay and display car parks and, where no objections are maintained, to cause the Orders to be made.	--	Executive	Corporate Director for Development
132.	<u>Traffic Calming schemes</u> To approve the construction of road humps and other traffic calming measures.	Highways Act 1980 – Sections 90A and 90G	Executive	Corporate Director for Development
133.	<u>Traffic Management – Network Management</u> To exercise the Council's network management responsibility.	Traffic Management Act 2004 Part 2	Executive	Corporate Director for Development
134.	<u>Pedestrian Crossings</u> To make arrangements for the establishment, alteration and removal of pedestrian crossing facilities.	Highways Act 1980 – Section 23	Executive	Corporate Director for Development
135.	<u>School Crossing Patrols</u> To make arrangements for the provision of school crossing patrols.	Road Traffic Regulation Act 1984 – Section 26	Executive	Corporate Director for Development Director of Community Protection

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
136.	<u>Road Safety Schemes</u> To undertake schemes to improve road safety and pedestrian and cycling facilities.	--	Executive	Corporate Director for Development
137.	<u>Register Common Land</u> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981, or an order under section 147 of the Inclosure Act 1845.	Acquisition of Land Act 1981, Schedule 3 section 19(3) or paragraph 6(4) or Inclosure Act 1845 section 147	Non-Executive	Corporate Director for Development
138.	<u>Register variation of rights of common</u> Power to register variation of rights of common.	--	Non-Executive	Corporate Director for Development
139.	<u>Discharge of functions associated with common land</u> To discharge the Council's functions relating to the registration of common land and town or village greens pursuant to Part 1 of the Commons Act 2006 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations.	Commons Act 2006 – Part 1	Non-Executive	Corporate Director for Development
140.	<u>Access land or land proposed to be access land</u> To exercise the power conferred on land owners or persons having an interest in access land or land proposed to be access land.	Countryside and Rights of Way Act 2000	Executive	Corporate Director for Development Director for Property
141.	<u>Highways – dedication of Council owned land</u> Dedicate where appropriate Council owned land as a highway.	--	Executive	Corporate Director for Development Director of Property
142.	<u>Highways – execution of works</u> Making agreements for the execution of works under Section 278 of the Highways Act 1980.	Highways Act 1980 – Section 278	Non – Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
143.	<u>Highways – Applications</u> Power to decline to determine certain applications.	Highways Act 1980 – Section 121C	Non – Executive	Corporate Director for Development
144.	<u>Highway Improvement Schemes</u> To approve the construction, alteration and removal of highway improvement schemes.	--	Executive	Corporate Director for Development
145.	<u>Highways – Dedication of Land</u> To accept the dedication of land as highways (including for highway widening) and to adopt highways and to approve the entering into of agreements for these purposes.	Highways Act 1980 section 38	Executive	Corporate Director for Development
146.	<u>Highways – Stop up or Diversion Orders</u> To approve the making of applications to the magistrates court for orders to stop up or divert highways.	Highways Act 1980 – Section 116	Executive	Corporate Director for Development
147.	<u>Highways – Provision of Road and Directional signage</u> To make arrangements for the provision of and authorise the provision of road and directional signing (except temporary direction signing).	--	Executive	Corporate Director for Development
148.	<u>Highways - Traffic Regulation Conditions</u> To make applications to the Traffic Commissioner for the imposition of traffic regulation conditions in respect of local services.	Transport Act 1985 Section 7	Executive	Corporate Director for Development
149.	<u>Highways/Traffic implications of planning proposals</u> To respond to consultation on the highways/traffic implications of planning applications.	--	Executive	Corporate Director for Development
150.	<u>Amendments to highways/traffic related proposals</u>	--	Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To make minor amendments to the details of approved highways or traffic related proposals.			Development
151.	<u>Parking - highways</u> To provide and maintain parking spaces on the highway and regulate parking on grass verges, central reservations and footways.	--	Executive	Corporate Director for Development
152.	<u>Maintenance of Highways</u> To maintain and repair highways within approved revenue budgets (with the exception of highway bridges and other structures).	--	Executive	Corporate Director for Development
153.	<u>Highways – Control of Works</u> To be responsible for the control of work and the placing of items in, over, under, on or adjacent to highways and streets including the taking of enforcement action.	--	Executive	Corporate Director for Development
154.	<u>Rights of the public to the use and enjoyment of highways</u> Duty to assert and protect the rights of the public to the use and enjoyment of highways.	Highways Act 1980 – Section 130	Non-Executive	Corporate Director for Development
155.	<u>Action in relation to obstruction of the highway</u> Duty to serve notice of proposed action in relation to obstruction.	Highways Act 1980 – Section 130A	Non-Executive	Corporate Director for Development
156.	<u>Variation of order under Section 130B</u> Power to apply for variation of order under Section 130B.	Highways Act 1980 – Section 130B	Non-Executive	Corporate Director for Development
157.	<u>License of planting, retention and maintenance of trees, etc in part of the highway</u> Power to license planting, retention and maintenance of	Highways Act 1980 – Section 142	Non-Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	trees etc in part of the highway.			
158.	<u>Provision, etc of services, amenities, recreations and refreshment facilities on highways</u> Power to grant permission for provision etc. of services, amenities, recreations and refreshment facilities on highways.	Highways Act 1980 – Section 115E	Non-Executive	Corporate Director for Development
159.	<u>Orders to stop up and divert highways</u> To make applications to the Secretary of State for orders to stop up and divert highways.	Town and Country Planning Act 1990 – Section 247	Executive	Corporate Director for Development
160.	<u>Rights of Way – extinguishment</u> (a) Power to extinguish certain public rights of way (b) Power to extinguish public right of way on land acquired for clearance	Acquisition of Land Act 1981 – Section 32 Housing Act 1985 – Section 294	Non – Executive	Corporate Director for Development
161.	<u>Rights of Way – cycle tracks</u> Power to designate footpath as cycle track.	Cycle Tracks Act 1984 – Section 3	Non – Executive	Corporate Director for Development
162.	<u>Rights of Way Network</u> To manage the Council's rights of way network including the exercise of the Council's functions in respect of such matters.	--	Executive	Corporate Director for Development
163.	<u>Temporary disturbance of surface of footpath, bridleway or restricted byway</u> Power to authorise temporary disturbance of surface of footpath bridleway or restricted byway.	Highways Act 1980 – Section 135	Non-Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
164.	<u>Erection of stiles, etc on footpaths and bridleways</u> Power to authorise the erection of stiles etc on footpaths and bridleways.	Highways Act 1980 – Section 147	Non-Executive	Corporate Director for Development
165.	<u>Create footpaths, bridleways and restricted byways by agreement</u> Power to create footpaths bridleways and restricted byways by agreement.	Highways Act 1980 – Section 25	Non-Executive	Corporate Director for Development
166.	<u>Create footpaths, bridleways and restricted byways by order</u> Power to create footpaths bridleways and restricted byways by order.	Highways Act 1980 – Section 26	Non-Executive	Corporate Director for Development
167.	<u>Construction of cellars, etc under street</u> Power to consent to construction of cellars etc under street.	Highways Act 1980 – Section 179	Non-Executive	Corporate Director for Development
168.	<u>Making of opening into cellars, etc under streets, pavements lights, ventilators</u> Power to consent to the making of openings into cellars etc. under streets, pavement lights, ventilators.	Highways Act 1980 – Section 180	Non-Executive	Corporate Director for Development
169.	<u>Register of information with respect to maps and statements deposited and declarations lodged in accordance with Section 31(6)Highways Act 1980</u> Duty to keep register of information with respect to maps and statements deposited and declarations lodged in accordance with Section 31(6)Highways Act 1980.	Highways Act 1980 – Section 31A	Non-Executive	Corporate Director for Development
170.	<u>Stop up footpaths, bridleways and restricted byways</u>	Highways Act	Non-Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	Power to stop up footpaths bridleways and restricted byways.	1980 – Section 118		Development
171.	<u>Rail crossing extinguishment orders</u> Power to make rail crossing extinguishment orders.	Highways Act 1980 – Section 118A	Non-Executive	Corporate Director for Development
172.	<u>Special extinguishment orders</u> Power to make special extinguishment orders.	Highways Act 1980 – Section 118B	Non-Executive	Corporate Director for Development
173.	<u>Divert footpaths, bridleways and restricted byways</u> Power to divert footpaths bridleways and restricted byways.	Highways Act 1980 – Section 119	Non-Executive	Corporate Director for Development
174.	<u>Rail crossing diversion orders</u> Power to make rail crossing diversion orders.	Highways Act 1980 – Section 119A	Non-Executive	Corporate Director for Development
175.	<u>Special diversion orders</u> Power to make special diversion orders.	Highways Act 1980 – Section 119B	Non-Executive	Corporate Director for Development
176.	<u>Special diversion orders – requirement of applicant to enter into an agreement with regard to costs or expenses</u> Power to require an applicant for a special diversion order to enter into an agreement with regard to costs or expenses.	Highways Act 1980 – Section 119C(3)	Non-Executive	Corporate Director for Development
177.	<u>SSSI diversion order</u> Power to make a SSSI diversion order.	Highways Act 1980 – Section 119D	Non-Executive	Corporate Director for Development
178.	<u>Definitive map and statement under review</u> Power to keep definitive map and statement under review.	Wildlife and Countryside Act 1981 – Section 53	Non-Executive	Corporate Director for Development
179.	<u>Modifications in other orders</u>	Wildlife and	Non-Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	Power to include modifications in other orders.	Countryside Act 1981 – Section 53A		Development
180.	<u>Register of prescribed information – application under Section 53B of the Wildlife and Countryside Act 1981</u> Duty to keep register of prescribed information with respect to applications under this section.	Wildlife and Countryside Act 1981 – section 53B	Non-Executive	Corporate Director for Development
181.	<u>Prepare map and statement by way of consolidation of definitive map and statement</u> Power to prepare map and statement by way of consolidation of definitive map and statement.	Wildlife and Countryside Act 1981 – Section 57A	Non-Executive	Corporate Director for Development
182.	<u>Street works licence</u> Power to grant a street works licence.	New Roads and Street Works Act 1991 – Section 50	Non-Executive	Corporate Director for Development
183.	<u>Rights of way improvement plan</u> To prepare and publish a rights of way improvement plan.	Countryside and Rights of Way Act 2000 – Section 60	Executive	Corporate Director for Development
184.	<u>Walkway Agreements</u> To approve the entering into of Walkway Agreements.	Highways Act 1980 section 35	Executive	Corporate Director for Development
185.	<u>Heavy Goods Vehicle Operators' Licences</u> To make objections/representations in relation to the proposed grant of or changes to heavy goods vehicle operators' licences.	--	Executive	Corporate Director for Development
186.	<u>Maintenance of bridges and other structures</u> To undertake maintenance and repair of bridges and other structures.	--	Executive	Corporate Director for Development
187.	<u>Bridges over highways - Licences</u>	--	Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To determine and issue licences for bridges over the highways.			Development
188.	<u>Temporary deposits or excavations in streets</u> Power to consent to temporary deposits or excavations in streets.	Highways Act 1980 – Section 171	Non-Executive	Corporate Director for Development
189.	<u>Placing of rails, beams, etc over highways</u> Power to restrict the placing of rails, beams etc. over highways.	Highways Act 1980 – Section 178	Non-Executive	Corporate Director for Development
190.	<u>Retaining Walls</u> To take action in relation to retaining walls near streets.	--	Executive	Corporate Director for Development
191.	<u>Street Naming and Numbering</u> To exercise the Council's function in relation to the naming and numbering of streets and their renaming and renumbering.	--	Executive	Corporate Director for Development
192.	<u>Street Trees and Highway grass verges</u> To provide street trees and highway grass verges and their removal and replacement.	--	Executive	Corporate Director for Development
193.	<u>Street Performances/displays</u> To determine applications for street performance/displays, etc.	--	Executive	Corporate Director for Development
194.	<u>Home and Business Watch Signage</u> To determine applications for Homewatch/Business Watch signs.	--	Executive	Corporate Director for Development
195.	<u>Adopted Streets List</u> To keep and update the Council's list of adopted streets.	--	Executive	Corporate Director for Development
196.	<u>Urgent repairs – private streets</u>	--	Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To carry out urgent repairs to private streets or to require such urgent repairs to be carried out.			Development
197.	<u>Events – Directional Signage</u> To provide or approve the provision of temporary directional signing for events.	--	Executive	Corporate Director for Development
198.	<u>Remedial and enforcement functions in respect of watercourses, non-main rivers classified as streams, brooks and ditches, etc</u> To exercise remedial and enforcement functions in respect of watercourses , non-main rivers classified as streams, brooks and ditches, etc.	--	Executive	Corporate Director for Development
199.	<u>Culverting watercourses</u> To determine plans relating to schemes for culverting watercourses.	--	Executive	Corporate Director for Development Director of Community Protection
200.	<u>Reservoirs</u> To perform the enforcement functions of the Council regarding reservoirs.	--	Executive	Corporate Director for Development
201.	<u>Private forecourts - Improvements</u> To carry out improvements to private forecourts where this would promote the environmental well-being of the area when the Council undertakes adjoining highway improvement schemes.	--	Executive	Corporate Director for Development
202.	<u>Local Access Forum</u> To establish and appoint members to the Local Access Forum.	Countryside and Rights of Way Act 2000 – Section 94	Executive	Corporate Director for Development
203.	<u>Town and Country Planning Act – making of orders</u>	Town and	Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To consider and make Orders and requests for Orders and give necessary notice.	Country Planning Act 1990 – Sections 248, 249, 251, 253, 254, 256, 257, 258, 259, 260 and 261 Civil Aviation Act 1982 – Section 48 Housing Act 1985 – Section 294		Development
204.	<u>Urgent Action – Planning and Building Control matters</u> To take any urgent action in relation to planning and building control matters after consultation with the appropriate Chair or Portfolio Holder, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive Board or appropriate Committee.	--	Can be either depending on the circumstances	Corporate Director for Development Director of Planning
205.	<u>Decision Notices – Planning/Listed Building Consents</u> To issue decision notices in respect of any application for planning consent and for listed building consent upon receipt of an indication by the Secretary of State that he/she does not require that application to be referred to him/her, such notices to reflect the decision which the Council has already indicated that it is minded to take on the application concerned.	--	Can be either depending on the circumstances	Corporate Director for Development Director of Planning
206.	<u>Response to consultations – planning applications, etc</u> To respond to consultations and all other requests relating to planning applications, listed building applications, nationally significant infrastructure projects and any other plans and proposals, and all	--	Can be either depending on the circumstances	Corporate Director for Development Director of Planning

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	other matters of a planning nature in accordance with approved planning policies of the Council.			
207.	<u>Planning Consents – Determination of need</u> To take decisions on applications to determine whether planning permission is required, in consultation with the Director for Legal and Democratic Services where appropriate.	--	Can be either depending on the circumstances	Corporate Director for Development Director of Planning
208.	<u>Approval of Planning Consents – no objections of a planning nature</u> To approve (including approvals subject to conditions) applications for planning consent, for listed building consent, for conservation area consent and to determine applications to vary or delete conditions either where there is no objection from a third party of a planning nature or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies.		Non-Executive	Corporate Director for Development Director of Planning
209.	<u>Non-material changes to planning permission</u> To approve non-material changes to planning permission	Town and Country Planning Act 1990 – Section 96A	Non-Executive	Corporate Director for Development Director of Planning
210.	<u>Decline to determine application for planning permission</u> Power to decline to determine application for planning permission.	Town and Country Planning Act 1990 – Sections 70A and 70B	Non-Executive	Corporate Director for Development Director of Planning
211.	<u>Planning Applications Determinations</u> Duties relating to the making of determinations of planning applications under Sections 69, 76 and 92 of	Sections 69, 76 and 92 of the 1990 Act as well	Non-Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	the 1990 Act as well as the Town and Country Planning (Development Management Procedure (England)) Order 2010 and directions made thereunder	as the Town and Country Planning (Development Management Procedure (England)) Order 2010 and directions made thereunder		Director of Planning
212.	<u>Planning Applications by the Local Authority</u> Power to determine applications for planning permission made by a local authority, alone or jointly with another person under Section 316 of the 1990 Act as well as the Town and Country Planning General Regulations 1992 (to approve (including approvals subject to conditions) applications for planning consent either where there is no objection of a planning nature from third parties or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies).	--	Non-Executive	Corporate Director for Development Director of Planning
213.	<u>Permitted Development Rights</u> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights under Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995	Non-Executive	Corporate Director for Development Director of Planning
214.	<u>Service of Completion Notices</u> In consultation with the Director of Legal and Democratic Services the power to serve a completion notice.	Town and Country Planning Act 1990 – Section	Non-Executive	Corporate Director for Development Director of Planning

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		94(2)		Director of Legal and Democratic Services
215.	<u>Applications for hazardous substances consent and related powers</u> Power to determine applications for hazardous substances consent, and related powers.	Planning (Hazardous Substances) Act 1990	Non-Executive	Corporate Director for Development Director of Planning
216.	<u>Old Mining Sites – determination of conditions</u> Duty to determine conditions to be attached to old mining permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites.	Schedule 2, paragraph 2(6)(a) Planning and Compensation Act 1991 and Schedule 13, Paragraph 9(6) and Schedule 14, paragraph 6 (5) of the Environment Act 1995	Non-Executive	Corporate Director for Development Director of Planning
217.	<u>Mineral Planning Authority</u> To exercise the functions of the Council as a mineral planning authority.	Environment Act 1995	Executive	Corporate Director for Development Director of Planning
218.	<u>Environmental Impact Assessments</u> To adopt screening and scoping opinions	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations	Executive	Corporate Director for Development Director of Planning

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
219.	<u>Energy Conservation</u> To provide advice and guidance to Council departments and other organisations about energy conservation, purchasing and efficiency and related promotional activities and , in conjunction with the Deputy Chief Executive/Corporate Director for Resources , to enter into agreements for the purchase and supply of energy and water.	--	Executive	Corporate Director for Development Director of Planning
220.	<u>Environmental Improvement Schemes</u> To progress environmental improvement schemes across the City through to final completion on site following approval of the schemes by the relevant Committees of the Council.	--	Executive	Corporate Director for Development Director of Planning
221.	<u>Disabled Access Grants</u> To administer the Council's Disabled Access grants scheme.	--	Executive	Corporate Director for Development Director of Planning
222.	<u>Car Parking Spaces</u> To determine applications for operational car parking spaces in the Council's car parks and to reserve car parking spaces in off-street car parks for exhibitions and other events, subject to capacity being available.	--	Executive	Corporate Director for Development
223.	<u>On/off Street Parking</u> To discharge the functions of the Council relating to on-street and off-street parking, including without prejudice to the generality of the foregoing the administration of parking within the Council's remit and dealing with the misuse of permits and badges on vehicles, including disabled persons' badges.	--	Executive	Corporate Director for Development
224.	<u>Council Controlled Car Parks - Charging</u>	Road Traffic	Executive	Corporate Director for

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To set charges for parking at on-street parking places and Council controlled car parks.	Regulation Act 1984		Development
225.	<u>Bus Lane Enforcement</u> To discharge the Council's functions relating to bus lane enforcement, including prosecution if necessary, subject to the Director of Legal and Democratic Services being satisfied with the evidence.	--	Executive	Corporate Director for Development
226.	<u>Bus timing points</u> To agree bus timing points.		Executive	Corporate Director for Development
227.	<u>Siting and erection of bus shelters</u> To respond to consultation regarding the siting and erection of bus shelters.		Executive	Corporate Director for Development
228.	<u>Open Spaces</u> Where a disposal of open space within the meaning of the Open Spaces Act 1906 is in prospect, to instruct the Director of Legal and Democratic Services to advertise in accordance with Section 123 of the Local Government Act 1972 or Section 233 of the Town and Country Planning Act 1990.	Open Spaces Act 1906 Section 123 of the Local Government Act 1972 Section 233 of the Town and Country Planning Act 1990	Executive	Corporate Director for Development
229.	<u>Cleaning of Council owned buildings</u> To be responsible for the cleaning of Council owned buildings.	--	Executive	Corporate Director for Development
230.	<u>Catering – schools, parks, catering concessions and adult social care</u> To discharge the functions of the council relating to the strategic management of catering in schools and to	--	Executive	Corporate Director for Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	manage the service delivery of catering in parks and catering concessions, schools meals services and catering for adult social care (e.g. meals on wheels).			
231.	<u>Catering – City Council establishments</u> To exercise or waive the rights to sole and exclusive catering rights within all City Council establishments.	--	Executive	Corporate Director for Development
232.	<u>Council owned Land and Property – Assignment and Under lettings</u> To agree assignment and under lettings of leases and tenancies.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
233.	<u>Council owned Land and Property – approval of plans</u> To approve plans where the Council's consent is required as owner.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
234.	<u>Council owned Land and Property – Claims under Leasehold Reform Act 1967</u> To admit or deny claims and where admitted settle the sale price under the Leasehold Reform Act 1967.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
235.	<u>Council owned Land and Property – licences, wayleaves and easements</u> To authorise the grant of licences, wayleaves and easements.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
236.	<u>Council mortgaged Land and Property – repossessed properties</u> To accept offers for the sale of repossessed properties.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
237.	<u>Council owned Land and Property – grant of tenancies</u>	--	Executive	Corporate Director of

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<u>and leases</u> To grant tenancies and leases of property, other than Housing Revenue account dwellings, for up to 30 years where rent does not exceed £100,000 per annum.			Development Director of Property and Workplace Strategy
238.	<u>Council owned Land and Property – Dilapidations</u> (1) To settle terms, agree dilapidations and accept the surrender of existing leases and to recover possession of premises on expiry of leases. (2) To approve settlement of the dilapidations claim up to £50,000 where the Council has been the tenant.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
239.	<u>Council owned Land and Property – acquisition of properties following compulsory purchase action</u> To negotiate and settle terms for the acquisition of properties following compulsory purchase action by the Council.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
240.	<u>Council owned Land and Property – Notice and Review</u> (1) To authorise service of appropriate notices to determine tenancies and leases to initiate possession, rent review and lease renewal or where there has been a breach of covenant. (2) To settle rents on review and renewal.	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy
241.	<u>Council owned Land and Property – Variations of covenants</u> To approve variations of covenants in leases and tenancies and to agree terms.	--	Executive	Corporate Director of Development Director of Property
242.	<u>Council owned Land and Property – Statutory</u>	--	Executive	Corporate Director of

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<u>Compensation to Tenants</u> To settle statutory compensation payable to tenants.			Development Director of Property
243.	<u>Council owned Land and Property – Land Compensation Act 1973</u> (1) To settle and pay home loss payments under Sections 29 and 32 of the Land Compensation Act 1973. (2) To settle and pay disturbance payments under Sections 37 and 43 of the Land Compensation Act 1973.		Executive	Corporate Director of Development Director of Property
244.	<u>Council owned Land and Property – Sales of Council Property</u> To market, negotiate and approve sales of land and property for values up to £100,000 where the property has been declared surplus to council requirements.	--	Executive	Corporate Director of Development Director of Property
245.	<u>Council owned Land and Property – Purchase of Land and Property</u> To approve the purchases of land and property and the taking of wayleaves, easements, licences, tenancies and leases by the Council over property up to a maximum capital payment of £25,000 or £10,000 initial rental payment and for terms up to 10 years in respect of leases and 50 years in respect of easements.	--	Executive	Corporate Director of Development Director of Property
246.	<u>Council owned Land and Property – Release of Covenants</u> To negotiate and approve terms of release of covenants on freehold land to a maximum value of £50,000.	--	Executive	Corporate Director of Development Director of Property
247.	<u>Council owned Land and Property – Planning</u>	--	Executive	Corporate Director of

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<u>Applications</u> To submit planning applications in relation to council owned land and property.			Development Director of Property
248.	<u>Council owned Land and Property – Overdue Rent</u> In consultation with the Deputy Chief Executive/Corporate Director of Resources to determine arrangements for reduction and recovery of overdue rent .	--	Executive	Corporate Director of Development Director of Property
249.	<u>Council owned Land and Property – Rental Reductions</u> To agree rental reductions and rent free periods in appropriate cases where the tenant or lessee undertakes work to the premises.	--	Executive	Corporate Director of Development Director of Property
250.	<u>Council owned Land and Property – Property Trading Account</u> To approve building improvement for property as the Property Trading Account up to £50,000, subject to the necessary budget provision being identified.	--	Executive	Corporate Director of Development Director of Property
251.	<u>Council owned land and Property – Recovery of Land</u> To authorise recovery of possession of land and property from trespassers	--	Executive	Corporate Director of Development Director of Property and Workplace Strategy Director of Legal and Democratic Services Legal Services Manager(s)
252.	<u>Building Regulations</u> (i) To pass and reject plans deposited under the building regulations, and to pass or reject	Building Act 1984 (and associated	Non-executive	Corporate Director of Development

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>Building Notices and certificates under those regulations.</p> <p>(ii) To accept or reject notices given under the Building (Approved Inspectors, etc) Regulations 1985.</p> <p>(iii) To grant or refuse applications for relaxation of the Building Regulations where, after appropriate consultation, no objection has been received.</p> <p>(iv) To issue notices to remove or alter work not complying with the Building Regulations.</p> <p>(v) To deal with all matters relating to Building Regulations and associated matters, including the service of notices under (but not limited to) Sections 76, 77, 78, 79 81 and 99 of the Building Act 1984 relating to Dangerous Structures together with the powers under S.265 Housing Act 1985 (Demolition Orders).</p>	legislation)		<p>Director of Planning</p> <p>Head of Development Management</p> <p>Building Control Manager</p>
CHILDREN AND FAMILIES				
253.	<p><u>Court of Protection Deputy</u></p> <p>To authorise the appropriate officer to apply to the Court of Protection to be appointed as a Deputy to manage the property and affairs and/or personal welfare of an individual who lacks capacity, in cases where that officer considers it appropriate.</p>	Mental Capacity Act 2005 (s.16)	Non- Executive	Director of Adult Assessment
254.	<p><u>Employment of children</u></p> <p>Power to license the employment of children.</p>	Children and Young Persons Act 1933 – Part II byelaws made under that Part, and Part II of the Children and	Non-Executive	Corporate Director for Children and Families

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		Young Persons Act 1963		
255.	<u>Financial Assistance to students and pupils</u> To grant or refuse financial assistance to students and pupils in accordance with statutory regulations.	--	Executive	Corporate Director for Children and Families
256.	<u>School Imprest Accounts</u> To increase school Imprest Accounts as appropriate, in consultation with the Deputy Chief Executive/Corporate Director for Resources.	--	Executive	Corporate Director for Children and Families
257.	<u>Secondment of Teachers and other Education Service staff</u> To arrange the secondment of Teachers and other Education Service staff to promote the provision of an efficient and effective Education Service.	--	Executive	Corporate Director for Children and Families
258.	<u>Adopters – payment of costs</u> To pay legal fees for adopters where legal representation is necessary (and where there is no possibility of public funding being allowed) and in appropriate circumstances the payment of medical fees in connection with adoption.	--	Executive	Corporate Director for Children and Families
259.	<u>Special Guardianship and Residence Orders – payment of legal expenses</u> To pay reasonable legal expenses incurred in relation to applications for Special Guardianship and Residence Orders in accordance with relevant legislation, guidance and policy where there is no possibility of public funding being allowed.	--	Executive	Corporate Director for Children and Families
260.	<u>Special Guardianship – Financial Support</u> To provide financial support to holders of Special Guardianship and Residence Orders in accordance	s.s 8, 14 (A) and 14 (F) Children Act 1989,	Executive	Corporate Director for Children and Families

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	with relevant legislation, guidance and policy.	Adoption and Children Act 2002 and Special Guardianship Regs 2005, Reg 6 (1)		
261.	<u>Children in Care</u> – cost of application for Citizenship To pay the cost of any application for registration as a British Citizen on behalf of a child in the care of the Council.	--	Executive	Corporate Director for Children and Families
262.	<u>Children in Care</u> – <u>Next friend on insurance claims</u> To act as the next friend of any child in care with regards to insurance claims.	--	Executive	Corporate Director for Children and Families
263.	<u>Children in Care - Consents</u> To consent to abortion in respect of children in care and approve the separation of siblings in care.	--	Executive	Corporate Director for Children and Families
264.	<u>Child Placement</u> – <u>Secure Accommodation</u> To permit the placement of a child in secure accommodation for a period not exceeding 72 hours.	Regulations under Children Act 1989 s 25(2)	Executive	Corporate Director for Children and Families
265.	<u>Children in Care</u> – <u>change of name by deed poll</u> To effect a change of name by deed poll of a child in care.	--	Executive	Corporate Director for Children and Families
266.	<u>Foster Care</u> – <u>prohibition of accommodation at specified addresses</u> To impose requirements to prohibit the accommodation of foster children at specified addresses.	--	Executive	Corporate Director for Children and Families
267.	<u>Placement of Older Children</u> To authorise the placement and cost thereof of older	--	Executive	Corporate Director for Children and Families

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	children under the inter agency placement scheme established by the Association of British Adoption and Fostering Agencies on the Adoption Resources Exchange.			
268.	<u>Adoption and Fostering Panels - recommendations</u> To decide upon recommendations of Adoption and Fostering Panels.	--	Executive	Corporate Director for Children and Families
269.	<u>Special Guardianship and Residence Order Applications</u> To consent to the making of an application for Special Guardianship and Residence Order where required.	Children Act 1989 ss 8, 14 (A) and 14 (F)	Executive	Corporate Director for Children and Families
270.	<u>Urgent Action to protect interests of a child</u> To take any action urgently required to protect the interests of any child in need under the Children Act 1989.	Children Act 1989 S17	Executive	Corporate Director for Children and Families
271.	<u>Authorised officer under Children's and Adoption legislation</u> To act as Authorised Officer under Children's and Adoption Legislation.	Children Act 1989 and 2004 and Adoption and Children Act 2002	Executive	Corporate Director for Children and Families
272.	<u>Disabled Children</u> To put into place services for Disabled Children under Part 3 of the Children's Act 1989 and to make available the provision of specific services outlined in the Chronically Sick and Disabled Persons Act 1989 including the provision of Direct Payments.	Part 3 Children Act 1989 Chronically Sick and Disabled Persons Act 1989	Executive	Corporate Director for Children and Families Head of Family Community Teams
273.	<u>Personal Budgets and Residential or Nursing Care</u>	--	Executive	Corporate Director of

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p><u>Placements</u></p> <p>To authorise the purchase and/or direct provision of personal budgets and residential or nursing care placements for individual adults appropriate to their properly assessed needs subject to:</p> <ul style="list-style-type: none"> (i) an overall individual package expenditure limit of £2,500 per week; (ii) all individual packages being commissioned through providers who have been subject of a full and proper procurement exercise either directly by the City Council or through a recognised regional or national framework which remains valid at the time of commission; (iii) the appropriate officer keeping full and proper records of all expenditure incurred in respect of each package purchased or provided. 			<p>Communities</p> <p>Director for Adult Social Care Assessment</p> <p>Heads of Locality (North, South and Central)</p> <p>Head of Learning Disability and Mental Health</p> <p>Head of Business Transformation.</p>
274.	<p><u>Care Packages</u></p> <p>To authorise the purchase and/or direct provision of care packages for individual children appropriate to their properly assessed needs subject to:</p> <ul style="list-style-type: none"> (i) an overall individual package expenditure limit of £4,500 per week; (ii) all individual packages being commissioned through providers who have been subject of 	--	Executive	<p>Corporate Director for Children and Families</p> <p>Director for Safeguarding</p> <p>Director for Quality and Commissioning</p> <p>Head of Children's Social Care</p>

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>a full and proper procurement exercise either directly by the City Council or through a recognised regional or national framework which remains valid at the time of commission;</p> <p>(iii) the appropriate officer keeping full and proper records of all expenditure incurred in respect of each package purchased or provided.</p>			Head of Children in Care
275.	<p><u>Education Welfare Officers - Authorisation to institute or defend the authority in legal proceedings</u></p> <p>Authority to appoint City Council representatives to carry out the following functions:</p> <p>(i) to initiate, prosecute, defend or appear in legal proceedings in the Magistrates Court on behalf of the Local Authority in respect of Sections 437, 438, 440, 442, 443, 444, 447 and 559 of the Education Act 1996; Section 103 of the Education and Inspections Act 2006; Section 36 of the Children Act 1989 (Education Supervision Orders); Section 20 of the Anti-Social Behaviour Act 2003; City Council Bye Laws governing the employment of children under the Children and Young Persons Act 1933 and 1996 and any consolidation and amending information or by virtue of any subsequent statutory consolidation or amendment to the above mentioned Acts;</p> <p>(ii) to monitor the employment of children of</p>	--	Executive	<p>Corporate Director for Children and Families</p> <p>Director of Legal and Democratic Services</p>

	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	compulsory school age and register them for entertainment licences.			

SCHEME OF DELEGATION INDEX

Index of powers delegated to officers

Ref No.	Subject
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To be updated following Annual full Council on 14 May 2012

Decision Type

	Portfolio Holder		Ward Councillor		Officer
--	------------------	--	-----------------	--	---------

Department

Subject

Decision

This is not a key decision because it does not result in the Council incurring expenditure or making income or savings of more than £1 million revenue or capital, taking into account the overall impact of the decision, and does not significantly affect communities in 2 or more wards

Subject to call-in: Yes / No

Total value of decision: £

Revenue or Capital:

Decision taken

Other Options Considered

(with reasons for rejecting options not favoured)

Reasons for Decision(s)

Affected Wards

Advice Sought

(Any advice sought and considered by the decision maker **must** be attached to this form, with the **name of the person that provided the advice and the date that it was provided**)(If this is a Ward Councillor Decision advice **must** be sought from the Single Gateway Unit)

	Yes	No
Legal	<input type="checkbox"/>	<input type="checkbox"/>
Finance	<input type="checkbox"/>	<input type="checkbox"/>
Human Resources	<input type="checkbox"/>	<input type="checkbox"/>
Equality & Community Relations Team	<input type="checkbox"/>	<input type="checkbox"/>
Single Gateway Unit	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

Consultations

PLEASE READ – It is **crucial** for this section to be correct if the decision is to be valid. You need to be sure that you have undertaken the level of consultation applicable to the type of delegated decision which is being taken and recorded on this form.

In summary these are:

- Portfolio Holder Decision – You **MUST** consult all relevant consultees from the table below, including the Portfolio Holder and Corporate Director taking the decision, and any other Portfolio Holder and Corporate Director whose remit of responsibility may be affected by the decision being taken.
- Ward Councillor Decision – You **MUST** consult Councillors in the ward, relevant Area Manager and Director of Neighbourhoods and Communities.
- Officer decision – You **MUST** consult Portfolio Holder and Minority Group spokesperson(s).

Reasons for not consulting an individual or body **MUST** be given i.e. because they are not directly affected by the proposals

Details of Consultations undertaken

	Yes	No	Name and Date
Portfolio Holder	<input type="checkbox"/>	<input type="checkbox"/>	_____
Ward Councillors	<input type="checkbox"/>	<input type="checkbox"/>	_____
Area Committee	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other Council Bodies	<input type="checkbox"/>	<input type="checkbox"/>	_____
Corp. Directors Affected	<input type="checkbox"/>	<input type="checkbox"/>	_____
Trades Unions	<input type="checkbox"/>	<input type="checkbox"/>	_____
Minority Group	<input type="checkbox"/>	<input type="checkbox"/>	_____
Others (Specify)	<input type="checkbox"/>	<input type="checkbox"/>	_____

Reasons for not consulting

Background to the decision

(either add in the detail of the decision in the space provided or attach as a separate sheet)

Declared colleague/ Councillor Interests

Dispensation by Standards Committee

Date:

Dispensation Reference:

Due Regard for Equality

(NOTE – equality impact **MUST** be assessed for:

- decisions relating to new or changing policies, services or functions;
- financial decisions which will have an effect on services;
- decisions on implementation of policies developed outside the Council

EIA guidance is available on the intranet

Background Papers

(including published documents)

Exempt/Confidential

report (if 'yes', include the exempt or confidential material in an appendix and in this space explain the reason(s) why it is not in the public domain). See guidance on the intranet or ask for advice if in doubt

Has the equality impact of the decision been assessed?

No (EIA not required)

☐

Yes (EIA attached)

☐

YES ☐ NO ☐

Contact Person

Contact No.

For Officer delegated decisions only please provide the reference number from the Scheme of Delegation under which the decision is being taken.

**Scheme of Delegation
Reference Number****AUTHORISED SIGNATORIES**

PLEASE READ – It is crucial for this section to be correct if the decision is to be valid. You need to be sure which Councillor and Corporate Directors/Directors or other authorised colleagues have authority to take the decision you require to be made.

In summary these are:

- Portfolio Holder Decision – The signature of the relevant Portfolio Holder and Corporate Director is required.
- Ward Councillor Decision – The signature of either the Director of Neighbourhoods and Communities or Corporate Director of Communities.
- Officer decision – The signature of the relevant Corporate Director or authorised colleague is required.

The completed and signed form must be sent to Constitutional Services within 2 working days of the last signature(s).

Corporate Director or authorised colleague (Print name)		Date:
Signature		
Portfolio Holder (Print name)		Date:
Signature		
Date Published:		Last Date for Call-in:

Attach any additional background information to this form.

Advice sought MUST be attached to this form, along with the Equality Impact Assessment (where appropriate).

THE SUB-DELEGATION OF AUTHORITY FORM
(Recommended form for use by Corporate Directors/Leader/
Portfolio Holders to record the sub-delegation of authority)

Power that is being sub-delegated/being withdrawn from sub-delegation, including the reference number from the Scheme of Delegation (please specify whether the power is being sub-delegated or withdrawn from sub-delegation)	
--	--

Name/job title of Officer with delegated power	
---	--

Name/job title of Officer to whom power is being sub-delegated to/or withdrawn from	
--	--

Is the sub-delegation time limited? If yes, how long for?	Yes		No	

Signed by

_____ (person sub-delegating power)

Date _____

NOTES

- (a) The sub-delegation may be time limited to ensure that service provision can be maintained if the Officer with the delegated power is, for example, planning to be absent from work for a period of time. Most sub-delegations will **not** be time limited.