

Enquiries to:
Vickie Bentley

Direct Dial: 024 7637 6204

Direct Email:
Victoria.bentley@nuneatonandbedworth.gov.uk

Date: 15th May, 2019

Dear Sir/Madam,

Annual Council – 15th May, 2019

I refer to item no. 9 on the Agenda for the meeting of Annual Council on Wednesday 15th May, 2019 and attach the proposed Composition and Membership of Committees and Appointments for 2019/2020 which was marked 'to follow' on the agenda. In addition I attach the amended List of Outside Bodies for 2019/2020 for consideration.

The composition of the Council is:

Labour Members	17
Conservative Members	16
Green Party Members	1

I refer to item no. 11 on the agenda and attach the Changes to the Overview and Scrutiny Arrangements report that was marked to follow on the agenda.

Finally I refer to item no. 10 on the agenda and attach the Scheme of Delegation that was marked to follow on the agenda.

Yours faithfully,

BRENT DAVIS

Executive Director (Operations)

To: Members of the Council

NUNEATON AND BEDWORTH BOROUGH COUNCIL

ANNUAL MEETING OF THE COUNCIL

15th May, 2019

AGENDA ITEM NO. 9

Recommendations for Adoption on:-

- (a) The Cabinet**
- (b) Composition of Committees and Overview and Scrutiny Panels**
- (c) Membership of Committees and Overview and Scrutiny Panels**
- (d) Representatives on Outside Bodies**

AGENDA ITEM No. 9(a)

NUNEATON AND BEDWORTH BOROUGH COUNCIL

THE CABINET (2019/20)

RECOMMENDED that the Cabinet appointments and portfolio changes made by the Leader be noted.

Portfolio Holder	Member Appointed
Leader (Finance and Civic Affairs)	Julie Jackson
Deputy Leader (Planning, Development & Health)	Neil Phillips
Arts & Leisure	Ian Lloyd
Central Services and Refuse	Jill Sheppard
Housing and Communities	Chris Watkins

The responsibilities of Portfolios are changed as follows:

1. Finance & Civic Affairs – to include Economic development
2. Arts, Leisure & Economic Development is now Arts & Leisure
3. Central Services & Refuse – the following have been moved from Finance & Civic Affairs: Procurement; Audit & Performance; Equalities and Insurance and Emergency Planning;
4. Planning & Development now has responsibility for Health and will be called Planning, Development & Health;
5. Housing, Health & Communities is now Housing & Communities.

The Deputy Leader will continue to sit on the LEP; Transforming Nuneaton member Board; NABCEL Board and be a substitute member on the WMCA.

The Leader will continue as a substitute member of the LEP Board.

AGENDA ITEM No. 9(b)

NUNEATON AND BEDWORTH BOROUGH COUNCIL

COMPOSITION OF COMMITTEES AND OVERVIEW AND SCRUTINY PANELS (2019/2020)

RECOMMENDED that it be noted that having regard to the provisions relating to political balance, the composition of the following Committees/Scrutiny Panels be as indicated below:

<u>Committee/ Scrutiny Panels</u>	<u>Labour</u>	<u>Cons</u>	<u>Green</u>	<u>Total Membership</u>
Cabinet	5			5
Internal Overview and Scrutiny Panel	7	6	1	14
External Overview and Scrutiny Panel	7	7		14
Audit and Standards Committee	6	5		11
Planning Applications	7	6		13
Licensing	5	5		10
Appeals	4	5	1	10
NABCEL	3	3		6
TOTALS	39	37	2	78

NOTE: The only change is to move the allocation to the Green Member from External to Internal OSP. This has resulted in a change in the allocations to the Conservative Group.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

**MEMBERSHIP OF COMMITTEES AND OVERVIEW AND SCRUTINY PANELS
(2019/2020)**

RECOMMENDED that:

(a) the membership of committees/scrutiny panels for 2019/2020 be as follows and the Chairs and Vice-chairs be appointed as indicated:

Appeals (10)

Councillors S. Doughty, K. Evans, D. Gissane, L. Hocking, K. Kondakor, M. Rudkin, A. Sargeant, R.T Smith, J. Tandy and R. Tromans

Notes:

1. 5 members will be selected from the pool as required.
2. The Chair will be appointed at each particular meeting.

Audit and Standards Committee (11)

Councillor J. Tandy (Chair),
Councillor S. Croft (Vice-chair),

Councillors D. Brown, G. Daffern, P. Elliott, K. Evans, J. Glass, L. Hocking, G. Pomfrett, R. Tromans, and H Walmsley.

Licensing (10)

Councillor P. Elliott (Chair),
Councillor K Evans (Vice-chair),

Councillors S. Croft, J. Gutteridge W.J. Hancox, L. Hocking, B. Pandher, N. Phillips, T. Sheppard and K Wilson.

Planning Applications (13)

Councillor W.J. Hancox (Chair),
Councillor K Wilson (Vice-chair)

Councillors J. Beaumont, S. Gran, A. Llewellyn–Nash, I. Lloyd, B. Longden, B. Pandher, M. Rudkin, A. Sargeant, J. Sheppard, R. Smith and C. Watkins.

Internal Overview and Scrutiny Panel (14)

Councillor J. Glass (Chair)

Councillor A. Sargeant (Vice-Chair) (drawn from an opposition group (Part 4(e) Paragraph 6 of OSP Procedure Rules))

Councillors J. Beaumont, S. Croft, S. Doughty, P. Elliott, S. Gran, J. Gutteridge, L. Hocking, K. Kondakor, B. Pandher G. Pomfrett, J. Tandy, H. Walmsley and K.D. Wilson.

NOTE: There is one additional Conservative to be removed from the above membership.

External Overview and Scrutiny Panel (14)

Councillor T. Sheppard (Chair)

Councillor K. Brindley-Edwards (Vice-Chair) (drawn from an opposition group (Part 4(e) Paragraph 6 of OSP Procedure Rules))

Councillors J. Beaumont, D. Brown, G. Daffern, C. Golby, W.J. Hancox, L. Hocking, A. Llewellyn–Nash, B. Longden, M. Rudkin, J. Sargeant, and H. Walmsley.

Nuneaton and Bedworth Community Enterprise Limited Shareholder Committee (6)

CouncillorTBC (Chair)

Councillors K. Brindley–Edwards, M. Rudkin, R. Smith, J. Tandy and R. Tromans.

AGENDA ITEM 9(d)

REPRESENTATIVES ON OUTSIDE BODIES

RECOMMENDED that consideration be given to appointments to outside bodies
- lists showing existing appointments attached.

Note:

Schedule A - Appointments by office where no decisions are required.

Schedule B - Appointments where decisions are required.

Schedule C - Appointments for which the term of office have not yet expired
and therefore, no appointments need to be made.

SCHEDULE 'A'

APPOINTMENTS BY OFFICE (Period of Office 12 Months Commencing in May, 2018)

<u>Body</u>	<u>Present Representative</u>	<u>Number of Representatives</u>	<u>Travel and Subsistence</u>	<u>Indemnity</u>
A5 Member partnership	Cabinet Member for Planning, Development & Health	1	Yes	Indemnity Applies
Champion for Safeguarding (Children and Adults)	Cabinet Member for Central Services and Refuse	1	Yes	Indemnity Applies
Coventry, Warwickshire and Hinckley and Bosworth Joint Committee	Leader (Deputy Leader as substitute)	1	Yes	Indemnity Applies
District Leaders	Leader (Deputy Leader as substitute)	1	Yes	Indemnity Applies
Local Government Association	Leader (Cabinet Member as Substitute)	1	Yes	Indemnity Applies
Local Enterprise Partnership	Deputy Leader (Leader as Substitute)	1	Yes	Indemnity Applies
Local Government Superannuation Scheme Consultative Board	Cabinet Member for Central Services and Refuse	1	Yes	Indemnity Applies
Nuneaton and Bedworth Home Improvement Agency	Cabinet Member for Housing and Communities	1	Yes	Indemnity Applies
Nuneaton and Bedworth Safer and Stronger Communities Partnership	Cabinet Member for Housing and Communities	1	Yes	Indemnity Applies
Nuneaton and Bedworth Community Enterprises Ltd	Leader, Deputy Leader and Leader of the Opposition or his/her representative	1	Yes	Indemnity Applies

SCHEDULE 'A' CONTINUED

<u>Body</u>	<u>Present Representative(s)</u>	<u>Number of Representatives</u>	<u>Travel and Subsistence</u>	<u>Indemnity</u>
Nuneaton and Bedworth Sports Forum	Cabinet Member for Arts & Leisure	1	Yes	No indemnity – Member decision
Nuneaton Festival of Arts	The Mayor	1	Yes	No Indemnity – Member decision
PATROL (Parking and Traffic Regulations Outside of London) Joint Committee Services	Cabinet Member for Planning, Development & Health	1	Yes	Indemnity Applies
Safer Warwickshire Partnership Board	Cabinet Member for Housing and Communities	1	No	No Indemnity – Member Decision
Warwickshire Direct Partnership	Cabinet Member for Central Services & Refuse	1	Yes	Indemnity Applies
Warwickshire Health and Wellbeing Board	Cabinet Member for Housing and Communities	1	Yes	Indemnity Applies
Warwickshire Housing Support Partnership	Cabinet Member for Housing and Communities	1	Yes	Indemnity Applies
Warwickshire Police and Crime Panel	Cabinet Member for Housing and Communities	1	Yes	Indemnity Applies
Warwickshire Waste Partnership	Cabinet Member for Central Services & Refuse	1	Yes	Indemnity Applies
West Midlands Combined Authority Board	Leader (Cabinet Member as Substitute)	1	Yes	Indemnity Applies
West Midland Employers	Cabinet Member for Central Services & Refuse	1	Yes	No Indemnity – Member Decision
Warwickshire Adult Social Care and Health Overview and Scrutiny Panel	Chair of the External Overview and Scrutiny Panel	1	Yes	No Indemnity – Member Decision

SCHEDULE 'B'

APPOINTMENTS NOT NECESSARILY BY OFFICE

Body	Representation	Terms of Office	Present Representative (s)	Travel and Subsistence	Indemnity
Advice Rights	1 Councillor	1 Yr	Councillor A. Sargeant	No	No indemnity – Member decision
Age UK (Warwickshire Branch)	1 Councillor	1 Yr	Councillor J. Gutteridge	No	No indemnity - Member decision
Armed Forces Covenant Meeting	1 Councillor	1 Yr	Councillor B.J. Longden	No	No indemnity Member decision
Astley Charity	1 Councillor	1 Yr	Councillor B.J. Longden	No	No indemnity Member decision
Biodiversity Champion	1 Councillor	1 Yr	Councillor J.B Beaumont	Yes	Indemnity Applies
Building Control Partnership Steering Group	Cabinet Member for Planning & Development plus 1 Councillor	1 Yr	Cabinet Member for Planning & Development and Councillor W.J. Hancox	Yes	Indemnity Applies
Bulkington Village Centre Project	1 Representative (not necessarily a Councillor)	1 Yr	Councillor J. Beaumont	Yes	No Indemnity – Member Decision
Camp Hill Urban Village: Pride in Camp Hill Board	1 Councillor	1Yr	Councillor I. Lloyd (Substitute Member L. Hocking)	Yes	Indemnity applies
Committee of Management of Hartshill and Nuneaton Recreation Ground	2 Councillors	1 Yr	Councillor L. Hocking and Councillor I. Lloyd	No	No Indemnity – Member Decision
Exhall Education Foundation	Trustee (not necessarily a Councillor and preferably from Exhall Parish)	1 Yr	Mr R.N. Chattaway	No	No Indemnity – Member Decision

SCHEDULE 'B' (CONTINUED)

<u>Body</u>	<u>Representation</u>	<u>Term of Office</u>	<u>Present Representative</u>	<u>Travel and Subsistence</u>	<u>Indemnity</u>
Friendship Project for Children	1 Councillor	1 Yr	Councillor P.M. Elliott	No	No Indemnity – Member decision
George Eliot Hospital NHS Trust – Public/User Board	1 Councillor	1 Yr	Councillor B.J. Longden	Yes	Indemnity Applies
George Elliot Hospital NHS Foundation Trust Governors	1 councillor	1 Yr	Councillor B.J. Longden	Yes	Indemnity Applies
Nuneaton and Bedworth Older People’s Forum	1 Councillor	1 Yr	Councillor J.B. Beaumont	Yes	Indemnity Applies
Nuneaton Neighbour Watch Committee	1 Councillor	1 Yr	Councillor J. Sheppard	No	No Indemnity – Member decision
Bedworth Neighbourhood Watch Committee	1 Councillor	1 Yr	Councillor M. Rudkin	No	No Indemnity – Member decision
Warwickshire Joint Overview and Scrutiny Committee	1 Councillor	1 Yr	Councillor J. Beaumont	Yes	Indemnity Applies
Warwickshire Race Equality Partnership	1 Councillor	1 Yr	Councillor J. Tandy	No	No Indemnity – Member decision
West Midlands Combined Authority Audit Group	1 Councillor (plus 1 substitute)	1 Yr	Councillor J. Tandy (Substitute Member) Councillor J. Beaumont	Yes	Indemnity Applies

SCHEDULE 'B' CONTINUED

<u>Body</u>	<u>Representation</u>	<u>Term of Office</u>	<u>Present Representative (s)</u>	<u>Travel and Subsistence</u>	<u>Indemnity</u>
Foleshill Charity Trustee – Proffitt's Charity	1 Trustee (not necessarily a Councillor)		Mr J. Haynes	No	No indemnity – Member decision

SCHEDULE 'C'

TERMS OF OFFICE NOT YET EXPIRED

<u>Body</u>	<u>Representation</u>	<u>Term of Office</u>	<u>Present Representative (s)</u>	<u>Travel and Subsistence</u>	<u>Indemnity</u>
Hammersley Smith and Orton Charity	2 Representatives (not necessarily Councillors)	4 Yrs to Oct 2020	Councillor W.J. Hancox And Mr J. Haynes	No	No Indemnity Member decision
King Edward VI College Foundation – Trustee	1 Representative (Not necessarily a Councillor)	4 Yrs to June 2020	Councillor K.L Brindley-Edwards	No	No Indemnity Member decision
Poor's Piece Charity	1 Nominative Trustee (Not necessarily a Councillor)	4 Yrs to Dec 2020	County Councillor C. Davies	No	No Indemnity Member decision
Charity of Willoughly and Others	1 Nomination Trustee (not necessarily a Councillor)	4 Yrs to May 2022	Mr D.J. Lewis	No	No indemnity – Member decision
Hammersley Smith and Orton Charity	2 Representatives (not necessarily Councillors)	4 Yrs to Oct 2022	Mr R.G. Copland and Mr J. Hunt	Yes	No indemnity – Member decision
Hospice Charity	1 Representative (not necessarily a Councillor)	4 Yrs to May 2022	Councillor A. Llewellyn-Nash	No	No indemnity – Member decision
Hospice Charity	1 Representative (not necessarily a Councillor)	4 Yrs to June 2022	Deferred for further clarification as to whether there are two positions.	No	No Indemnity – Member decision
Nicolas Chamberlaine's School Foundation Nicholas Chamberlaine's Hospital and Sermon Charity	1 Representative (Not necessarily a Councillor)	4 Yrs to May 2022	Alan Lewis	Yes	No Indemnity – Member decision

Poor's Piece Charity	1 Nomination Trustee (not necessarily a Councillor)	4 Yrs to May 2022	Councillor I.K Lloyd	No	No Indemnity – Member Decision
William Bentley's and Job Potter's Charities	2 Representatives (not necessarily Councillors)	4 Yrs to May 2022	Mr D. Aldington and Mr B.L. Hawkes	No	No Indemnity – Member decision
William Bentley's and Job Potter's Charities	2 Representatives (not necessarily Councillors)	4 years to May 2022	Mrs D.F Hawkes and Mr J. Haynes	No	No Indemnity – Member decision

AGENDA ITEM 9(e)

APPOINTMENT OF CO-OPTED MEMBERS

RECOMMENDED that the Co-opted members be appointed as follows:

Audit and Standards Committee

Mrs. C. Bacon & Mr. G. Sonola

Internal Overview and Scrutiny Panel

Mrs. L. Price & Mrs D. Ross

External Overview and Scrutiny Panel

Ms..I Kabilsz & Mr. I. Sheikh

NUNEATON AND BEDWORTH BOROUGH COUNCIL

ANNUAL MEETING OF THE COUNCIL

15th MAY 2019

AGENDA ITEM NO. 10: SCHEME OF DELEGATION

Recommendations for Approval:

- (a) The scheme of delegation from the Council (excluding those functions that are executive functions) as set out in the addendum be approved

Recommend for noting:

- (b) The scheme of delegation from the Leader for those functions which are executive functions as set out in the addendum be noted.

ARTICLE 7: THE CABINET (also known as the Executive)

A7.1 The Leader is at the heart of the executive decision-making process, and the role is a key role, in allocating responsibilities across the Cabinet. Individual Members will, at the request of the Leader, take responsibility for specific areas of service provision. They are called “Portfolio holders” and they are able to take decisions on services as individual Members within the terms of reference allocated to them by the Leader. The current list of Portfolios is as follows:

- a) Finance & Civic Affairs
- b) Housing & Communities
- c) Planning, Development & Health
- d) Central Services and Refuse
- e) Arts & Leisure

The Leader has the power to take any executive decision of the Council; this includes decisions that could be taken by a Portfolio holder.

The Leader can determine that executive decisions be taken by Cabinet collectively, by individual Portfolio holders, a Committee of Cabinet, or by an officer of the Council.

This article sets out the basic components of the Cabinet. The Rules of Procedure setting out how the Cabinet will operate are contained in Part 4D of the Constitution.

A7.2 ROLE

The Leader will carry out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

The Leader, or, if the Leader so determines, the Cabinet, may appoint representatives to outside bodies where the Council does not do so at the Annual meeting of the Council and where substitute or new representatives need to be appointed during the year.

If the Leader is unable to make a particular decision as a result of a personal/prejudicial interest, or a conflict of interests, then the delegations shall be to his/her Deputy, to Cabinet, or to an officer under delegated powers in cases of urgency.

A7.3 FORM AND COMPOSITION

The Cabinet will consist of the Leader together with at least two, but no more than nine Members, appointed to the Cabinet by the Leader. The Portfolios allocated to individual Cabinet Members are determined by the Leader, and currently comprise

of the Portfolios set out below. The detailed responsibilities of each Portfolio are set out in Part 3B of this Constitution. Appointments may be from a single party and need not reflect the political balance of the Council.

Table 2 - The Cabinet Responsibilities

Portfolio	Corporate Plan	Responsibilities and Services
Finance & Civic Affairs	1.2 1.4 4.1 4.3	<ul style="list-style-type: none"> • Sub Regional and Regional Partnerships • Council Budget • Finance • Revenues and Benefits • Legal • Elections • Democratic Services and Mayoralty • Tourism and Twinning • Town Centres & Marketing (including Markets) • Economic Development (inc LEP)
Central Services & Refuse	4.1 4.2 1.3 3.2	<ul style="list-style-type: none"> • Human Resources • Audit and Performance • Equalities and Insurance • Emergency Planning • Procurement • I.T. & C. • Marketing & Communications • Corporate Property • Customer Services • Licensing Policy • Refuse and Cleansing • Recycling and litter control • Facilities management and maintenance • Public Conveniences • Drainage, sanitation and rubbish accumulations

Portfolio	Corporate Plan	Responsibilities and Services
Arts & Leisure	1.3 2.1 3.1 4.1	<ul style="list-style-type: none"> • Civic Hall, Museums and Art Galleries • Culture • Leisure, Community Centres and strategies • Parks and Open Space • Grounds Maintenance • Sports Development • Allotments • Cemeteries and crematoria
Housing & Communities	1.1 2.3 4.1	<ul style="list-style-type: none"> • Housing Revenue Account operation • Strategic Housing and Homelessness • Communities • Grants to Voluntary Sector • Private Sector Housing • HEART
Planning, Development & Health	1.1 1.2 4.1 3.1	<ul style="list-style-type: none"> • Borough Plan • Development Control and Planning Policy • Building Control • Estates (inc land and property) • Street Names • Car Parks, Bus station, Bus shelters • Highway Agency arrangements • CCTV • Land Drainage • Amenity Lighting

Portfolio	Corporate Plan	Responsibilities and Services
		<ul style="list-style-type: none"> • Abandoned Vehicles • Environmental Sustainability • Corporate Health & Safety • Environmental Health (food safety, pest control, dog warden and dog fouling, health and safety (external enforcement)) • Health

A7.4 LEADER

The Leader shall be an elected Member, who shall be appointed to the office of Leader for a term of not more than four years [the Term] at the relevant Annual meeting of Council, or if that is not possible, at a subsequent meeting of Council. The Leader shall remain the Leader until:-

- a) The Council holds its first Annual meeting after the Leader's normal day of retirement as a Member; or,
- b) until the Annual meeting of Council immediately after either their re-election; or if
- c) any of the paragraphs (i) to (iv) below apply:
 - i. he/she resigns from the office; or
 - ii. he/she is suspended from being a Member under Part III of the Local Government Act 2000 (although he/she may resume office at the end of a period of suspension); or
 - iii. he/she ceases to be a Member by way of disqualification under the provisions of the Local Government Act 1972; or
 - iv. he/she is removed from office by resolution of the Council.

If the Leader ceases to hold office before the end of the Term, the Council will elect another Member to that office at a subsequent Council meeting. If the Leader is removed by resolution of the Council pursuant to paragraph A7.4 (c) (iv) above, the Council will elect a new Leader at the same meeting, or if that cannot be achieved, at a subsequent Council meeting.

The relevant Annual meeting will be either the first Annual meeting after the coming into force of the new Leader and Cabinet Executive (England) Model or any future Annual meeting at which a Leader is to be elected.

A7.5 DEPUTY LEADER

The Leader will appoint one of the Cabinet Members as the Deputy Leader to serve for the Term, unless any of the following circumstances arise:

- a) he/she resigns from the office; or
- b) he/she is suspended from being a Member under part III of the Local Government Act 2000 (although he/she may resume office at the end of a period of suspension); or
- c) he/she ceases to be a Member by way of disqualification under the provisions of the Local Government Act 1972; or

- d) he/she is removed from office by the Leader, who must give written notice to the Executive Director – Operations . The removal will take effect two working days after receipt of the notice by the Executive Director - Operations

The Executive Leader may, if he or she thinks fit, remove the Deputy Leader from office, and where a vacancy occurs in the office of Deputy Leader, the Executive Leader must appoint another elected Member as soon as practicable.

If for any reason the Leader is not able to act or the office of Leader is vacant, the Deputy Leader must act in his or her place. If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet Executive must act collectively in the Leader's place or must arrange for a Cabinet Member to act in the Leader's or Deputy Leader's place.

A7.6 OTHER CABINET MEMBERS

Only Members may be appointed to the Cabinet. There may be no co-optees or deputies or substitutes for Cabinet Members. Neither the Mayor nor the Deputy Mayor may be appointed to the Cabinet, and Members of the Cabinet (including the Leader) may not be Members of an Overview & Scrutiny Committee. Cabinet Members will be appointed by the Leader and shall hold office until:-

- a) they resign from office; or
- b) they are suspended from being a Member under Part III of the Local Government Act 2000 (although they may resume office at the end of a period of suspension); or
- c) he/she ceases to be a Member by way of disqualification under the provisions of the Local Government Act 1972; or
- d) they are removed from office by the Leader who must give written notice to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Executive Director – Operations.

A7.7 PROCEEDINGS OF THE CABINET

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules described in Part 4 of this document.

A7.8 RESPONSIBILITY FOR FUNCTIONS

The Executive responsibilities are vested in the Leader who may choose to delegate them in any manner allowed by law, namely to the Executive to determine collectively, to individual Members of the Executive, to a Committee of the Executive comprising of Cabinet members only, or a Council officer.

At the Annual meeting, the Leader will confirm the names of the people who he/she has appointed to Cabinet and details of any authority that he/she has delegated to them individually, and may alter these arrangements at any time. The Leader shall decide which executive functions will be discharged by individual Members of the Cabinet. If he/she decides to amend these delegations, then before he/she implements any such decision, he/she shall:-

- a) Give 28 days' notice of this intention to the Executive Director – Operations , who shall at the next available Council meeting following expiry of the 28 days' notice present a written record of the amendment to the delegations made by him/her for inclusion in the Council's Scheme of Delegations in Part 3 of this Constitution. This will contain the following information;
 - i. the names of the Cabinet Members (including him/herself) to whom he/she intends to delegate authority;
 - ii. the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- b) The Leader may amend the delegations set out in (a) above at any time during the year, by giving written notice to the Executive Director- Operations setting out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person.

The Leader will maintain a list in Part 3C of this Constitution setting out which individual Members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.



Responsibility for Functions

CONSTITUTION

Part 3

PART 3 - RESPONSIBILITY FOR FUNCTIONS

3 TERMS OF REFERENCE FOR INDIVIDUAL PORTFOLIOS

Leader - Finance & Civic Affairs

In the Council's Corporate Plan, the Aims and Priorities of particular importance to this Portfolio holder are:

[Note: the Themes and Priorities are being updated in line with the revised Delivering Our Future Corporate Plan]

Terms of Reference

- Council Budget
- Finance
- Revenues and Benefits
- Legal
- Elections
- Democratic Services including Mayoralty
- Communications
- Sub Regional and Regional Partnerships(includes WMCA)
- Tourism and Twinning
- Town Centres and Marketing(including markets)
- Economic Development(including LEP)

Anything not falling within any other Portfolio holder's Terms of Reference.

Job Description

- As Leader of the Council, fulfil all roles required of him/her.
- Chair the Cabinet.
- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Monitor the Council's financial position.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference
- Promote and encourage the economic development and regeneration of the Borough
- Promote and encourage tourism in the Borough.

Within the matters of his/her Terms of Reference, monitor budgets, Service Plans, best value and establishment change.

Deputy Leader: Planning, Development & Health

In the Council's Corporate Plan, the Aims and Priorities of particular importance to this Portfolio holder are:

[Note: the Themes and Priorities are being updated in line with the revised Delivering Our Future Corporate Plan]

Terms of Reference

- Development Control and Planning Policy
- Borough Plan
- Building Control
- Estates including land and property
- Street names
- Car parks, bus shelters, bus station and CCTV
- Highway Agency arrangements
- Land drainage
- Amenity lighting
- Abandoned vehicles
- Environmental Sustainability
- Health and Safety (Internal to NBBC Operations)
- Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations)
- Health

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Develop and review priority neighbourhood strategies for creating and sustaining employment opportunities.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.
- Within the matters under his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.
- Develop an integrated programme of work to improve the health and wellbeing of local people.

Arts & Leisure

In the Council's Corporate Plan the Key Aims and Priorities of particular importance to this Portfolio Holder are:

[Note: the Themes and Priorities are being updated in line with the revised Delivering Our Future Corporate Plan]

Terms of Reference

-
- Grounds maintenance and parks
- Sports Development
- Civic Hall
- Museum and art galleries
- Leisure and Community Centres and strategies
- Culture
- Allotments
- Cemeteries and crematoria

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Promote events and activities within his/her Terms of Reference
- Enhance opportunities for sports, leisure and recreational activities at an affordable price.
- Maintain leisure, sports recreational, arts and cultural facilities within the Borough.
- Maintain and develop the Passport to Leisure Scheme.
- Ensure the efficiency and effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Housing & Communities

In the Council's Corporate Plan Key Aims and Priorities of particular importance to this Portfolio holder are:

[Note: the Themes and Priorities are being updated in line with the revised Delivering Our Future Corporate Plan]

Terms of Reference

- Housing Revenue Account operation
- Strategic Housing and Homelessness
- Communities
- Grants to Voluntary Sector
- Private Sector Housing
- HEART

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents, or its stakeholders.
- Assess and keep under review the housing needs of the area, and secure so far as possible a provision of housing stock that meets that need.
- Oversee the Council's housing stock.
- Fulfil the Council's statutory obligations in regard to homelessness.
- Undertake the provision of grants for renovation and for the adaptation of property for disabled people.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Central Services & Refuse

In the Council's Corporate Plan the Key Aims and Priorities of particular importance to this Portfolio holder are:

[Note: the Themes and Priorities are being updated in line with the revised Delivering Our Future Corporate Plan]

Terms of Reference

- Customer Services
- IT
- Business Support HR
- Refuse and Cleansing
- Public conveniences

- Recycling and litter control
- Facilities Management and maintenance
- Licensing Policy
- Drainage, sanitation and accumulations of rubbish
- Procurement
- Audit and Performance
- Equalities and Insurance
- Emergency Planning

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Promote equality of opportunity and work towards the elimination of unfair discrimination.
- Promote the effective deployment of Information and Communication Technology.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.

Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

3A RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Table 4 – Responsibility for Local Choice Function

Item	Decision Making Body
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 and Responsibilities) (England) Regulations 2000	Full Council
The determination of an appeal against any decision made by or on behalf of the Authority	Appeals Committee
The appointment of Review Boards under Regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of The Social Security Act 1998	Full Council
The making of arrangements pursuant to subsection (1) of Section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils)	County function
The making of arrangements pursuant to Section 94(1) (1A) and (4) of, and Schedule 24 to the 1998 Act (admission appeals)	County function
The making of arrangements pursuant to Section 95(2), the 1998 Act (children to whom section 87 applies; appeals by governing bodies)	County function
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	County function
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	County function
The conducting of best value reviews in accordance with the provisions of any Order for the time being having effect under Section 5 (Best Value Reviews) of The Local Government Act 1999	Overview & Scrutiny Panels conducting Reviews and making recommendations to Full Council for decision.
Any function relating to contaminated land	Cabinet and Director – Planning & Public Protection
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet and Director – Planning & Public Protection

Item	Decision Making Body
The service of an Abatement Notice in respect of a statutory nuisance	Director – Planning & Public Protection and Director - Housing, Communities & Economic Development
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet
The inspection of the Authority's area to detect any statutory nuisance	Director – Planning & Public Protection and Director – Housing, Communities & Economic Development
The investigation of any complaint as to the existence of a statutory nuisance	Director – Planning & Public Protection and Director – Housing, Communities & Economic Development
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Head of Planning
The obtaining of particulars of persons interested in land under Section 16 of The Local Government (Miscellaneous Provisions) Act 1976	All Directors
The making of agreements for the execution of highways works	Executive Director – Operations
The appointment of any individual: a) to any office other than an office in which he is employed by the Authority to any body other than:- i. the Authority ii. a joint Committee of two or more authorities; or b) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Full Council or, if A4.3(f) applies, the Cabinet

3B RESPONSIBILITY FOR COUNCIL FUNCTIONS

List of functions which cannot be discharged by the Executive

N.B. Where appropriate, functions in this table include the imposition of conditions, limitations, restrictions or other terms on any approval, consent, licence, permission or registration; amending, deleting and revoking the same; and dealing with enforcement of such functions.

NB

- "TCPA90" = Town and Country Planning Act 1990
- "LBA90" = Planning (Listed Buildings and Conservation Areas) Act 1990
- "TCP" = Town and Country Planning
- "LGA" = Local Government Act
- "LAFRER" = Local Authorities (Functions and Responsibilities) (England) Regulations 2000
- "LGMPA" = Local Government (Miscellaneous Provisions) Act
- "Pigs Order" = Pigs (Records, Identification and Movement) Order 1995 (si 1995/11)
- "RPA" = Representation of the People Act.
- "LGPIH" = Local Government and Public Involvement in Health Act 2007

Table 5 – Responsibility for Council Functions

Statutory Provision	Function	Who Discharges
S.18 Local Government and Housing Act 1989	Making, amending, revoking or replacing a scheme for Members allowances and fixing the rate of allowances thereunder.	Full Council
Ss.3(5), 5(4), 173, 175 LGA '72	Determining miscellaneous Member allowances.	Full Council

Statutory Provision	Function	Who Discharges
Reg 2(5) LAFRER	Whether and what amount of charge should be made for any approval, consent, licence, permit or registration which is not an Executive function	The relevant body or person according to the function involved
S.102 LGA 1972	Appointments to Committees	Full Council
Reg 2(11) LAFRER	Any function of a Local Authority expressed in previous legislation as being only by an authority	Full Council
The Gambling Act 2005	Final approval of three year Licensing Policy	Full Council
	Policy not to permit casinos	Full Council
A. Functions Relating to Town and Country Planning and Development Control		
S 70(1)(a) and (b) and S 72, TCPA90(c8)	1. Power to determine application for planning permission	Planning Applications Committee
S 73, TCPA90.	2. Power to determine applications to develop land without compliance with conditions previously attached	Planning Applications Committee
S 73A, TCPA90.	3. Power to grant planning permission for development already carried out	Planning Applications Committee
S 70A, TCPA90.	4. Power to decline to determine application for planning permission	Planning Applications Committee
Ss 69, 76 and 92, TCPA90 and Articles 8, 10 to 13, 15 to 22 and 25 and 26, TCP (General Development Procedure) Order 1995 and directions thereunder.	5. Duties relating to the making of determinations of planning applications	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S 316, TCPA90 and TCP General Regulations 1992.	6. Power to determine application for planning permission made by a Local Authority, alone or jointly with another person	Planning Applications Committee
Parts 6, 7, 11, 17, 19 to 24, 26, 30 and 31 of Sched 2 to the TCP (General Permitted Development) Order 1995.	7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Planning Applications Committee
S 106, TCPA90.	8 Power to enter into agreement regulating development or use of land	Planning Applications Committee
Ss 191(4) and 192(2), TCPA90	9. Power to issue a certificate of existing or proposed lawful use or development	Planning Applications Committee
S 94(2), TCPA90.	10. Power to serve a Completion Notice	Planning Applications Committee
S 220, TCPA90 and TCP (Control of Advertisements) Reg 1992.	11. Power to grant consent for the display of advertisements	Planning Applications Committee
S 196A, TCPA90.	12. Power to authorise entry onto land	Planning Applications Committee
S 102, TCPA90.	13. Power to require the discontinuance of a use of land	Planning Applications Committee
Ss 171C, 187A and 183(1) TCPA90.	14. Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice	Planning Applications Committee

Statutory Provision	Function	Who Discharges
Section 171E, TCPA90	15a Power to issue a temporary Stop Notice	Planning Applications Committee
S 172, TCPA90.	16. Power to issue an Enforcement Notice	Planning Applications Committee
S 187B, TCPA90	17. Power to apply for an injunction restraining a breach of planning control	Planning Applications Committee
Ss 9(1) and 10, Planning (Hazardous Substances) Act 1990.	18. Power to determine applications for hazardous substances consent, and related powers	Planning Applications Committee
Para. 2(6)(a) of, and Sched 2 to the Planning and Compensation Act 1991, para. 9(6) of Sched 13, Environment Act 1995 and para 6(5) of Sched 14 to that Act.	19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Planning Applications Committee
S 215(1), TCPA90.	20. Power to require proper maintenance of land	Planning Applications Committee
Ss 16(1) and (2), 17, and 33(1), LBA90	21. Power to determine application for Listed Building Consent, and related powers	Planning Applications Committee
S 16(1), LBA90, as applied by S74(3) of that Act	22. Power to determine applications for Conservation Area Consent	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S13(1) and 14(1) and (4) of the LBA90 and Reg 3 to 6 and 13, of the Planning (Listed Buildings and Conservation Areas) Reg 1990 (SI 1990/1519) and para 8, 15 and 26 Department of the Environment, Transport and the Regions Circular 01/01.	23. Duties relating to applications for Listed Building Consent and Conservation Area Consent	Planning Applications Committee
Ss 3(1) and 4(1), LBA90.	24. Power to serve a Building Preservation Notice, and related powers	Planning Applications Committee
S 38, LBA90	25. Power to issue an Enforcement Notice in relation to demolition of a [listed] building in conservation area	Planning Applications Committee
Ss 47 and 48, LBA90	26. Powers to acquire a listed building in need of repair and to serve a Repairs Notice	Planning Applications Committee
S 44A, LBA90	27. Power to apply for an injunction in relation to a listed building	Planning Applications Committee
S 54, LBA90	28. Power to execute urgent works	Planning Applications Committee
B. Licensing and Registration Functions		
S 3(3) Caravan Sites and Control of Development Act 1960	1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S 269(1) Public Health Act 1936	2. Power to license the use of moveable dwellings and camping sites	Planning Applications Committee
14. as to Hackney Carriages, the Town Police Clauses Act 1847 as extended by S.171 Public Health Act 1875, and S.15 Transport Act 1985 and Ss. 47, 57, 58, 60 and 79 LGMPA 1976; (b) as to Private Hire Vehicles, Ss. 48, 57, 58, 60 and 79, LGMPA1976.	3. Power to license Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 51, 53, 54, 59, 61 and 79, LGMPA 1976.	4. Power to license drivers of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 55 to 58, 62 and 79, LGMPA 1976.	5. Power to license operators of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Sched 2, Betting, Gaming and Lotteries Act 1963	6. Power to register pool promoters	Licensing Committee
Sched 3, Betting, Gaming and Lotteries Act 1963	7. Power to grant track betting licences	Licensing Committee
Sched 5ZA, Betting, Gaming and Lotteries Act 1963	8. Power to license inter-track betting schemes	Licensing Committee
Sched 9, Gaming Act 1968	9. Power to grant permits in respect of premises with amusement machines	Licensing Committee
Sched 1, Lotteries and Amusements Act 1976	10. Power to register societies wishing to promote lotteries	Licensing Committee
Sched 3, Lotteries and Amusements Act 1976	11. Power to grant permits in respect of premises where amusements with prizes are provided	Licensing Committee

Statutory Provision	Function	Who Discharges
S 1 Cinema Act 1985	12. Power to issue Cinema and Cinema Club Licences	Licensing Committee
Ss 12 to 14 Theatres Act 1968	13. Power to issue Theatre Licences	Licensing Committee
S 12 of the Children and Young Persons Act 1933 (c 12), S 52 of, and Sched 12 to, the London Government Act 1963 (c 33), S 79 of the Licensing Act 1964 (c 26), S 1 to 5 and 7 of, and Parts I and II of the Sched to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Sched 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30)	14. Power to issue Entertainments Licences.	Licensing Committee
S.5 to 8 of the Licensing Act 2003 S.29 of the Gambling 2005 Act S.30 of the 2005 Act S.39 of the 2005 Act	14a Functions relating to licensing 14aa Duty to comply with requirements to provide information to Gambling Commission 14ab Functions relating to exchange of information 14ac Functions relating to Occasional Use Notices	Licensing Committee Licensing Committee Licensing Committee Licensing Committee
S.166 of the 2005 Act	14b Power to resolve not to issue a Casino Premises Licence	Licensing Committee

Statutory Provision	Function	Who Discharges
S.304 of the 2005 Act	14c Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises	Licensing Committee
S.284 of the 2005 Act	14ca Power to make Order disapplying S.279 or 282(1) of the 2005 Act in relation to specified premises	
S.346 of the 2005 Act	14d Power to institute criminal proceedings	Licensing Committee
S.350 of the 2005 Act	14e Power to exchange information	Licensing Committee
The Gambling Act (Premises Licence Fees) (England and Wales) Reg 2007	14f Functions relating to the determination of fees for Premises Licences	Licensing Committee
Part 5 of Sched 11 to the 2005 Act	14g Functions relating to the registration and regulation of small society lotteries	Licensing Committee
The Gambling Act 2005	14h Determination of application for a variation to a Licence where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14i Determination of application for a transfer of a Licence where representations have been received from the Commission	Licensing Committee
The Gambling Act 2005	14j Determination of application for a provisional Statement where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14k Review of a Premises Licence	Licensing Committee

Statutory Provision	Function	Who Discharges
The Gambling Act 2005	14l Application for Club Gaming/Club Machine Permits where objections have been made and not withdrawn	Licensing Committee
The Gambling Act 2005	14m Cancellation of Club Gaming/Club Machine Permits	Licensing Committee
The Gambling Act 2005	14n Decision to give a counter notice to a Temporary Use Notice	Licensing Committee
The LGMPA 1982, S.2 and Sched 3.	15. Power to license sex shops and sex cinemas	Licensing Committee
The Hypnotism Act 1952	16. Power to license performances of hypnotism	Licensing Committee
Ss.13 to 17, LGMPA 1982	17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Director – Planning & Public Protection
S.94 Public Health Acts Amendment Act 1907	18. Power to license pleasure boats and pleasure vessels	Director – Planning & Public Protection
Paras 1(2) and 9 of Sched 12 to the London Govt Act 1963 and Part V of London Local Authorities Act 1995	19. Power to register door staff	N/a
Part III of, and Sched 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and S.6 of the London Local Authorities Act 1994 (c xii)	20. Power to license market and street trading	Full Council

Statutory Provision	Function	Who Discharges
S.2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and S.5 of the London Local Authorities Act 1994	21. Power to license night cafes and take-away food shops	Director – Planning & Public Protection
Ss. 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972	22. Duty to keep list of persons entitled to sell non-medicinal poisons	County
Ss.5, 6, 17, 18 and 21 to 23 Game Act 1831, Ss.2 to 16, Game Licensing Act 1860, S 4 Customs and Inland Revenue Act 1883, Ss.12(3) and 27 LGA 1874 and S.213 LGA 1972	23. Power to license dealers in game and the killing and selling of game	Director – Planning & Public Protection
S 19 Food Safety Act 1990	24. Power to register and license premises for the preparation of food	Director – Planning & Public Protection
S 1 Scrap Metal Dealers Act 1964	25. Power to license scrap yards	Director – Planning & Public Protection
The Safety of Sports Grounds Act 1975	26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	County
Part III, Fire Safety and Safety of Places of Sport Act 1987	27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	County
S 5 Fire Precautions Act 1971	28. Power to issue fire certificates	County
S 1 Breeding of Dogs Act 1973 and S 1 Breeding and Sale of Dogs (Welfare) Act 1999	29. Power to license premises for the breeding of dogs	Director – Planning & Public Protection

Statutory Provision	Function	Who Discharges
S 1 Pet Animals Act 1951; S 1 Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; S 1 Breeding of Dogs Act 1973, and Ss 1 and 8 Breeding and Sale of Dogs (Welfare) Act 1999	30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Director – Planning & Public Protection
S 1 Performing Animals (Reg) Act 1925	31. Power to register animal trainers and exhibitors	County
S 1 Zoo Licensing Act 1981	32. Power to license zoos	Licensing Committee
S 1 Dangerous Wild Animals Act 1976	33. Power to license dangerous wild animals	Director – Planning & Public Protection
S 4 Slaughterhouses Act 1974 and Animal By-Products Order 1999.	34. Power to license knackers' yards	Director – Planning & Public Protection
Part II Children and Young Persons Act 1933, byelaws thereunder, and Part II Children and Young Persons Act 1963	35. Power to license the employment of children	County
S 46A Marriage Act 1949 and Marriages (Approved Premises) Reg 1995	36. Power to approve premises for the solemnisation of marriages	County

Statutory Provision	Function	Who Discharges
Reg 6 Commons Registration (New Land) Reg 1969	37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to a) an exchange of lands effected by an Order under S.19(3) of, or paragraph 6(4) of Sched 3 to the Acquisition of Land Act 1981, or b) an Order under S.147 Enclosure Act 1845	County
Reg 29 Commons Registration (General) Reg 1966	38. Power to register variation of rights of common	County
S 5 Police, Factories, Etc. Miscellaneous Provisions Act 1916 and S 2 House to House Collections Act 1939	39. Power to license persons to collect for charitable and other causes	Licensing Committee
Sched 2, Noise and Statutory Nuisance Act 1993	40. Power to grant consent for the operation of a loudspeaker	Director – Planning & Public Protection
S 50 New Roads and Street Works Act 1991	41. Power to grant a Street Works Licence	County
S 2 Nurses Agencies Act 1957	42. Power to license agencies for the supply of nurses	County
Article 12 Pigs Order 1995	43. Power to issue licences for the movement of pigs	County
Article 13 Pigs Order 1995	44. Power to license the sale of pigs	County
Article 14 Pigs Order 1995	45. Power to license collecting centres for the movement of pigs	County
Article 5(2) Cattle Identification Regs 1998	46. Power to issue a licence to move cattle from a market	County

Statutory Provision	Function	Who Discharges
Ss 115E, 115F and 115K of the Highways Act 1980	46a Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers	Executive Director – Operations
S 139 Highways Act 1980	47. Power to permit builder's skip on highway	County
Section 115G of the Highways Act 1980	47a Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980	Executive Director – Operations
S 142 Highways Act 1980.	48. Power to license planting, retention and maintenance of trees, etc. in part of highway	County
S 147 Highways Act 1980.	49. Power to authorise erection of stiles, etc. on footpaths or bridleways	County
S 169 Highways Act 1980.	50. Power to license works in relation to buildings, etc. which obstruct the highway	County
S 171 Highways Act 1980.	51. Power to consent to temporary deposits or excavations in streets	County
S 172 Highways Act 1980.	52. Power to dispense with obligation to erect hoarding or fence	County
S 178 Highways Act 1980.	53. Power to restrict the placing of rails, beams, etc. over highways	County
S 179 Highways Act 1980	54. Power to consent to construction of cellars, etc. under streets	County
S 180 Highways Act 1980.	55. Power to consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators	County
S 1 Celluloid and Cinematograph Film Act 1922	56. Power to sanction use of parts of buildings for storage of celluloid	County
Regs. 4 and 5 Meat Products (Hygiene) Regs. 1994	57. Power to approve meat product premises	Director – Planning & Public Protection

Statutory Provision	Function	Who Discharges
Reg 4 Minced Meat and Meat Preparations (Hygiene) Regs 1995	58. Power to approve premises for the production of minced meat or meat preparations	Director – Planning & Public Protection
Regs. 6 and 7 Dairy Products (Hygiene) Regs 1995	59. Power to approve dairy establishments	Director – Planning & Public Protection
Reg 5 Egg Products Reg 1993	60. Power to approve egg product establishments	Director – Planning & Public Protection
Schedule 1A to the Food Safety (General Food Hygiene) Regs 1995	61. 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	Director – Planning & Public Protection
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998	62. Power to approve fish products premises	Director – Planning & Public Protection
Reg 11 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	63. Power to approve dispatch or purification centres	Director – Planning & Public Protection
Reg 21 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	64. Power to register fishing vessels on board which shrimps or molluscs are cooked	Director – Planning & Public Protection
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	65. Power to approve factory vessels and fishery product establishments	Director – Planning & Public Protection
Reg 26 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	66. Power to register auction and wholesale markets	Director – Planning & Public Protection
Reg 5 Food Premises (Registration) Regs 1991	67. Duty to keep register of food business premises	Director – Planning & Public Protection

Statutory Provision	Function	Who Discharges
Reg 9 Food Premises (Registration) Regs 1991	68. Power to register food business premises	Director – Planning & Public Protection
Ss. 16 to 19 and 21 London Local Authorities Act 1995	69. Power to issue Near Beer Licence	n/a
S.28 Greater London Council (General Powers) Act 1984	70. Power to register premises or stalls for the sale of goods by way of competitive bidding	n/a
Part 1 of the Vehicles (Crime) Act 2001	71. Power to register motor salvage operators	Director – Planning & Public Protection
Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regs 2008	72. Functions relating to the registration of common land and town or village greens	
C. Functions Relating to Health and Safety at Work		

Statutory Provision	Function	Who Discharges
Part I Health and Safety at Work Etc. Act 1974	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer	Director – Planning & Public Protection
D. Functions Relating to Elections		
S 8(2) RPA 1983	1. Duty to appoint an Electoral Registration Officer	Full Council
S 52(4) RPA 1983	2. Power to assign officers in relation to requisitions of the Registration Officer	Full Council
Part II Local Government and Rating Act 1997 and subordinate legislation under that Part	3. Functions in relation to parishes and parish councils	Full Council
S 10 LGA 1972	4. Power to dissolve small parish councils	Full Council
S 11 LGA 1972	5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Full Council
S 35 RPA 1983	6. Duty to appoint Returning Officer for Local Government Elections	Full Council
Para. 6(7) and (8) of European Parliamentary Elections Act 2002	7. Duty to provide assistance at European Parliamentary Elections	Full Council
S 18A to 18E of, and Sched A1 to RPA 1983	8. Duty to divide constituency into polling districts	Full Council
S 31 RPA 1983	9. Power to divide electoral divisions into polling districts at Local Government Elections	Full Council
S 39(4) RPA 1983	10. Powers in respect of holding of elections	Full Council

Statutory Provision	Function	Who Discharges
S 54 RPA 1983	11. Power to pay expenses properly incurred by Electoral Registration Officers	Full Council
S 21 RPA 1985	12. Power to fill vacancies in the event of insufficient nominations	Full Council
S 86 LGA 1972	13. Duty to declare vacancy in office in certain cases	Head of Paid Service Section 151 Officer Monitoring Officer
S 87 LGA 1972	14. Duty to give public notice of a casual vacancy	Head of Paid Service Section 151 Officer Monitoring Officer
S 91 LGA1972	15. Power to make temporary appointments to parish Councils	Full Council
S 10 RPA 2000	16...	Full Council
S 10 of the Representation of the People Act 2000	17. Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Full Council
LGPIH Ss 33(2), 38(2) and 40(2) of the 2007 Act	18. Duty to consult on change of scheme for elections	Full Council
Ss 35, 41 and 52 of the 2007 Act	19. Duties relating to publicity	Head of Paid Service Section 151 Officer Monitoring Officer
Ss 36 and 42 of the 2007 Act	20. Duties relating to notice to Electoral Commission	Head of Paid Service Section 151 Officer Monitoring Officer
S 53 of the 2007 Act	21. Power to alter years of ordinary elections of parish councillors	

Statutory Provision	Function	Who Discharges
S 59 of the 2007 Act	22. Functions relating to change of name of electoral area	Full Council
E. Functions Relating to Name and Status of Areas and Individuals		
S 74 LGA 1972	1. Power to change the name of a county, district or London Borough	Full Council
S 75 LGA 1972	2. Power to change the name of a parish	Full Council
S 249 LGA 1972	3. Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman	Full Council
S 245b LGA 1972	4. Power to petition for a charter to confer Borough status	Full Council
EA. Functions Relating to Changing Governance Arrangements		
EB. Functions Relating to Community Governance		
S 79 of the 2007 Act	1. Duties relating to community governance reviews	Full Council
Ss 80, 83 to 85 of the 2007 Act	2. Functions relating to community governance petitions	Full Council
Ss 81(4) to (6)	3. Functions relating to terms of reference of review	Full Council
S 82 of the 2007 Act	4. Power to undertake a community governance review	Full Council
Ss 87 to 92 of the 2007 Act	5. Functions relating to making of recommendations	Full Council
S 93 to 95 of the 2007 Act	6. Duties when undertaking review	Full Council
S 96 of the 2007 Act	7. Duty to publicise outcome of review	Head of Paid Service Section 151 Officer Monitoring Officer

Statutory Provision	Function	Who Discharges
S 98(1) of the 2007 Act	8. Duty to send two copies of Order to Secretary of State and Electoral Commission	Full Council
S 99 of the 2007 Act	9. Power to make agreements about incidental matters	Full Council
F. Power to Make, Amend, Revoke, Re-Enact or Enforce Byelaws		
Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	Power to make, amend, revoke or re-enact byelaws	Full Council
FA. Functions Relating to Smoke-Free Premises etc.		
S 10(3) of the 2006 Act	1. Duty to enforce Chapter 1 and regulations made under it	Director – Planning & Public Protection
S 10(5) of, and para 1 of Sched 2 to, the 2006 Act	2. Power to authorise officers	Director – Planning & Public Protection
Paras 13, 15 and 16 of Sched 1 to the 2006 Act Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007 (SI 2006/760)	3. Functions relating to Fixed Penalty Notices	Director – Planning & Public Protection
Smoke-free (Premises and Enforcement) Regs 2006 (SI 2006/3368)	4. Power to transfer enforcement functions to another enforcement authority	Director – Planning & Public Protection
G. Power to promote or oppose local or personal Bills		
S 239 LGA 1972	Power to promote or oppose local or personal Bills	Full Council
H. Functions Relating to Pensions etc		
Regs under S 7, 12 or 24 Superannuation Act 1972	1. Functions relating to Local Government pensions, etc.	County

Statutory Provision	Function	Who Discharges
Ss 34 and 36 of the Fire and Rescue Services Act 2004	2. Functions under the Fireman's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to S 1 of the Fire and Rescue Services Act 2004	County
I. Miscellaneous Functions	Part I: Functions Relating to Public Rights of Way	
S. 25 Highways Act 1980	1. Power to create footpath [bridleway or restricted byway] by agreement	Planning Applications Committee
S. 26 Highways Act 1980.	2. Power to create footpaths [bridleways and restricted byways]	Planning Applications Committee
S.31A Highways Act 1980.	3. Duty to keep register of information with respect to maps, statements and declarations	County
S.118 Highways Act 1980.	4. Power to stop up footpaths [bridleways and restricted byways]	Planning Applications Committee
Ss. 118ZA and 118C(2) Highways Act 1980.	5. Power to determine application for Public Path Extinguishment Order	Planning Applications Committee
S. 118A Highways Act 1980.	6. Power to make a Rail Crossing Extinguishment Order	Planning Applications Committee
S. 118B Highways Act 1980.	7. Power to make a Special Extinguishment Order	Planning Applications Committee
S. 119 Highways Act 1980.	8. Power to divert footpaths [bridleways and restricted byways]	Planning Applications Committee
Ss. 119ZA and 119C(4) Highways Act 1980.	9. Power to make a Public Path Diversion Order	Planning Applications Committee
S. 119A Highways Act 1980.	10. Power to make a Rail Crossing Diversion Order	Planning Applications Committee
S. 119B Highways Act 1980.	11. Power to make a Special Diversion Order	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S. 119C(3) Highways Act 1980.	12. Power to require applicant for Order to enter into Agreement	Planning Applications Committee
S. 119D Highways Act 1980.	13. Power to make an SSSI Diversion Order	Planning Applications Committee
S. 121B Highways Act 1980.	14. Duty to keep Register with respect to applications under ss. 118ZA, 118C, 119ZA and 119C Highways Act 1980	Executive Director – Operations
S. 121C Highways Act 1980.	15. Power to decline to determine certain applications	Planning Applications Committee
S. 130 Highways Act 1980.	16. Duty to assert and protect the rights of the public to use and enjoyment of highways	County
S.130A Highways Act 1980.	17. Duty to serve Notice of Proposed Action in relation to obstruction	County
S.130B(7) Highways Act 1980.	18. Power to apply for variation of Order under S.130B Highways Act 1980	County
S.135 Highways Act 1980.	19. Power to authorise temporary disturbance of surface of footpath [bridleway or restricted byway]	County
S.135A Highways Act 1980.	20. Power temporarily to divert footpath [bridleway or restricted byway]	County
S.135B Highways Act 1980.	21. Functions relating to the making good of damage and the removal of obstructions	County
S.149 Highways Act 1980.	22. Powers relating to the removal of things so deposited on highways as to be a nuisance	County
S.32 Acquisition of Land Act 1981	23. Power to extinguish certain public rights of way	Full Council
S.53 Wildlife and Countryside Act 1981	24. Duty to keep definitive map and statement under review	County
S.53A Wildlife and Countryside Act 1981.	25. Power to include modifications in other Orders	County

Statutory Provision	Function	Who Discharges
S.53B Wildlife and Countryside Act 1981.	26. Duty to keep Register of prescribed information with respect to applications under S. 53(5) of the Wildlife and Countryside Act 1981	County
S.54 Wildlife and Countryside Act 1981	27. Duty to reclassify roads used as public paths	County
S.57A Wildlife and Countryside Act 1981.	28. Power to prepare map and statement by way of consolidation of definitive map and statement	County
S.3 Cycle Tracks Act 1984	29. Power to designate footpath as cycle track	County
S.294 Housing Act 1981	30. Power to extinguish public right of way over land acquired for clearance	Planning Applications Committee
S.247 of the Town and Country Planning Act 1990	30a. Power to authorise stopping up or diversion of highway	Planning Applications Committee
S.257 TCPA90.	31. Power to authorise stopping-up or diversion of footpath [or bridleway or restricted byway]	Planning Applications Committee
S.258 TCPA90.	32. Power to extinguish public rights of way over land held for planning purposes	Planning Applications Committee
S.35 Countryside and Rights of Way Act 2000	33. Power to enter into agreements with respect to means of access	County
S.37 Countryside and Rights of Way Act 2000.	34. Power to provide access in absence of agreement	County
	Part II: Other Miscellaneous Functions	
Ss.1, 2, 10 and 19 Sea Fisheries Reg Act 1966	35. Functions relating to sea fisheries	County
S.106 of, and Para. 42 of Sched. 12 to, the LGA 1972	36. Power to make Standing Orders	Full Council
S.112 LGA 1972.	37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Full Council, Head of Paid Service

Statutory Provision	Function	Who Discharges
S.135 LGA 1972.	38. Power to make standing orders as to contracts	Full Council
S.151 LGA1972.	39. Duty to make arrangements for proper administration of financial affairs etc.	Full Council
S.270(3) LGA 1972.	40. Power to appoint officers for particular purposes (appointment of “proper officers”)	Full Council
S.34(2) Wildlife and Countryside Act 1981.	41. Power to make Limestone Pavement Order	County
S.4 LGMPA 1982	42. Power to make Closing Order with respect to take-away food shops	Director – Planning & Public Protection
S.4(1) Local Government and Housing Act 1989	43. Duty to designate officer as the Head of the Authority’s Paid Service, and to provide staff, etc.	Full Council
S.5(1) Local Government and Housing Act 1989.	44. Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	Full Council
S82A(4) and (5) of the Local Government Act 2000	44a Duty to provide staff, etc, to person nominated by Monitoring Officer	Full Council
Para 12 and 14 of Sched 3 to the Local Government Act 2000	44b Powers relating to Overview & Scrutiny Committees (voting rights of co-opted members)	Full Council
The Accounts and Audit Regs 1996	45. Duty to approve Authority's Statement of Accounts, Income and Expenditure and Balance Sheet, or record of payments and receipts (as the case may be)	Full Council
The Hedgerows Regs 1997	46. Powers relating to the protection of important hedgerows	Head of Planning
Ss.197 to 214D TCPA90, and the Trees Regs 1999	47. Powers relating to the preservation of trees	Planning Applications Committee

Statutory Provision	Function	Who Discharges
Part 8 of the Anti-Social Behaviour Act 2003	47a. Powers relating to complaints about high hedges	Head of Planning
S.92 LGA 2000	48. Power to make payments or provide other benefits in cases of maladministration, etc.	Full Council
S13(2) of the Criminal Justice and Police Act 2001	49. Power to make an Order identifying a place as a designated public place for the purposes of Police powers in relation to alcohol consumption	Full Council
S.16 of the Violent Crime Reduction Act 2006 (c 38)	50. Power to make or revoke an Order designating a locality as an alcohol disorder zone	Full Council
S.41 of the Commons Act 2006	51. Power to apply for an Enforcement Order against unlawful works on common land	Full Council
S.45(2) of the Commons Act 2006	52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Full Council
S.45(2)(b) of the Commons Act 2006	53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Full Council

3C RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

a) List of Functions Not to be the Sole Responsibility of the Executive

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.1(2) of the Public Libraries and Museums Act 1964	Annual Library Plan	N/A	N/A
S.6(1) of the Local Government Act 1999	Best Value Performance Plan	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve the final version (see Reg 4 of S.I.2000/2853 as amended)
Children and Young People's Plan (England) Regs 2005	Children and Young People's Plan	N/A	N/A
S 5 and 6 Crime and Disorder Act 1998	Crime and Disorder Reduction Strategy	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve the final version (see Reg 4 of S.I.2000/2853 as amended)

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.15 of the 2004 Act	Development Plan documents	Formulate and produce the documents	The giving of instructions to Cabinet to reconsider any draft document, the approval of draft documents for consultation or examination and the adoption of the documents
S. 349 of the 2005 Act	Licensing Authority Policy Statement	Formulate and produce the Policy	Full Council
S.108(3) of the Transport Act 2000	Local Transport Plan	N/A	N/A
S.54 Town and Country Planning Act 1990	Plans and alterations which together comprise the Development Plan	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve final version (see Reg 4 of S.I.2000/2853 as amended)
S.40 of the Crime and Disorder Act 1998	Youth Justice Plan	N/A	N/A

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.135 Leasehold Reform Act 1993 and ss.32 and 43 Housing Act 1985	Disposal of housing land and buildings	All except that reserved to Full Council	Authorising making the application (see Reg 4 of S.I.2000/2853 as amended)
Ss. 32-37, 43-49, 52I, 52J, 52T, 52U and Chapter IV of Part I of the Local Government Finance Act 1992	Making a calculation or issuing a precept leading to setting of Council Tax	Prepare submission of estimates or revised estimates	All other steps (see Reg 4 of S.I.2000/2853 as amended)
S.70 Deregulation and Contracting Out Act 1994	Authorising a person to exercise a function, or revoking that authorisation	To the extent that the function is an Executive function	In all other cases (see Reg 4 of S.I.2000/2853 as amended)
	Council's Corporate Plan	Produce version for adoption	Adoption of the Plan
	Local Agenda 21 Strategy	Produce version for adoption	Adoption of the Plan

a) Cabinet Member Delegation

A Cabinet Member may authorise the Head of Paid Service or Director, to take any action concerning matters within his/her portfolio, in accordance with policies and strategies set by the Cabinet and Full Council, unless any legal rule requires otherwise.

b) Cabinet Delegation

The Cabinet collectively may authorise any Cabinet Member, the Head of Paid Service, Director or other Officer to whom delegation has been made in the Council's Scheme of Delegation, unless any legal rule requires otherwise (see Cabinet procedural rule 4D.1.3(b))

c) Delegation of Decisions to Single Members

- i. A Single Member may take any decision which:
 1. is required to implement a Policy that is part of the framework, provided the decision is:
 - within budget, and does not amend either the Policy framework or the budget
 - wholly within the remit of the Service Development Plans (SDPs) or services for which the Member is responsible; and
 - not a key decision.
 - i. is to adopt a new Policy or procedure to deliver the SDPs or services for which the Member is responsible, provided that the decision:
 - does not amend or alter any Policy that is part of the Policy framework (without the prior approval of Council); and
 - does not amend or alter the budget, nor requires the budget to be amended; and
 - falls entirely within his/her portfolio.
 - ii. Where a decision is to adopt a new Policy or procedure to deliver the SDPs or services for which the Member is responsible AND it does not fall entirely within his/her portfolio then the decision must be taken jointly with the other portfolio holder(s) affected.
 - iii. The procedure for Individual Cabinet Member Decisions is set out in Part 5F of this Constitution

3D OFFICER DELEGATIONS - Part A - General Delegations

Functions Allocated to Executive Directors/Directors/Head of Planning or such other officer or post identified by the Executive Director/Director/Head of Planning in a Scheme of Delegation, such scheme to be held by the Monitoring Officer and made available at all times for public inspection.

3D.1 General

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

S.100D Local Government Act 1972 (background papers for reports)
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- b) Take any action on matters relating to the day to day administration of services within their unit.
- c) Take any action to maintain the operation and effectiveness of services within their unit.
- d) Take any action incidental to, or to give effect to, decisions taken by elected Members within their sphere of responsibility.
- e) Determine the allocation of and responsibility for matters within their unit.
- f) Delegate any of their powers and appointments to employees within their unit who possess the relevant qualification, experience and skills for the task - a list of such powers indicating the post to which they have been delegated must be kept by the Monitoring Officer and made available for public inspection.
- g) Serve notices and obtain information as to interests in land - S.16 Local Government (Miscellaneous Provisions) Act 1976.
- h) Keep any statutory register concerning aspects within their sphere of responsibility.
- i) The receipt of Notices concerning aspects within their sphere of responsibility.
- j) In consultation with the relevant Overview & Scrutiny Committee Chair, settle any best value review documents for submission to Inspectors.
- k) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.

3D.2 Financial Resources

- a) Incur normal expenditure up to the limit of provision within the budgets under his/her control, subject to compliance with contract standing orders, financial standing orders, financial regulations and financial instructions.
- b) Invite and accept tenders or quotations for contracts, subject to contract standing orders, financial standing orders, financial regulations and financial instructions.
- c) Provide administrative, professional or technical services to outside bodies using any spare capacity PROVIDED this does not interfere with the proper service provision of the Council.

- d) Pay full compensation for loss where the Council is likely to be liable if sued.
- e) Pay compensation for complaints up to £1000 or higher in consultation with the portfolio holder.
- f) To annually review fees and charges.

3D.3 Human Resources

- a) Appoint persons to posts below Director level within the unit (as nominated by the Executive Director - Resources where necessary), in accordance with the Recruitment and Selection Policy from time to time in force.
- b) Employ and dismiss persons on temporary contracts, in accordance with the Recruitment and Selection and Disciplinary Policies from time to time in force.
- c) Discipline and dismiss employees within the unit, subject to Disciplinary Policies from time to time in force.
- d) In consultation with the Central Services & Refuse Portfolio Holder and Human Resources Officers take any action relating to terms and conditions of service for employees within their unit.

3D.4 Other

- a) Apply for planning permission for Council development within his/ her sphere of responsibility.
- b) To recover any sum owed to the Council under a contract made between the Council and a third party.
- c) To submit bids for and enter into agreements for grants and other funding sources.
- d) Arrange bookings or limited exhibitions and other commercial events on Council land within the responsibility of the Portfolio Holder.

3D.5 Functions allocated to the Executive Directors

- a) Any function delegated to a Director or other officer.
- b) Any action arising from an appointment given to a Director or other officer if that Director or other officer is absent or otherwise unable to act.
- c) Take all steps to ensure the Council receives additional supplementary credit approval re Council house sales.
- d) Delegate any of their powers and appointments to employees who possess the relevant qualification, experience and skills for the task - a list of such powers, indicating the post to which they have been delegated, must be kept by the Monitoring Officer and made available for public inspection.
- e) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.

3E OFFICER DELEGATIONS - Part B - Specific Delegations

The specific delegations set out below to the Executive Directors/Directors/ Head of Planning or such other officer or post identified by the Executive Directors/Director/Head of Planning in a Scheme of Delegation, such scheme to be held by the Monitoring Officer and made available at all times for public inspection are without prejudice to the general Delegations in 3D above.

3E.1 Executive Director - Operations (Head of Paid Service)

- a) Proper officer, appointed officer or inspector in respect of the following statutory provision

Statutory Provision	Brief Description
Ss.25 and 26 Local Government (Miscellaneous Provisions) Act 1976	Any steps concerning dangerous excavations
Highways Act 1980	Various District Council functions
Ss. 35A and 112 Road Traffic Reg Act 1964	Enforcement of Car parking Order or Nuneaton Bus Station Order
Environmental Protection Act 1990	Search and seizure of vehicles and street litter control
Anti-Social Behaviour Act 2003	Graffiti
Clean Neighbourhoods and Environmental Act 2005	
Sch. 4 Local Government (Miscellaneous Provisions Act 1982	Licensing of Street Traders
Local Government Act 2003	BIDS (Customer Services & Business Improvement Districts)
Markets and Fair Clauses Act 1847	Markets
Food Act 1984	Markets
S.4 Local Government and Housing Act 1989	Head of Paid Service
Ss. 84,84,88,89, 100B, 100C, 100F, 210, 225, 229, 234, 236, 238, 248, Schedules. 12 and 14 Local Government Act 1972	
S.41 Local Government (Miscellaneous Provisions) Act 1976	
Local Government Act 2000 and Regs made there under	
Anti – Social Behaviour Act 2003	
S.3, LGHA89. Modify the list of Politically restricted posts and give any certificate of opinion under it.	

Crime and Disorder Act 1998 and amendments thereto	
Secretary to the Council Ss. 83, 100B, 200F, 115, 229, 234, Local Government Act 1972	
Ss.25 and 26 Local Government (Miscellaneous Provisions) Act 1976	Any steps concerning dangerous excavations
Highways Act 1980	Various District Council functions
Ss. 35A and 112 Road Traffic Reg Act 1984	Enforcement of Car Parking Order or Nuneaton Bus Station Order
Environmental Protection Act 1990	Search and seizure of vehicles and street litter control
Anti-Social Behaviour Act 2003	Graffiti
Clean Neighbourhoods and Environment Act 2005	

- Any reference in pre 1972 legislation to the Clerk of a Council or the Town Clerk, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer Proper, or authorised, officer or inspector for any statutory purpose where no specific authorisation has been given
- b) Suspend the exercise of Delegated Authority by any officer where he/she considers a particular case should be considered by elected Members.
 - c) Authorise any person acting for the Council to enter any land, for any statutory purpose.
 - d) The Executive Director shall have authority for Cabinet in the case of an emergency:
 1. requiring a non-key decision, where it is not possible in the time to convene either a special meeting of Cabinet or a Single Member Decision, or the Single Member is not available, and in consultation with the Leader, or in his absence any Member of the Cabinet, to make decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Cabinet
 2. subject to consultation with the aforesaid and the Chair of the relevant OSP, to make such urgent decisions which are key decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Council.

3. for Committee in cases of urgency and in consultation with the Chairman of the relevant Committee and Chair of the relevant OSP, to make decisions on behalf of the Committee, all such decisions to be reported to the next Ordinary Meeting of the relevant Committee.
 4. To consider oral representations pursuant to the Scrap Metal Dealers Act 2013.
- e) Make any necessary and consequential changes to the Council's Scheme of Delegation to Officers to give effect to any changes in personnel, legislation, or the structure of the Council, to ensure its efficient and effective operation, in consultation with the Leader of the Council.
 - f) Subject to a) above make any minor amendments to the Constitution arising out of changes in legislation or the structure of the Council, in consultation with the Leader of the Council.
 - g) Be the Chief Executive Officer for the Airwave Service.
 - h) Change the staff structure in consultation with the Leader and/or the relevant portfolio holder(s), the S.151 Officer, the Monitoring Officer and the Unions.
 - i) Hold premises licences for Council property in connection with any functions assigned.
 - j) In consultation with the Leader, the Housing portfolio holder and Ward Members, take every step necessary (including compulsory purchase and determination of tenancies) to implement the Camp Hill Urban Village Scheme.
 - k) Authority to take action on Closure Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
 - l) To take all actions and make decision not reserved to the Council relating to the Council's functions in respect of Communications.
 - m) Enter into arrangements for the letting and/or use by organisations or individuals of parks and open spaces provided by the Council, in accordance with the Policy of the Council.
 - n) Apply for and hold licences for premises owned by the Council in respect of regulated activities.
 - o) Authorise the use and display of the Council's badge.
 - p) Arrange bookings or limited exhibitions and other commercial events on Council land (other than town centre).
 - q) In consultation with the Executive Director (Resources) and Leader of the Council approve proposals for Members or officers to make foreign visits and receive foreign visitors where the cost is to be met in whole or part by the Council, subject

to any protocol in this regard that may apply from time to time.

- r) Enter into arrangements for the provision of entertainments, in accordance with the Policy of the Council.
- s) Apply for and hold licences for premises owned by the Council in respect of regulated activities.
- t) Arrange bookings or limited exhibitions and other events in Town Centre pedestrianised areas.
- u) Manage the operation of the Nuneaton and Bedworth Markets in accordance with the Market Regulations as made by the Council from time to time.
- v) As a consequence of any decision of Cabinet or Council in consultation with the Portfolio Holder with responsibility for markets, make any necessary changes to the markets, the layout, or their regulations.
- w) Be the Radio Terminal Custodian for the Airwave Service.
- x) Undertake all the Town Centre management activities including Delivery of Town Centre Master Plan, including street scene enhancement activities.
- y) Exercise any power of the Local Authority relating to housing and corporate property maintenance purposes under the following statutes or regulations or by laws (made or in the future) under them:
 - o Health and Safety at Work Act 1974
 - o Disability Discriminations Acts
 - o Regulatory Reform (Fire) Order 2005
 - o Control of Asbestos regulations 2006.
- z) Exercise functions under any Agency agreement with Warwickshire County Council
- aa) Carry out urgent repairs to private streets
- bb) Manage the Council's off street car park in accordance with the Council's Off Street Parking Order.
- cc) In Consultation with the Planning, Development & Health Portfolio Holder, waive car park charges from time to time.
- dd) Renew plant, equipment and vehicles within the budget provision, and dispose of items being so renewed.
- ee) Be a duty holder for the purposes of the Control of Asbestos Regulations 2012.
- ff) Take all actions necessary to implement the Council's Planned and Reactive Maintenance Programme including to corporate operational and non-

operational buildings, including car parks and the Bus Station (not including day to day responsive repairs and gas servicing activities).

- gg) Undertake all matter relating to the provisions of public conveniences.
- hh) Manage the Council's car parks and resident parking schemes.
- ii) Manage the Bus Station
- jj) Undertake all functions relating to land drainage.
- kk) Undertake all functions relating to CCTV.
- ll) Undertake all functions relating to amenity lighting.
- mm) Undertake all functions relating to transport.
- nn) Deal with requests for the loan of equipment and materials to charitable and voluntary organisations regarding refuse collection and cleansing.
- oo) Provide a trade refuse service when required and fix appropriate charges.
- pp) Manage the Council's refuse collection and street cleaning service.
- qq) Renew plant equipment within the budget provision, and dispose of items being so renewed.
- rr) In consultation with the relevant Portfolio Holder, set promotional and other charges.
- ss) Enter into arrangements for the provision of entertainments, in accordance with the Policy of the Council.
- tt) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.

3E.2 Director – Customer Services & Business Improvement (Customer Services, HR, Business Support, Communications and IT&C)

- a) Monitor the use of the Council's IT systems including internet and e-mail (where appropriate following appropriate authorisation) – Regulation of Investigatory Powers Act 2000.
- b) Manage the Council's telephonic and Information technology systems, in accordance with the Policy of the Council.
- c) Exercise any power of the Local Authority relating to human resources under the following statutes or regulation or by-laws made (now or in the future) under them:
 - Health & Safety at Work Act 1974
 - Employment Rights Act 1996

- d) Enter into any initiatives with the Occupational Health Service seen as beneficial to the employees of the Council.
- e) Undertake functions relating to street name and numbering.
- f) Approve and pay death grants under schemes adopted by the Council.
- g) Serve all Notices under the Pensions Acts.
- h) Implement national awards affecting wages, salaries and conditions of service.
- i) Administer and review the Council's car loan, and car user allowance schemes.
- j) Assess value for pension purposes of emoluments in kind paid to employees and giving effect thereto.
- k) Be the Council's Nominated Officer for the purpose of the Local Government Pension (Amendment) Regulations 2004 - Internal Dispute Resolution Procedure.
- l) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000.
- m) Fix and charge the appropriate hire fee for external bookings for the Civic Suite in order to cover the Council's costs.
- n) Approve press releases and official statements to press enquiries on behalf of the Authority as and when required.
- o) Undertake all facilities management activities for Council office buildings
- p) Undertake day to day management of Stockingford and Keresley Community Centre.

3E.3 Director – Arts, Leisure & Democracy

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

Solicitor to the Council and Clerk to the Benefit Review Boards
Local Government Act 2000 and regulations thereunder
Ss. 52(2) Representation of the People Act 1983
Ss. 83, 100B, 100F, 229, 234, 238, Sched 14 Local Government Act 1972
S.5 Local Government and Housing Act 1989 (Monitoring Officer)
S. 41 Local Government (Miscellaneous Provisions) Act 1976

- b) Act for any officer of the Council in proceedings before a court or a tribunal relating to the officer's role for the Council.
- c) Amend the Members' Allowance Scheme in accordance with increases fixed by the Secretary of State.
- d) Institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to a decision of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.
- e) Sign any document necessary to any legal procedure or proceedings on behalf of the Council, unless any enactment otherwise authorises or requires.
- f) Keep in safe custody the Common Seal of the Council, and affix and attest the Common Seal to those documents, which in his/her opinion should be sealed.
- g) Be the designated co-ordinator responsible for making the necessary arrangements for monitoring all authorisations signed on behalf of the Council pursuant to the Regulation of Investigatory Powers Act 2000.

Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Statutory Provision	Brief Description
Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.10(b) iv.
Ss.14-16A Road Traffic Regulation Act 1984	Orders to prohibit or restrict traffic
Crime and Disorder Act 1998 (as amended)	ASBOs and other Orders
Ss. 26, 118, 119 Highways Act 1980 and S.257 Town and Country Planning Act 1990	Public Footpath Orders
Health and Safety at Work Act 1974	
S110A Social Security Administration Act 1992	
S.116 Local Government Finance Act 1988	
S. 5 Local Government and Housing Act 1989 (Monitoring Officer)	
Local Government Act 2000 and regulations made thereunder	
The Anti-social Behaviour, Crime and Policing Act 2014	

- h) Provide the role of Mayor's Secretary.
- i) Make arrangements in connection with Civic matters/engagements relating to Mayoralty.
- j) Manage the Council's parks and open spaces and horticultural services.
- k) Manage allotments.
- l) Manage cemeteries.
- m) Subject to the agreement of the Highway Authority, enter into licenses to cultivate land under S.142 Highways Act 1980.
- n) Authorise the use of Council controlled water for one-off angling events for children's competition practice sessions.

- o) In consultation with the Head of Planning, settle terms for agreements to acquire open space, amenity, play or recreation areas in new developments.
- p) Include in consultation with the Housing & Communities Portfolio Holder and relevant Ward Members, preparing Local Child Curfew Schemes for submission to the Home Secretary and any consultation and publication as necessary.
- q) Conclude agreements made pursuant to the Code of Practice for Members and officers on boards of voluntary organisations.
- r) Take all necessary steps relating to Purchase Notices served on the Council.
- s) Where any delegation proposed to be relied upon or procedure proposed to be utilised refers to any office-holder, Cabinet, Committee or Ward Member, or forum that no longer exists, the Monitoring Officer shall determine how the power shall be appropriately exercised or procedure interpreted.
- t) Increase the scale of fees for elections and electoral registration in line with the average salary awards for Grades 1 – 6 of the National Scales and taking into account any nationally agreed fees.
- u) In consultation with the Leader of the relevant political group, appoint a substitute Member to Audit & Standards Committee where a prejudicial interest precludes a Member hearing a complaint.
- v) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.
- w) In Consultation with the relevant Portfolio Holder, manage the arrangements in connection with the managements of the Council's Leisure Centres and the related activities undertaken by any contractor appointed.
- x) Enter into arrangements for the letting and/or use by organisations or individuals of leisure facilities provided by the Council, in accordance with the Policy of the Council.
- y) In consultation with the Arts & Leisure Portfolio Holder amend Arts Grant criteria if appropriate.
- z) Manage the Museums in accordance with any associated Policies.
- aa) Accept or reject potential gifts or bequests to the Museum and Art Gallery.
- bb) Solicit gifts of historical or artistic material for the Collections within the terms of the Nuneaton Museum and Art Gallery Acquisition and Disposal Policy.
- cc) Make recommendations and take all necessary action on the purchase of historical or artistic material and pictures, in accordance with the Council's financial and contract procedures.

- dd) Accept items on loan for finite period for display or specific study.
- ee) Manage the Civic Hall.

3E.4 Executive Director – Resources

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions
 - Any reference in pre 1972 legislation to the Treasurer, which, by virtue of Local Government Act 1972, is to be construed as a Proper Officer
 - Ss. 115, 146, 151 Local Government Act 1972
 - Ss. 26 and 114 Local Government Finance Act 1988
 - Local Government Act 2003 Part I
 - Ss. 8 and 35 Representation of the People Act 1983, and any other provision relating to electoral registration and elections.
- b) Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Table 76 – Statutory Provision Executive Director - Resources

Statutory Provision	Brief Description
Sch.13 Local Government Act 1972; ss. 39 – 66 Local Government and Housing Act 1989	Loans and other financial provisions
s.438 and Sch. 16, Housing Act 1985	Vary interest rates to meet legislative requirements
S116, S116A & 110A Social Security Administration Act 1992	Benefit fraud including investigations on behalf of the Department of Work and Pensions
Local Government Act 2003 Parts I & II	Capital Finance
Ss. 41 - 67 Local Government Finance Act 1988; Local Government Finance Act 1992 (with the exception of setting the Council Tax base save Ss.32 - 37); Social Security Administration Act 1992; ss.123 - 137 and 172 - 177 Social Security Contributions and Benefits Act 1992; Social Security Act 1998; Welfare Reform and Pensions Act 1999;	Council Tax, rating, Council Tax Benefit, Housing Benefit and Discretionary Rate Relief (DRR)
S110A Social Security Administration Act 1992 Benefit Fraud Matters.	

Statutory Provision	Brief Description
Housing Acts 1985 and 1996	Possession of Council owned property for rent arrears
Freedom of Information Act	
Equalities Act 2010	
Child Protection Legislation	
S. 8 Representation of the People Act 1983	
Data Protection Act 2018	

- c) Operate scheme for transfer of Council's mortgage debt to private sector.
- d) Take all steps necessary to investigate any allegations relating to Council Tax Housing Benefit Fraud.
- e) Suspend the exercise of Delegated Authority by any officer where he/she considers a particular case should be considered by elected Members.
- f) Authorise any person acting for the Council to enter any land, for any statutory purpose.
- g) The Executive Director shall have authority for Cabinet in the case of an emergency:
 - a. requiring a non-key decision, where it is not possible in the time to convene either a special meeting of Cabinet or a Single Member Decision, or the Single Member is not available, and in consultation with the Leader, or in his absence any Member of the Cabinet, to make decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Cabinet.
 - b. subject to consultation with the aforesaid and the Chair of the relevant OSP, to make such urgent decisions which are key decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Council.
- h) For committee in cases of urgency and in consultation with the Chairman of the relevant Committee and Chair of the relevant OSP, to make decisions on behalf of the Committee, all such decisions to be reported to the next Ordinary Meeting of the relevant Committee.
- i) To considers oral representations pursuant to the Scrap Metal Dealers Act 2013.
- j) In consultation with the Leader, the Housing portfolio holder and Ward Members take every step necessary (including compulsory purchase and determination of tenancies) to implement the Camp Hill Urban Village Scheme.
- k) Authority to take action on Closure Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.
- l) To take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Communications.

- m) Exercise functions under any Agency agreement with Warwickshire County Council.
- n) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.
- o) To authorise proceedings for possession of Council owned property and recovery of rent arrears under the Housing Act powers.
- p) Assess and grant gratuities within the terms of and up to maxima approved by Policy decisions of the Council.
- q) Manage and invest the special and reserve funds and acquire and dispose of securities comprising such funds.
- r) Approve (but not refuse) loans for house purchase and improvement.
- s) Be the Council's Money Laundering Reporting Officer.
- t) Set the Council Tax base.
- u) Authorise proceedings for recovery of any sums due to the Council and possession of property held as security for same.
- v) Write –off irrecoverable debts within financial limits laid down in the Council's Financial Procedure Rules.
- w) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.
- x) Grant (but not refuse) mandatory rate relief in line with the Council's policy.
- y) Deal with applications for discretionary rate relief in line with the Council's policy.
- z) Collect and enforce any community charge.
- aa) Make virements and write offs in excess of the Authority delegated to officers in consultation and agreement with the Leader.
- bb) Carry out relevant research and surveys including incurring necessary expenditure in relation to such research and surveys as one appropriate to help facilitate the Council's functions.
- cc) Coordinate the collection and provision of performance data and arrange for the publication of performance information and strategy reporting.
- dd) In consultation with the Monitoring Officer, coordinate the formulation of the Corporate Plan and Corporate Plan Delivery Plan.
- ee) To approve the business rates forecast as part of the budget setting process.
- ff) Conduct internal audit of financial transactions of the council

- gg) Take all steps regarding risk management within the Council.
- hh) Manage the development and implementation of the Council's Equality Scheme.
- ii) Be responsible for the Council's Information Management arrangements and be the Senior Information Reporting Officer for the Council

3E.5 Director – Housing, Communities & Economic Development

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions or regulations made under them.

Table 8 – Statutory Provision - Director Housing, Communities & Economic Development

Statutory Provision
<ul style="list-style-type: none"> • Housing Grants Construction and Regeneration Act 1996 • Public Health (Control of Disease) Act 1984 • Public Health Acts 1936 and 1961 • Prevention of Damage by Pests Act 1949 • Environmental Protection Act 1990 • Housing Act 2004 • The Prevention of Social Housing Fraud Act 2013 (The Prevention of Social Housing Fraud (Power to Require Information) Regs 2014 • The Anti-Social Behaviour, Crime and Policing Act 2014 • Homeless Reduction Act 2017

- b) Exercise any power of a Local Authority relating to Housing services under the following statutes or regulations or byelaws made (now or in the future) under them:-

- Anti-Social Behaviour Act 2003
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Land Compensation Act 1973
- Protection From Eviction Act 1977
- Mobile Homes Act 1983
- Mobile Homes Act 2013
- Housing Acts 1985, 1988 and 1996
- Housing (Consequential Provisions) Act 1985
- Landlord and Tenant Act 1985
- Local Government (Miscellaneous Provisions) Acts 1976 & 1982
- Local Government and Housing Act 1989
- Housing Grants Construction and Regeneration Act 1996
- Public Health (Control of Disease) Act 1984
- Public Health Acts 1936 and 1961
- Prevention of Damage by Pests Act 1949
- Environmental Protection Act 1990

- Home Safety Act 1961
 - Home Energy Conservation Act 1995
 - S. 77 Criminal Justice and Public Order Act 1994
 - Crime and Disorder Act 1998
 - Ss. 77-79 Water Industries Act 1991
 - Housing Act 2004
 - Regulatory Reform Act 2001
 - Enterprise and Reform Act 2013
 - The Prevention of Social Housing Fraud Act 2013
 - The Anti-Social Behaviour, Crime and Policing Act 2014
 - Care Act 2014 (as delegated from WCC)
 - Housing and Planning Act 2016
 - The Homeless Reduction Act 2017
- c) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.
- d) Exercise all management aspects regarding dwellings, shops and other accommodation and garages provided under Housing Act powers, and other dwellings owned or formerly owned by the Council save that eviction of any resident shall be made in consultation with the Housing, Health and Communities Portfolio Holder.
- e) Arrange for the valuation of properties pursuant to the Right to Buy and the issuing of offers.
- f) Take all steps regarding the right to buy including anything to achieve the targets set by the Secretary of State.
- g) Settle the terms of nomination agreements with housing associations.
- h) Take relevant court action to deal with anti-social behaviour (having previously informed Ward Members).
- i) In consultation with the Housing, Health and Communities Portfolio Holder, make temporary accommodation available to refugees or asylum seekers.
- j) Waive licence conditions regarding clear boundary space at mobile home sites subject to consultation with the Fire Officer.
- k) Take all necessary action to implement the Council's Planned Maintenance and Major Improvement Programmes to all dwellings, shops and garages provided under the Housing Act powers.
- l) Take all necessary action to implement the Council's reactive maintenance functions to all dwellings, shops, and garages provided under Housing Act powers.
- m) Exercise any power of the Local Authority relating to housing property maintenance purposes under the following statutes or regulations or by laws (made now or in the future) under them:
- Health and Safety at Work Act 1974
 - Disability Discrimination Acts

- Regulatory Reform (Fire) Order 2005
 - Control of Asbestos Regulations 2006
- n) Manage and facilitate the operation of the Nuneaton and Bedworth Safer Community Partnership and the development of the Crime and Disorder and Substance Misuse Plan.
 - o) Assess grants within the terms of and up to a maximum approved by the Policy decisions of the Council.
 - p) Manage Community Safety Schemes and take action in relation to Nuneaton and Bedworth's Crime and Disorder and Substance Misuse Plan, and the Council's powers under the Crime and Disorder Act 1998 (as amended).
 - q) Take all actions and make all decisions relating to the Council's functions in respect of Community Cohesion.
 - r) Take all appropriate action and to exercise all powers and duties in relation to Community Development in consultation with the Portfolio Holder.
 - s) Consult with and respond to requests for consultation from Warwickshire Police and other organisations to act as a consultee in relation to applications for Criminal Behaviour Orders, Closure Orders, Dispersal Orders or other relevant specific items included in the ASB, Crime and Policing Act.
 - t) Respond to requests for consultation from Warwickshire Police and other organisations to act as a consultee in relation to applications for Anti-Social Behaviour Orders.
 - u) Consult with Warwickshire Police and other agencies in relation to applications for Anti-Social Behaviour Orders.
 - v) Respond to requests for consultation under the Anti-social Behaviour Act 2003, including with reference to making Dispersal Orders under Section 30 of the Act.
 - w) Deal with issues relating to Health Inequalities.
 - x) Take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Consultation.
 - y) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.
 - z) Deal with functions relating to Home Environment Assessment and Response Team Partnership Agreement.
 - aa) Be duty holder for the purposes of the Control of Asbestos Regulations 2012.

3E.7 Director – Planning & Public Protection

- a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

Any reference in pre 1972 legislation to the surveyor, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer
Ss. 191 Local Government Act 1972
Party Wall Etc. Act 1996 (Appointing Officer)

Any reference in pre 1972 legislation to the medical officer of health or public health inspector, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer	
Liaison Officer under Food Safety Act 1990	
S.40 & 41 Anti-Social Behaviour Act 2003	
Building Act 1984	
Environment Act 1995	
S.2 and Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982	
Licensing Act 2003 provided no objections are received	
Town and Country Planning Act 1990 - S.215-219, 224–225, 330 and 324 and Town and Country Planning (Control of Advertisement) Regs	
Animal Welfare Act 2006 and The Microchipping of Dogs (England) Regs 2015	
S.61 Local Government (Miscellaneous Provisions) Act 1976	Revoke and Suspend licences
S.75(3) Local Government (Miscellaneous Provisions) Act 1976	Applications for Certificates of Exemption re PHVs

b) Exercise any power of the Local Authority relating to environmental health under the following statutory provisions or pursuant to regulations or by-laws made (now or in future) under them:

- Animal Boarding Establishments Act 1963
- Animal Welfare Act 2006
- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Breeding of Dogs Act 1973 & 1991
- Building Act 1984
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution Act 1974
- Dangerous Wild Animals Act 1976
- Dangerous Dogs Act 1991
- Dogs (Fouling of Land) Act 1996
- Environment Act 1995
- Environment and Safety Information Act 1988
- Environmental Protection Act 1990
- Equality Act 2010
- European Communities Act 1972
- Factories Acts 1961
- Food Act 1984
- Food and Environment Protection Act 1985
- Food Safety Act 1990
- Gambling Act 2005
- Guard Dogs Act 1975

- Health Act 2006
- Health and Safety at Work Etc Act 1974
- Highways Act 1980
- House to House Collections Act 1939
- Licensing Act 2003
- Local Government (Misc Prov) Act 1976
- Local Government (Misc Prov) Act 1982
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops & Railway Premises Act 1963
- Performing Animals (Regulation) Act 1925
- Pet Animals Act 1951
- Police, Factories Etc (Misc Prov) Act 1916
- Pollution Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Public Health Acts Amendment Act 1907
- Public Health Acts 1936 & 1961
- Public Health (Control of Disease) Act 1984
- Refuse (Disposal) Amenity Act 1978
- Riding Establishments Acts 1964 & 1970
- Scrap Metal Dealers Act 1964
- Scrap Metal Dealers Act 2013
- Slaughter of Poultry Act 1967
- Slaughterhouses Act 1974
- Sunbeds (Regulation) Act 2010
- Sunday Trading Act 1994
- Town Police Clauses Act 1847
- Town and Country Planning Act 1990 s.215-219, 224-225, 330, 324
- Town and Country Planning (Control of Advertisement) England Regs 2007
- Vehicles (Crime) Act 2001
- Water Industry Act 1991
- Zoo Licensing Act 1981

c) Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

S.15 Local Government (Miscellaneous Provisions) Act 1976	Authorise staff to survey land where no specific power is available
Building Act 1984	Building Regulations, dangerous structures and demolition
Environmental Protection Act 1990 s.2	Appoint any other person including third party contractors to discharge the Council's functions pursuant to Part II and Sched 3 of the Act

S.19 & 20 Health and Safety at Work Etc Act 1974	Authorise inspectors and enforcement and other technical experts to discharge functions including powers of entry
Refuse Disposal (Amenity) Act 1978	Remove and deal with abandoned vehicles

- d) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.
- e) In consultation with Chair and (Vice-Chair) of LIC determine applications for permits for house to house or street collections which cannot be considered by LIC at its November meeting (unless objection has been submitted).
- f) Administer the arrangements for the discharge of all matters relating to the Council's Local Land Charges Register.
- g) Administer the Council's arrangements for the Licensing of hackney carriage and private hire vehicles including the grant and renewal of hackney carriage and private hire vehicle licences, and private hire operators' licences, unless either there are unspent convictions or objections are received, or both.
- h) All Property Management steps in respect of the Council's land and buildings and related transactions in accordance with any relevant Council Policy, and the Council's Budget and Policy framework, including creating, renewing and terminating interests in land, reviewing and recovering rents, disposing of and acquiring interests including amenity areas in new developments.
- i) Authority to take action relevant to their service under the Crime and Policing Act 2014.
- j) Incur any expenditure through making grants and loans where an emergency or disaster involves danger to life or property, or is imminent and to incur expenditure for the purposes for contingency planning.
- k) Manage and undertake the Council's duties under the Civil Contingencies Act 2003.
- l) Take appropriate action in relation to emergencies and to produce and update the Council's Emergency Plan and Business Continuity Plan, all powers under Section 138 of the Local Government Act 1972 and all relevant legislation.
- m) Exercise the Council's responsibilities in respect of Tourism and Economic Development
- n) Undertake management of the Council's Commercial Property Portfolio.
- o) Conclude any land transactions required to complete the Camp Hill Urban Village Scheme.

Licensing Act 2003

1. Issue notices of exemption to taxi drivers relating to the carriage of guide dogs etc. in certain circumstances (see minute 586 of 8.2.01).
2. Deal with applications for Personal Licence, if no objection made.
3. Deal with applications for Premises Licence/Club Premises Certificate, if no relevant representation made.
4. Deal with applications for Provisional Statement, if no relevant representation made.
5. Deal with applications to vary Premises Licence/Club Premises certificate, if no relevant representation made.
6. Deal with applications to vary Designated Premises Supervisor if no notice of objection is received.
7. Deal with requests to be removed as designated premises supervisor, all cases.
8. Deal with applications for transfer of Premises Licence if no Notice of Objection is received.
9. Deal with applications for interim authorities if no Notice of Objection is received.
10. Deal with decisions on whether a complaint is irrelevant, frivolous vexatious, etc., all cases.

Gambling Act 2005

1. Fee setting where appropriate.
2. Determination of application for premise's Licences where no representations received/representations have been withdrawn.
3. Determination of application for a variation to a Licence where no representations received/representations have been withdrawn.
4. Determination of application for a transfer of a Licence where no representations received from the Gambling Commission.
5. Determination of application for a Provisional Statement where no representations received/representations have been withdrawn.
6. Application for Club Gaming/Club Machine Permits where no objections made/objections have been withdrawn.
7. Applications for other permits.
8. Cancellation of Licensed Premises Gaming Machine Permits.

9. Consideration of Temporary Use Notices.
10. Determination as to whether representation is frivolous or vexatious, or will not influence decision.
11. Negotiate and conclude land and property transactions up to £10,000 in value, subject to no objections from any Member or any neighbour adversely affected by the proposal.
12. Negotiate and conclude land and property transactions above £10,000 but less than £25,000 in consultation with the relevant Portfolio Holder(s).
13. Authorisation of officers to serve Fixed Penalty Notices for litter enforcement pursuant to the Clean Neighbourhoods and Environment Act 2005.

3E.9 The Proper Officer for Health

Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in the future) under them.

Public Health (Control of Diseases) Act 1984 and in any subordinate regulations or orders National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951, S.47	Consultant for Communicable Disease Control for Nuneaton and Bedworth as designated by the Public Health England West Midlands (East) Health Protection Unit or by any successor agency and any equivalently medically deputising officer, also as designated by the Public Health England West Midlands (East) Health Protection Unit or by any successor agency
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3E.10 Head of Planning

- a) Exercise any power, take any enforcement or other action of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Table 10 – Statutory Provision – Director - Head of Planning

Statutory Provision	Brief Description
Parts III, VII, VIII Town and Country Planning Act 1990	Planning enforcement and rights of entry
S.330 Town and Country Planning Act 1990	Notices requiring information
Town and Country Planning (General Development Procedure) Order 1995	Procedure for dealing with applications and appeals
S.70A Town and Country Planning Act 1990	Decline to determine planning application

Town and Country Planning (Environmental Impact Assessment)(England & Wales) Regs 1999	Various
Housing and Planning Act 2016	Various
S137 and 139 Town and Country Planning Act 1990	Respond to all Purchase Notices
S198, 201 and 203 Town and Country Planning Act 1990	Making of Tree Preservation Orders
Part VIII Anti-Social Behaviour Act 2003	High Hedges
Planning (Listed Buildings and Conservation Areas)Act 1990 and Planning (Hazardous Substances) Act 1990	Listed buildings and conservation areas and rights of entry

- b) To process and make decisions on all planning applications as defined in Schedule 1 below except in any one of the following cases:
- i. Where an Environmental Impact Assessment has been submitted with a planning application.
 - ii. Where five or more letters of objections have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, unless where the objection does not, in the Head of Planning's opinion, relate to valid planning considerations (which are set out in the leaflet 'Having Your Say on Planning Applications' and in Schedule 2 below), or where the objections will be addressed by the decision of the officer either by the refusal of the application, or by attaching suitable conditions, or where amendments to the application overcome the objections. Where the application is recommended for refusal and the Head of Planning has informed the applicant and objectors of this, the Ward Members be given notice of this, and allowed five working days in which they can refer the application to Committee.
 - iii. Where five or more letters of support have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, and where this will be addressed by the decision of the officer to approve the application.
 - iv. Where a Member requests that an application should be dealt with by the Planning Applications Committee, and that request has been made to the Head of Planning in writing, by e-mail or telephone message within 28 days of the date of the relevant weekly list of planning applications (or 14 days in the case of a non-material amendment or proposals submitted to other authorities).
 - v. The Head of Planning considers the application or notified matter should be considered by the Planning Applications Committee.

- vi. The terms of a legal agreement needs to be agreed other than where a contribution is in accordance with a tariff agreed in adopted Supplementary Planning Guidance.
- vii. The proposal involves the Borough Council either as applicant or land owner, and the scheme is not of a minor nature, as defined in statistical returns to the Government.
- viii. The applicant is a member or an employee of the Development Control or Building Control Section.

Schedule 1

- 1. Planning Permission
- 2. Approval of Reserved Matters
- 3. Minor Amendments to Approved Schemes
- 4. Consent to Display Advertisements
- 5. Listed Building Consent
- 6. Conservation Area Consent
- 7. Proposals Submitted to Other Local Authorities
- 8. Non-Material Amendments

Schedule 2

- 1. Developers/applicants' motives or morals
- 2. Loss of views over other people's land
- 3. Impact on property value
- 4. Impact on private rights and/or covenants
- 5. Boundary disputes or objections arising from disputes unrelated to the planning application.

- c) Determine applications for consent or approval required by any conditions attached to a planning permission (other than reserved matters) where indicated in the Schedule of Applications.
- d) To process and initiate enforcement procedures against breaches of planning control, and in the making of Tree Preservation Orders.
- e) Where (s)he feels urgent action is required, take any step pursuant to Town and Country Planning or related legislation.
- f) Where no adverse representations have been received, (i) confirm Tree Preservation Orders, and (ii) grant any consent necessary for works to trees.
- g) After consultation with Ward Members, determine applications for telecommunications masts which cannot be considered by Planning Applications Committee within 56 days of receipt.
- h) Negotiate terms of S106 TCPA90 obligations.
- i) Lodge representations to the Traffic Commissioner in respect of Goods Vehicles Operators' Licence applications.