

## HOW TO USE THE CONSTITUTION

The Council Constitution, or “rule book” is a very detailed and complex document. It is based on the Government’s Model Constitution and has to meet a number of legal requirements. This means it is a large and lengthy document that is not “user friendly”. This guide is to help you find your way around the Constitution and access the information you need.

The Constitution is made up of 7 parts:

**PART 1 (LILAC):** is the introduction to the Constitution that contains a summary of its purpose and gives a brief explanation of how the key parts of the Council operate.

**PART 2 (YELLOW):** is made up of 18 Articles, each one of which sets out the rules and procedures that apply to the different types of activities that the Council carries out.

**PART 3 (GREEN):** sets out who is responsible for the various council functions. The council delegates authority to the Cabinet, committees and officers to carry out certain responsibilities.

**PART 4 (WHITE):** sets out all the various procedure rules that apply to how the democratic processes are conducted. These cover access to information and the way the council meeting and other committees operate. This part also includes the financial procedure rules, how contracts should be let and the officer employment rules.

**PART 5 (BLUE):** contains the various codes and protocols that set down how Councillors and officers should conduct themselves whilst on council and official business.

**PART 6 (GOLD):** contains details of the members’ allowance scheme.

**PART 7 (PINK):** includes the Members’ Planning Code of Good Practice, locally determined protocols for the recording of public meetings and the civic function, policies covering equal opportunities in relation to planning and delivery of services, and the data protection policy.

This guide is arranged according to subject heading. So, for example, if you wanted to know where to look to find out about the procedure rules for a Council meeting you would look under the heading “The Council”.

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# CONSTITUTION



## PART 1 SUMMARY AND EXPLANATION

## **SUMMARY AND EXPLANATION**

### **The Council's Constitution**

The South Kesteven District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 19 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **What is the Constitution?**

Article 1 of the Constitution commits the Council to provide community leadership, involve citizens in the democratic process, help councillors in effective representation, take decisions efficiently and effectively, (providing reasons and permitting independent scrutiny) hold decision makers to account publicly, and to improve the delivery of services. Article 2 - 19 explains the rights of citizens and how the key parts of the Council operate. These are:-

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council Meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny Committee (Article 6).
- Policy Development Groups (PDG's) (Article 7).
- The Cabinet (Article 8)
- Regulatory arrangements (Article 9).
- The Standards Committee (Article 10).
- The Constitution Committee (Article 11).
- The Governance and Audit Committee (Article 12)

- Area base Consultation Mechanisms (Article 13).
- Joint Arrangements (Article 14).
- Officers (Article 15).
- Decision Making (Article 16).
- Finance, Contracts and Legal Matters (Article 17).
- Review and revision of the Constitution (Article 18).
- Suspension, interpretation and publication of the Constitution (Article 19).

### **How the Council Operates**

The Council is composed of 58 Councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All Councillors meet together at the Council. Meetings of the Council are normally open to the public. Here councillors decide the council's overall policies and set the budget each year. The Council appoints a leader who chairs the Cabinet with up to nine cabinet members. It also appoints representatives to outside bodies and members to sit on its policy development, scrutiny, regulatory, standards, governance and audit and constitution committees. It may receive reports from Cabinet and any of its committees, and may invite public participation.

### **How Decisions are made**

#### **Executive Arrangements (Cabinet)**

The executive is part of the Council which is responsible for most day-to-day decisions. The executive is made up of the leader and a cabinet of up to nine councillors appointed by the Council. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The cabinet has to make decisions, which are in line with the Council's overall policies and budget.

If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## **Overview and Scrutiny and Policy Development**

The Council has a stand alone Scrutiny Committee which monitors the decisions of the Executive and exercises the call-in function. This enables the committee to decide whether a decision is appropriate or should be referred back for further consideration. The Scrutiny Committee also carries out any external scrutiny and allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern.

There are also three policy development groups (PDG's) which support the work of the Cabinet and the Council as a whole. PDG's consider draft policies and proposals, draft budgets and service delivery and contribute to the development of policy before a decision is made.

## **The Council's Staff**

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationship between officers and member of the Council. See Part 5 of this Constitution.

## **Citizen's Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific council services, for example as an applicant for a licence or as a Council tenant, they have additional rights. These are not covered by the Constitution.

For the purposes of this Constitution "citizens" have the right to (except at a point in a meeting where personal or confidential matters are being discussed):-

- Vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution; (on payment of a reasonable fee)
- attend meeting of the Council and its committees;

- petition to request a referendum on a mayoral form of executive;
- participate in any public open forum in accordance with clause 10 of the Council Procedure Rules set out in part 4 of this Constitution<sup>03/09</sup> or public debate that the Council may hold and contribute to investigations by the Policy Development Groups; find out, from the forward plan, what major decisions are to be discussed by the Cabinet or decided by the cabinet or officers, and when;
- attend open meetings of the cabinet;
- see reports and background papers, and any record of decisions made by the Council and cabinet;
- complain to the Council if they believe that the Council had done something the wrong way, done something it should not have done or failed to do something it should have done.
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this once they have raised the issue with the Council and given it a chance to respond.
- inspect the Council's accounts and made their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, or to make a written complaint or suggestion, please contact the Customer Services Manager, Council Offices, St Peter's Hill, Grantham, Lincolnshire NG31 6PZ

E-mail: [frontdesk@southkesteven.gov.uk](mailto:frontdesk@southkesteven.gov.uk)

## **POLITICAL BALANCE**

The main committees are required by law to reflect the political balance of the Council. As at May 2011 seats on the Council were held as follows:-

Conservative	37
Independent	11
Labour	6
Liberal Democrat	1
Total	55*

\* Election to be held for the Deeping St James Ward in June 2011

### Schedule of the main Committees

Group	Development Control Committee.	Licensing Committee	Governance and Audit Committee	Communities PDG	Engagement PDG	Resources PDG	Constitution Committee	Scrutiny Committee
Conservative.	12	8	5	5	4	5	3	7
Independents	3	2	1	1	2	1	1	3
Labour	2	1	1	1	1	1	1	1
Liberal Democrats	0	0	0	0	0	0	0	0
Total	17	11	7	7	7	7	5	11

# CONSTITUTION



## PART 2 ARTICLES OF THE CONSTITUTION

## **ARTICLE 1 - THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Constitution**

This Constitution, and all its codes and protocols, is the Constitution of the South Kesteven District Council and is called “the Constitution” for the purposes of this document.

### **1.3. Interpretation and Review of the Constitution**

This Constitution shall be interpreted in accordance with the laws of England and all words shall be given their natural meaning where appropriate.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 18.

## **ARTICLE 2 – MEMBERS OF THE COUNCIL**

### **2.1 Composition and eligibility**

#### **(a) Composition**

The Council will comprise 58 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each of the 34 wards in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

#### **(b) Eligibility**

Only registered voters of the District, or those living or working there, or owning property or renting property within the District will be eligible to stand for election as a Councillor.

### **2.2 Election and terms of Councillors**

The regular election of Councillors will be held on the first Thursday in May every four years, the next election to take place in May 2015. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

## 2.3 Roles and functions of all Councillors

### (a) Key roles

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and of individual constituents;
- (iv) balance different interests identified within the ward and represent the ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

### (b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or authorised officer or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.
- (iv) All District Councillors are required to attend the core training programme within 12 months of their appointment as a Councillor. <sup>04/08</sup>

## 2.4 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the protocols set out in this Constitution.

## 2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

## **ARTICLE 3 - CITIZENS AND THE COUNCIL**

3.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:-

(a) **Voting and petitions.**

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information.**

Citizens have the right to:

- (i) attend meetings of the Council and its committees or Policy Development Groups (PDG's) except where confidential or exempt information is likely to be disclosed, and that part of the meeting dealing with that information is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iv) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation.**

Citizens have the right to participate in the Council's public open forum as detailed under Council Procedure Rule 10<sup>03/09</sup> and public speaking sessions at Development Control and Licensing Committees as detailed under Council Procedure Rule 24.7. They may also be invited to contribute to investigations carried out by the Scrutiny Committee and the PDG's.

(d) **Complaints.**

Citizens have the right to complain to:-

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;

### 3.2 **Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

## **ARTICLE 4 – THE COUNCIL MEETING**

### 4.1 **Meanings**

Policy Framework

The policy framework means the plans and strategies required statutorily to be adopted by the Council.

- Best Value Performance Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Plans and strategies which together comprise the Development Plan
- Corporate Plan

### 4.2 **Functions of the Council Meeting**

Only the Council will exercise the following functions:

- i) adopting and changing the Constitution

approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework

or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget

- ii) appointing the Leader (the Leader to appoint and select the Cabinet)
- iii) agreeing and/or amending the terms of reference for committees or Policy Development Group's, deciding on their composition and making appointments to them including the appointments of Chairman and Vice-Chairman if not determined by the annual meeting and that no member be appointed in breach of the Constitution.<sup>04/08</sup>
- iv) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
- v) adopting an allowances scheme under Article 2.05
- vi) changing the name of the area, conferring the title of honorary alderman
- vii) confirming the appointment of the Head of Paid Service in accordance with the Officer Employment Rules contained in Part 4 of the Constitution
- viii) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- ix) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and all other matters which, by law, must be reserved to Council.

#### 4.3 Council Meetings

There are three types of Council meeting:

- a) the annual meeting
- b) ordinary meetings
- c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### **4.4 Responsibility for functions**

The Council will maintain that part of Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

### **ARTICLE 5 - CHAIRING THE COUNCIL**

#### **5.1 Role and function of the Chairman**

The Chairman of the Council and in his/her absence, the Vice-Chairman will have the following roles and functions:-

#### **5.2 Ceremonial Role**

The Chairman of the Council has a role as a symbol of the authority, a symbol of an open society and an expression of social cohesion. He/she will normally carry out the ceremonial duties of the Council, such as:-

- Royal visits
- Church Services
- Remembrance Day
- Reviews of troops
- Civic banquets
- Visits of other civic heads
- Civic Funerals
- Visits of consular officers etc.
- Civic visits abroad
- Attendance at other official engagements

The Chairman will have the use of the Chairman's Room, a motor car and the services of a Civic Officer, all at his or her discretion within the budget and policy framework, for the performance of those ceremonial duties.

The Chairman and or consort will have the right to wear the chain or badge of office when performing ceremonial duties and chairing the Council meeting.

#### **5.3 Chairing the Council Meeting**

The Chairman (and Vice-Chairman) will be elected by the Council annually. The Chairman (or Vice-Chairman in his or her absence) will have the following responsibilities:-

- i) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- ii) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

- iii) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community.
- iv) To promote public involvement in the Council's activities;
- v) To be the conscience of the Council;
- vi) To attend such civic and ceremonial functions as the Council and he/she determines appropriate. Promotional roles may be shared between the Leader and the Chairman, and
- vii) To perform any dispute resolution role given to the Chairman under the Executive Procedure Rules as required by the proposed Local Authorities (Standing Orders) Regulations.

## **ARTICLE 6 – SCRUTINY COMMITTEE**

### **6.1 Scrutiny - Introduction**

- (i) The scrutiny function is central to this Constitution. The Scrutiny Committee meets in public (except in the case of an exempt item) to review and scrutinise the performance of the Council and can also hold the Cabinet to account for its actions. It has a key role in considering other matters of local concern.
- (ii) In respect of its duty under the crime and disorder legislation, the Committee may co-opt additional members to serve on the Committee in accordance with Section 3 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009.<sup>09/09</sup>

### **6.2 Terms of Reference of the Scrutiny Committee**

- (i) The Council will appoint a Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.
- (ii) The Committee will also discharge the functions of Section 19 of the Police Justices Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.<sup>09/09</sup>

### **6.3 General Role**

Within its terms of reference, the Scrutiny Committee will:-

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with the discharge of any functions;

- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any area committee.
- (v) To consider Councillor Calls for Action.<sup>06/09</sup>

#### 6.4 **Specific functions**

The Scrutiny Committee may:-

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and/or Committees and appropriate officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public service bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee, and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).
- (vii) members of the Scrutiny Committee should channel enquiries for scrutiny information and support via democratic support officers
- (viii) shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period. .<sup>09/09</sup>
- (ix) The Scrutiny Committee may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of Section 5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under Section 5(2) of that Act (the “co-operating persons and bodies”) subject to the provisions set out in that regulation. .<sup>09/09</sup>

##### 6.4.1 **Finance**

The Scrutiny Committee may exercise overall responsibility for the finances for the provision of democratic services made available to them in order to perform their scrutiny function.

#### 6.4.2 Annual Report

The Scrutiny Committee must report annually to the Council meeting on its workings.

#### 6.5 Proceedings of the Scrutiny Committee

The Scrutiny Committee will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

### **ARTICLE 7 – POLICY DEVELOPMENT GROUPS (PDG's)**

#### 7.1 PDG's – Introduction

The PDG's will meet in public and private to make recommendations to Cabinet and Council on development of policies.

#### 7.2 Terms of Reference of the PDG's

The Council will establish 3 PDG's called Resources, Engagement and Communities with the following remits:-

##### a) Resources

The remit of the Resources PDG will be co-terminous with the remit of the Cabinet Portfolio responsibilities for Resources and Housing as set out in this Constitution.

##### b) Engagement

The remit of the Engagement PDG will be co-terminous with the Cabinet Portfolio responsibilities for Engagement & Corporate Services and Strategic Partnerships as set out in this Constitution.

##### c) Communities

The remit of the Communities PDG will be co-terminous with the Cabinet Portfolio responsibilities for Economic Development, Healthy Environment and Housing as set out in this Constitution.

#### 7.3 Specific Function

The functions of the Policy Development Groups will be:

- (i) to assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and/or committees and Chief Officers about their views on issues and proposals affecting the area;
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- (vi) members of any PDG should channel enquiries for information and support through the democratic support officers; and
- (vii) for the avoidance of doubt any pre-decision scrutiny shall be carried out by the Policy Development Groups.

#### **7.4 Proceedings of the Policy Development Groups**

The Policy Development Groups will conduct their proceedings in accordance with the Policy Development Group Procedural Rules set out in Part 4 of this Constitution.

#### **7.5 Co-ordinating Policy Development**

##### **(a) Policy Development Co-ordinating Group (PDCG)**

The Council will appoint a stand-alone co-ordinating group to co-ordinate the work of the Policy Development Groups.

##### **(b) Membership and Chairman**

The co-ordinating group will comprise the chairman and vice-chairman of each of the 3 Policy Development Groups and the Chairman and Vice-Chairman of the Council. The Chairman of the Council will chair the group and the Leader and Deputy Leader of the Council will attend as non-voting members when invited.

(c) **Terms of Reference**

The PDCG will meet quarterly with the following terms of reference:-

- (i) to review the workload of each Policy Development Group.
- (ii) to make proposals to full Council to rebalance workloads when this appears necessary
- (iii) to examine the forward plans of the Cabinet to ensure that emerging key issues are being considered by a Policy Development Group.
- (iv) to consider areas for policy development and, in relation to cross-cutting matters, to determine which Policy Development Group, having regard for (i) prescribed areas of interest and (ii) existing workloads, may most appropriately be tasked with bringing forward proposals.
- (v) to monitor the progress of policy development and other work but not to seek to influence or control the direction of such work.
- (vi) to co-ordinate matters being referred up to Council and/or the Cabinet so as not to overload timetables.
- (vii) to resolve any disputes on terms of reference of the Policy Development Group
- (viii) to appoint ad hoc panels for time limited investigations and reviews.

**ARTICLE 8 - THE CABINET**

**8.1 The Role of Cabinet**

The Cabinet is at the heart of the day-to-day decision making process. It also has a key role in proposing the budget and policy framework to the Council. It includes provision for decision-making by individual elected members.

Proceedings of the Cabinet will take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

## 8.2 Leader with Cabinet

### (a) Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### (b) Form and composition

The Cabinet will consist of the Leader together with at least two but not more than nine Councillors appointed to the Cabinet by the Leader.<sup>05/11</sup>

### (c) Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

- (i) he/she resigns from the office; or
- (ii) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension) or is disqualified from holding office; or
- (iii) he/she is no longer a Councillor;
- (iv) the expiry of a 4 year term which will be extended to end on the day of the next post-election annual meeting of the Council by virtue of s.44 (D) of the Local Government Act 2000 unless removed from office earlier by resolution of the Council.

The Leader will:

- Determine the size of the Cabinet
- Appoint members of the Cabinet
- Allocate portfolio areas to Cabinet Members
- Allocate decision making power to Cabinet and individual Cabinet Members
- Remove and replace Cabinet Members.

## 8.3 Other Cabinet Members (including the Deputy Leader)

Only Councillors may be appointed to the Cabinet. There may be no co-optees and no substitutes for Cabinet members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the Cabinet. Members of the Cabinet (including the Leader) may not be members of a Scrutiny Committee or the PDG's. Other Cabinet members including the Deputy Leader shall hold office until whichever of the following events shall first occur

Other Cabinet members shall hold office until whichever of the following events shall first occur.

- (i) they resign from office; or
- (ii) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (iii) they are no longer Councillors; or
- (iv) they are removed from office, either individually or collectively, by resolution of the Council.
- (v) until the next annual meeting of the Council
- (vi) the Leader rearranges portfolios and/or Cabinet members.
- (vii) the Leader removes a Cabinet Member from his or her post.

The Leader may at his or her discretion appoint Councillors to support Cabinet Members to assist with their work in shaping and developing the priorities of the Council so far as it relates to individual portfolios provided that any support member so appointed will not exercise any executive function of a Cabinet Member and no special responsibility allowance can be made.

#### **8.4 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

#### **8.5 Responsibility for Functions**

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

#### **8.6 Consideration of reports from external auditors**

The Cabinet is to be responsible for the initial consideration of reports from the Council's external auditors with pertinent items being forwarded to the Governance and Audit Committee

### **ARTICLE 9 - REGULATORY ARRANGEMENTS**

#### **9.1 Regulatory and other committees**

The Council will appoint quasi-judicial regulatory committee to be known as the Development Control and Licensing committees comprising 28 members.

### **ARTICLE 10 - deleted**

## **ARTICLE 11 – THE CONSTITUTION COMMITTEE**

11.1 The Council will establish a Constitution Committee.

### **11.2 Composition**

The Constitution Committee does have to comply with the political balance rules in Section 15 of the Local Government & Housing Act 1989.

### **11.3 Membership**

The Constitution Committee will be composed of:-

- Not less than 5 Councillors appointed annually at the annual Council meeting.

### **11.4 Role and Function**

The Constitution Committee will have the following roles and functions:-

- (i) To advise and propose to the Council amendments to the Constitution relating to all matters other than conduct and probity issues which will be the responsibility of the Standards Committee.
- (ii) The Committee to comprise a minimum of 5 members and will be subject to political balance with the Chairman retaining a casting vote.
- (iii) To receive and consider reports from the Monitoring Officer and/or Chief Executive in relation to proposed amendments to the Constitution.
- (iv) To receive and consider reports from the Cabinet, relevant PDG and the Scrutiny Committee which propose amendments to the Constitution.
- (v) To monitor and review the operation of the Constitution.

## **ARTICLE 12 – THE GOVERNANCE AND AUDIT COMMITTEE**

12.1 The Council will establish and maintain a Governance and Audit Committee

### **12.2 Composition**

The Governance and Audit Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989. The Governance and Audit Committee will be composed of seven Councillors appointed annually at the Annual Council Meeting.

The Committee may appoint, as a co-opted member, an external appointee (subject to the appropriate training) as a member of the Governance and Audit Committee with voting rights.

Membership of the Governance and Audit Committee will be subject to having the appropriate skill, experience and mandatory training set out at 12.3 below.

### **12.3 Skills, Experience and mandatory training required for members of the Governance and Audit Committee**

#### **(a) Skills**

- Ability to question, probe and seek clarification about complex issues.
- Ability to contribute to free and open discussions covering a wide range of governance, risk and audit issues.
- Ability to work closely with internal and external audit whilst recognising the respective roles of auditors and management.

#### **(b) Experience**

- Familiar with the requirements of legislation and local arrangements for governance, including the role of this committee relative to the role of other committees of the Council.
- Familiar with the Council's core activities.
- Broad understanding of financial and accounting issues.
- Broad understanding of risk management and internal control.
- Familiar with regulation and compliance.

#### **(c) Mandatory Training Requirements**

##### **(i) Induction Training**

- Role of the committee
- Terms of reference
- Time input required of members
- Overview of Council activities
- Financial, risk and control environment.

## (ii) **Specific Training**

- Financial reporting, including the statutory timetable.
- Governance agenda, including the six core principles of good governance
- Understanding financial statements
- Regulatory framework
- Role of internal and external audit
- Importance of risk management and internal control.
- Awareness of counter fraud, bribery and corruption framework.

## 12.4 **Meetings of the Committee**

- Meetings will take place at least five times per annum
- Additional meetings will be arranged as required to consider exceptional items, etc.
- Appropriate officers of the Council along with the appointed internal and external auditors will be included as regular attendees.
- The committee, led by the chairman may request private meetings with both the internal and external auditors.

## 12.5 **Terms of Reference**

Terms of Reference of the Governance and Audit Committee will be as follows:-

### (a) **Audit Activity**

- (i) To approve the appointment of internal auditors.
- (ii) To approve (but not direct) internal audit's strategy, plan and monitor performance.
- (iii) To review internal audit progress reports outlining the main issues arising, paying particular attention to reports with limited assurance.
- (iv) To review the status of agreed internal audit recommendations to ensure implementation by the due date.
- (v) To receive the annual report and opinion of the Head of Internal Audit.
- (vi) To consider the appointment of external auditors.
- (vii) To consider and/or review the reports of external audit, including the audit plan, annual letter and certification of grants and returns etc.
- (viii) To review the effectiveness of the relationship between internal audit and external audit and that the value of the audit process is actively promoted in line with the Accounts and Audit Regulations
- (ix) To meet in private with the internal and external auditors at least annually.

**(b) Risk Management**

- (i) To approve the risk management strategy and framework.
- (ii) To review the corporate risk register and other key risks (including partnerships) and seek assurances that appropriate mitigating action has been taken where necessary
- (iii) To approve the annual report on risk management activity and consider the effectiveness of the Council's overall arrangements for managing risk.

**(c) Governance**

- (i) To approve the Annual Governance Statement and ensure that in-year assurance statements completed by officers properly reflect the risk and control environment and any actions required to improve it.
- (ii) To approve the Code of Corporate Governance and action plan.
- (iii) To review the effectiveness of the governance arrangements underpinning the establishment and maintenance of key partnerships.
- (iv) To consider the outcome of a self-assessment of the effectiveness of the Committee's work (at least bi-annually).
- (v) To produce a Chairman's Annual Report on the activities of the Committee and present to Council.

**(d) Regulatory Framework**

- (i) To review the Council's internal control policies – for example: Contract Procedure Rules, Financial Regulations, Codes of Conduct and Complaints and any significant amendments or revisions to them.
- (ii) To monitor, review and amend as appropriate the thresholds and limits contained in the Financial Regulations Guidance Notes.
- (iii) To approve the Counter Fraud, Bribery and Corruption Framework, including Whistle-blowing Policy and Anti-Money Laundering Policy.
- (iv) To monitor, review and amend as appropriate the Council's approved Treasury Management Strategy paying particular attention to the inherent risks of the prevailing economic/financial climate.
- (v) To review the annual report on the effectiveness of the Council's Business Continuity arrangements.
- (vi) To review the annual report on the effectiveness of the Council's Health and Safety arrangements.
- (vii) To receive an annual report on the Council's involvement in safeguarding vulnerable adults and children.

(viii) To initiate inquiries on matters brought to the Committee's attention by the Chief Executive, Strategic Director, Head of Service or any Council body.

(e) **Accounts & Financial Reporting**

(i) To approve the annual statement of accounts and receive the external auditor's annual Governance Report on issues arising from the audit and the value for money opinion.

(ii) To approve the Annual Revenue and Capital Outturn report, including the movement of reserves.

(iii) To approve the Statement of Accounting Policies to be used in the production of the financial statements. In particular, to approve the underlying assumptions to be used to calculate International Accounting Standard (IAS) 19 pension figures in the statement of accounts.

(iv) To review and draw the attention of the Council to issues arising out of the financial statements and financial reports in accordance with the Local Government Act 2003.

(f) **Ombudsman**

(i) To consider the Monitoring Officer's annual report on the outcome of Ombudsman enquiries.

(ii) To consider specific reports from the Ombudsman as required.

## **ARTICLE 13 – AREA BASED CONSULTATION MECHANISMS (ABCM'S)**

### 13.1 ABCM's

The Council may appoint such ABCM's as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

### 13.2 **Form, Composition and Function**

(a) If and when the Council appoints ABCMs, a table will be here inserted with the name, composition and terms of reference.

(b) **Delegations.**

The Council and the Cabinet will include details of the delegations to ABCM's in Part 3 of this Constitution, including the functions delegated, showing which are the responsibility of the Cabinet and which are not, the composition and membership, budgets and any limitations on delegation.

### **13.3 Conflicts of Interest – membership of ABCM’s and Scrutiny Committee and PDGs**

#### **(a) Conflict of Interest**

If the Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the ABCM of which the Councillor concerned is a member, then the Councillor may not speak unless requested to do so by the Scrutiny Committee and may not vote at the Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.

#### **(b) General Policy Reviews**

Where the PDG is reviewing policy generally the member must declare his/her interest before or when the relevant agenda item is reached, but need not withdraw.

### **13.4 Area Based Consultation Mechanisms – Access to Information**

ABCMs will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for ABCM meetings which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which

### **13.5 Cabinet Members on Area Based Consultation Mechanisms**

A member of the Cabinet may serve on an ABCM if otherwise eligible to do so as a Councillor.

## **ARTICLE 14 – JOINT ARRANGEMENTS**

### **14.1 Arrangements to promote well being**

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (i) enter into arrangements or agreements with any person or body;
- (ii) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (iii) exercise on behalf of that person or body any functions of that person or body.

### **14.2 Joint Arrangements**

The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, Such arrangements may involve the appointment of joint committees with these other local authorities.

The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:-

the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area; the political balance requirements do not apply to such appointments.

Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### 14.3 Access to Information

- (i) The Access to Information Rules in Part 4 of this Constitution apply.
- (ii) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (iii) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part 12 A of the Local Government Act 1972 will apply.

### 14.4 Delegation to and from other local authorities

- (i) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- (ii) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (ii) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

### 14.5 Contracting Out

The Council (for functions which are not executive functions) or the Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making. *(This Section applies to functions such as operation of the cemetery and leisure centres)*

## **ARTICLE 15 - OFFICERS**

### **15.1 Terminology**

In this article "officers" means all employees and staff engaged by the Council to carry out its functions. This word also covers those engaged under short term, agency or other non employed situations under a contract for services.

### **15.2 Management Structure**

#### **(a) Appointment**

Appointment of staff cannot be the responsibility of the Cabinet. Appointment of staff below Chief Executive level is the responsibility of the Head of Paid Service or their nominee.

#### **(b) General**

The Chief Executive may engage such officers as it considers necessary to carry out its functions.

#### **(c) Chief Officers**

The Chief Executive will engage persons for the following posts, who will be designated chief officers:

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
<b>Chief Executive</b>	Head of Paid Service  Overall corporate management and operational responsibility (including overall management responsibility for all officers).  Provision of professional advice to all parties in the decision making process.  Representing the Council on partnership and external bodies (as required by statute or the Council).  Community planning
<b>Strategic Director Corporate Focus<sup>10/10</sup></b>	Designated proper Chief Finance Officer for the purposes of Section 151 of the Local Government Act 1972 and required to undertake all responsibilities in accordance with the provision of this Act and S114 Local Government Finance Act 1988(LGFA88) and Local Government Finance Act 1992 other than functions reserved under s67 of that Act.  Responsible for the Council's Accountancy, Finance and Risk, Revenue and Benefits Services and ICT.

Post	Functions and Areas of Responsibility
<b>Head of Legal and Democratic Services</b> <sup>09/10</sup>	<p>Monitoring Officer for the purposes of Section 5 of the Local Government Act 2000, Data Protection/Freedom of Information, Ombudsman liaison/complaints investigation and providing a complete legal service to the Council.</p> <p>Also responsible for democratic services including electoral administration</p>
<b>Head of HR and Customer Services</b> <sup>09/10</sup>	<p>Providing an integrated service for recruitment and selection and such issues as discipline, training, career development and sickness management.</p> <p>Also responsible for the management of performance and engagement including performance monitoring, communications and customer services.</p>
<b>Head of Environmental Services</b> <sup>09/10</sup>	<p>Responsible for the management of licensing i.e. liquor and hackney carriage also control of pollution, community safety and statutory codes of practice i.e. food hygiene.</p> <p>Waste management including recycling and street scene.</p>
<b>Head of Assets</b> <sup>09/10</sup>	<p>Responsible for assets and facilities including capital projects and corporate procurement, repairs and improvements to the Council's housing stock , sports and community development , arts development and tourism and markets</p>
<b>Head of Development and Growth</b> <sup>09/10</sup>	<p>Responsible for the management of the Council's development and building control including dangerous structures and enforcement related matters also land charges.</p> <p>Economic development and town centre management. Also Planning policy and partnerships i.e. local plans, LDF.</p>
<b>Head of Housing and Neighbourhoods</b> <sup>09/10</sup>	<p>Responsible for the management and lettings of the Council's housing stock, estate management, tenant consultation and participation, supported housing services and private sector housing including homelessness.</p>

(d) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.**

The Council has designated the following posts as shown below to be Statutory Officers of the Council<sup>04/08</sup>:-

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Strategic Director Corporate Focus <sup>10/10</sup>	Chief Finance Officer
Head of Legal and Democratic Services	Monitoring Officer

(e) **Deputies**

The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the Council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness. In practice this is by another person having the requisite professional qualifications according to the particular duties requiring to be performed. There is no specific duty to appoint a deputy Head of Paid Service but in the absence or illness of the Chief Executive the same rule would apply. The Chief Executive will establish arrangements within the Strategic Management Team to ensure that his or her duties are carried out in a deputy capacity during absence. The Chief Finance Officer has appointed the Head of Finance to act as his/her deputy. The Monitoring Officer has nominated the Principal Lawyer to act as his/her deputy.

Such posts will have the functions described in Article 15.2 - 15.4 below.

(f) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers

**15.2 Functions of the Head of Paid Service  
(Chief Executive)**

(a) **Discharge of functions by the Council**

The Head of Paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers

(b) **Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

15.3 **Functions of the Monitoring Officer  
(Head of Legal & Democratic Services)**

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, officers and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Contribution to Corporate Management and Governance**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

(d) **Supporting the Members Code of Conduct**

- (i) The Monitoring Officer will assist Members with the promotion and maintenance of high standards of conduct.
- (ii) The Monitoring Officer will receive all complaints relating to District Councillors and assist Parish and Town Councils with complaints relating to the Members' Code of Conduct.

(e) Deleted.

(f) **Conducting investigations**

The Monitoring Officer will conduct investigations into:-

- (i) Complaints relating to the Member's Code of Conduct where investigation is required by the Monitoring Officer or the Independent Person appointed by the Council for such purposes.

- (ii) Matters referred by the Local Government Ombudsman.
- (iii) Complaints resolution at Stage 2 and convening a panel at Stage 3 of the Councils complaints system.

**(g) Proper officer for access to information**

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

**(h) Publication of Notices concerning forward plans/key decisions**

The Monitoring Officer will publish the annual notice as prescribed at cl. 16.3 and notices relating to key decisions made under the general exceptions provisions as provided at cl. 15 of Part 4 of this constitution.

**(i) Advising whether Cabinet decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

**(j) Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.

**(k) Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**(l) Petitions<sup>12/10</sup>**

The Monitoring Officer to manage and administer all petitions submitted to the Council as "Petition Officer".

**15.4 Functions of the Chief Finance Officer  
(Strategic Director Corporate Focus)**

**(a) Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council, or to the Cabinet in relation to an executive function and the

Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council ensuring effective systems of financial administration are in place

(c) **Contribution to Corporate Management and Governance**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice. He/she will advise on effective systems of internal control, ensure there is an effective system in place and advise on anti-fraud and anti-corruption strategies and measures. The Chief Finance Officer will ensure there is an effective internal audit function and assist management in providing effective arrangements for financial scrutiny.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles. He/she will advise on corporate risk profiling and management including safeguarding assets, risk avoidance and insurance

(e) **Give Financial Information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

(f) **Provide Financial Management**

The Chief Finance Officer will provide financial management arrangements that are sound and effective ensuring:

- (i) A prudential financial framework is in place
- (ii) That any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls.

- (iii) Securing effective arrangements for prudential borrowing, treasury management, pension and trust funds
- (iv) Statutory and other accounts, associated claims and returns in respect of grants are prepared.

#### **15.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in those officers' opinion sufficient to allow their duties to be performed.

#### **15.6 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

#### **15.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

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#### **15.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

### **ARTICLE 16 - DECISION MAKING**

#### **16.1 Responsibility for decision-making**

Executive arrangements established under the Local Government Act 2000 require the Council to record and keep up to date details of who has responsibility for which decisions, and to make this available to the public.

Some decisions are for the Council to make or to delegate, or for it to delegate to committees, sub-committees and/or officers, or to joint committees or joint arrangements or joint arrangements of other authorities.

Other decisions are for the Cabinet to make, and it is for the Cabinet to decide whether to delegate the power to make any of those decisions. Only the Cabinet may decide to delegate executive functions to area committees, joint arrangements of other local authorities.

Though changes to the Constitution must be made by the Council, changes to the scheme of delegations may be made by the Cabinet so long as those changes are reported to Council.

Accordingly, the record set out in Part 3 of this Constitution identifies what part of the Council or individual has responsibility for particular types of decisions relating to particular areas or functions.

## 16.2 Principles of Decision Making

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

Under this executive form of constitution decisions are no longer confined to committees acting on officer reports or officers operating under delegated authority. A range of people and bodies potentially may take binding decisions, from an individual Cabinet member to a meeting of a Cabinet or an area committee.

In order to ensure that decisions are reached after a realistic evaluation of alternatives and due consultation and having regard to all relevant considerations and ignoring all irrelevant factors, decision makers will be mindful of the following principles of decision making:-

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice from officers;
- (iii) respect for human rights
- (iv) a presumption in favour of openness; and
- (v) clarity of aims and desired outcomes
- (vi) an explanation of what options were considered and
- (vii) the reasons for the decision will be stated.

Decision making templates will be available to decision takers to assist with this process and accurately record decisions.

## 16.3 Types of Decision

### (a) Decisions reserved to Council

Decisions relating to the functions listed in Article 4.2 will be made by the Council and not delegated.

### (b) Key decisions

"key decision" means an executive decision, which is likely –

- (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant as advised by the Chief Finance Officer having regard to the local

authority's budget for the service or function to which the decision relates;

- (ii) to be significant as advised by the Chief Executive in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority;
- (iii) In accordance with Section 38 of the Local Government Act 2000 in determining the meaning of "significant" for the purposes of this paragraph (b) regard shall be had to any guidance for the time being issued by the Secretary of State; or
- (iv) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

#### **16.4 Decision making by the Council**

Subject to Article 16.5, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **16.5 Decision making by the Cabinet**

Subject to Article 16.9, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **16.6 Decision making by the Scrutiny Committee**

The Scrutiny Committee will follow the procedures set out in Part 4 of this Constitution when considering a matter.

#### **16.7 Decision making**

Policy Development Groups will follow the Policy Development Group Procedural Rules set out in Part 4 of this Constitution when considering any matter.

#### **16.8 Decision making by other committees and sub-committees established by the Council**

Subject to Article 16.9, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **16.9 Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes

of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

#### **16.10 Budget and Policy Framework Decisions**

The process by which the budget and policy framework is to be developed is regulated by statutorily prescribed standing orders incorporated within the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.

### **ARTICLE 17 - FINANCE, CONTRACTS AND LEGAL MATTERS**

#### **17.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

#### **17.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

#### **17.3 Legal Proceedings**

Unless any enactment otherwise authorises or requires, the Chief Executive, the Head of Legal & Democratic Services or any officer of the Council so authorised by them in writing may institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive considers that such action is necessary to protect the Council's interests.

#### **17.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by either the Chief Executive, Head of Legal & Democratic Services and Strategic Director Corporate Focus or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

All contracts entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Contracts must either be signed by the relevant Cabinet member or an officer of the authority or be made under the common seal of the Council attested by an authorised officer

## **17.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Executive. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal & Democratic Services should be sealed. The affixing of the Common Seal will be attested by either the Chief Executive or any Strategic Director.

## **ARTICLE 18 - REVIEW AND REVISION OF THE CONSTITUTION**

### **18.1 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **18.2 Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:-

- (i) Observe meetings of different parts of the member and officer structure;
- (ii) Undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### **18.3 Changes to the Constitution**

- (i) Constitutional changes may be prompted not only from internal reviews and evaluation of their governance, but also from changes in public opinion.
- (ii) Changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee.

- (iii) The Council has adopted a protocol on changes to the Constitution which is set out below

#### 18.4 Protocol for Changes to the Council's Constitution

The Council's Constitution is a statutory document which sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules to which Councillors and officers are to abide.

Parts of the Constitution are merely statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these change from time to time by virtue of Council decisions, others, such as member and officer details occur without any decision of the Council being involved.

Other parts reflect the decisions of the Leader and Cabinet, e.g. as to its size and portfolios of responsibility. Such amendments will simply be made to record these.

Changes to the principles of the executive arrangements, and the various rules and codes would require adoption by or resolutions of the Council.

Article 18 of the Constitution provides for its amendment by Council to be the subject of consideration by the Constitution Committee following a report from the Monitoring Officer. Such reports are likely to result from the reviews and evaluation detailed in Article 18.

Specifically, the provisions of the Constitution considered to be able to be the subject of Constitution Committee recommendations to Council to effect any amendments are:

Part 2

Articles 2,6,8,9,,11,13,14, 15,16,17, 18 and 19

Article10 deleted

Part 4 (all)

Part 5 (all)

## **ARTICLE 19**

### **- SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

#### **19.1 Suspension of the Constitution**

(a) **Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend**

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension**

The following Rules may be suspended.

All of the Council Rules of Procedure except Rule 16.5 and 19.2.

#### **19.2 Interpretation**

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

#### **19.3 Publication**

- (i) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (ii) The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (iii) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area, is published on the Council's web site and is updated as necessary.

## **DESCRIPTION OF EXECUTIVE ARRANGEMENTS**

The following parts of this Constitution constitute the executive arrangements:-

1. **Article 6** (Scrutiny Committee) and the Overview and Scrutiny Procedure Rules;
2. **Article 7** The PDG's and the PDG Procedure Rules
3. **Article 8** (The Cabinet) and the Executive Procedure Rules;
4. **Article 11** (The Constitution Committee).
5. **Article 12** (The Governance and Audit Committee)
6. **Article 14** (Joint arrangements) - (if and when established)
7. **Article 16** (Decision making) and the Access to Information Procedure Rules; (Part 4).
8. **Part 3** (Responsibility for Functions).

# CONSTITUTION



## PART 3 DELEGATED AUTHORITY

## **DELEGATED AUTHORITY TO CABINET PORTFOLIO HOLDERS**

Portfolio holders shall have delegated authority to determine “key and non-key issues which, in the opinion of the Leader, are wholly or mainly within their own remit”.

### **POLICY, STRATEGY AND STRATEGIC PARTNERSHIPS**

Councillor Linda Neal  
“Alverstone”, 27 West Road,  
Bourne. PE10 9PS  
Tel: 01778 423768  
e-mail: [l.neal@southkesteven.gov.uk](mailto:l.neal@southkesteven.gov.uk)

### **LEADERS PORTFOLIO**

### **GROW THE ECONOMY AND ECONOMIC DEVELOPMENT PORTFOLIO**

Councillor Mrs Frances Cartwright  
Brookland Cottage  
Aveland Way, Aslackby  
Sleaford. NG34 0HG  
Tel: 01778 440165  
email: [f.cartwright@southkesteven.gov.uk](mailto:f.cartwright@southkesteven.gov.uk)

### **GOVERNANCE AND COMMUNICATION PORTFOLIO**

Councillor Paul Carpenter  
The Mew’s House  
Great North Road  
Great Ponton NG33 5AG  
Tel: 01476 530311  
e-mail: [p.carpenter@southkesteven.gov.uk](mailto:p.carpenter@southkesteven.gov.uk)

### **GREEN, HEALTHY AND ARTS PORTFOLIO**

Councillor J A Smith,  
Grantchester House  
60 Gladstone Street, Bourne PE10 9AX  
Tel: 01778 422219  
e-mail: [j.smith@southkesteven.gov.uk](mailto:j.smith@southkesteven.gov.uk)

### **STRATEGIC RESOURCES – WELL RUN COUNCIL PORTFOLIO**

Councillor Mike Taylor  
37 Bramblewood Close  
Grantham  
NG31 8QH  
Tel: 01476 408413  
e-mail: [m.taylor@southkesteven.gov.uk](mailto:m.taylor@southkesteven.gov.uk)

### **GOOD HOUSING PORTFOLIO**

Councillor Teri Bryant  
47 Caithness Road  
Stamford  
PE9 2TF  
Tel: 01780 75 57 34  
e-mail: [t.bryant@southkesteven.gov.uk](mailto:t.bryant@southkesteven.gov.uk)

### **ARTS & LEISURE PORTFOLIO**

Councillor Bob Adams  
25 Dallygate  
Great Ponton  
Grantham  
NG33 5 DP  
Tel: 01476 53 03 29  
e-mail: [b.adams@southkesteven.gov.uk](mailto:b.adams@southkesteven.gov.uk)

Addition at Council 18.04.13

## RESPONSIBILITY FOR COUNCIL FUNCTIONS

### **DEVELOPMENT CONTROL COMMITTEE (17 members)**

Chairman  
Vice-Chairman

Councillor Wilkins  
Councillor Jacky Smith

Councillor Adams  
Councillor Ashberry  
Councillor Cook  
Councillor Higgs  
Councillor Howard  
Councillor Mrs Kaberry-Brown  
Councillor Vic Kerr  
Councillor King

Councillor Morgan  
Councillor Parkin  
Councillor Powell  
Councillor Mrs Smith  
Councillor Adam Stokes  
Councillor Sumner  
Councillor Wren

1. All 17 members of the quasi-judicial regulatory committee to be known as the Development Control Committee.
2. Planning and Conservation - Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations).

The Development Control Committee shall only have delegated power to refuse an application against the clearly expressed advice from the Lead Professional Development Control<sup>09/08</sup> if it has acted in accordance with the following:

- (a) If any such motion is put and seconded, the members so proposing and seconding the motion shall express the necessary planning reason for the motion at the meeting for consideration of the matter. If no such reasons are provided or the Development Control Lead Professional considers that the reasons given are not valid planning reasons or cannot be supported by evidence then the rules detailed below at clause 2(b), (c), (d), (e) and (f) shall prevail.<sup>06/09</sup>
- (b) If any such motion is put and seconded, the Chairman or Vice-Chairman shall before any vote is taken, inform the Committee and the public of these provisions.
- (c) On first consideration the Committee is not empowered to determine the application against the officer recommendation. If the Committee is minded to do this it must pass a resolution stating that on the basis of the consideration to date it is minded to refuse and therefore requires to defer a decision pending the receipt and consideration of further information clarifying the proposed reasons for refusal and the planning officers' responses to those reasons.
- (d) This vote must be recorded and all members who support it must within the next five working days provide to the Development Control Services Manager, the planning reasons for their view and the evidence that supports it.

- (e) The application shall be placed on the agenda for consideration at the next Development Control Committee. At this meeting the Development Control Committee shall have the power to determine the application, but, before doing so the Lead Professional Development Control having assessed the information provided to him, shall inform the Committee whether, in his opinion, the reasons advanced are substantial enough for the authority to defend the decision at an inquiry. In light of this additional information members may then determine, without being fettered by their vote at the previous meeting.
  - (f) The second vote must also be recorded and any member who votes to refuse the application in contravention of the officer recommendation must be willing to appear for the authority and give evidence regarding the reasons for their decision at any planning inquiry.
3. Functions relating to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.
  4. A list of the powers may be found at page 79 of this Constitution.



## **REVIEW BOARD**

1. 3 Members of the Licensing Committee.
2. Housing and Benefits Review – To consider appeals against decisions made by the Council, the executive or an officer in relation to housing benefit, Council tax benefit and various matters including tenancy allocations provided for in the Housing Act 1996.
3. Members Code of Conduct -
  - To receive reports on investigations carried out into alleged failure to comply with the Members' Code of Conduct.
  - To consider whether a complaint should be investigated as required by the Monitoring Officer.
  - Determine the outcome of investigations by hearing reports of investigations, the evidence of the parties involved and any other evidence available to the Board.

## **APPEALS PANEL**

1. 3 Members of the Licensing Committee or the Resources Policy Development Group.
2. Personnel and Grievance matters – To consider appeals against dismissal grading and grievances by employees of the Council individual grading decisions.
3. To consider appeals against decisions taken by or on behalf of the Chief Executive under the Council's complaints procedure.

## **CONSTITUTION COMMITTEE**

(5 members)

Chairman  
Vice-Chairman

Councillor Wootten  
Councillor Parkin

Councillor Auger  
Councillor Vic Kerr

Councillor Shorrocks

1. 5 Members of the Constitution Committee.

Amendments to the Constitution

## **SCRUTINY COMMITTEE**

(11 members)

Chairman  
Vice-Chairman

Councillor Howard  
Councillor Mrs Smith

Councillor Cosham  
Councillor Davidson  
Councillor Mrs Kaberry-Brown  
Councillor King  
Councillor Nalson

Councillor Powell  
Councillor Russell  
Councillor Sampson  
Councillor Turner

1. The Scrutiny Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989. The Scrutiny Committee will be composed of 11 members or such number of members as the Council considers appropriate from time to time.
2. The Scrutiny Committee will discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.
3. The Scrutiny Committee will review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
4. Make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with the discharge of any functions;
5. Consider any matter affecting the area or its inhabitants and exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any area committee.

**GOVERNANCE AND AUDIT COMMITTEE  
(7Members plus 1 external co-optee)**

Chairman  
Vice-Chairman

Councillor Ian Stokes  
Councillor Bevan

Councillor Scott  
Councillor Shorrock  
Councillor Thompson

Councillor Wilkins  
Councillor Woolley

1. The Governance and Audit Committee will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989. The Governance and Audit Committee will be composed of 7 Councillors appointed annually at the Annual Council Meeting.

The Committee may appoint, as a co-opted member, an external appointee (subject to appropriate training) as a member of the Governance and Audit Committee with voting rights.

Membership of the Governance and Audit Committee will be subject to having the appropriate skill, experience and mandatory training set out at Article 12.3.

2. Functions as detailed at Article 12 of part 2 of this Constitution.

**CHIEF EXECUTIVES REMUNERATION PANEL MEMBERSHIP<sup>01/09</sup>**  
(3 Members)

Councillor Bryant, Councillor Sampson, Councillor Scott

1. The Chief Executive's remuneration panel of three elected members must be politically balanced and must include at least one member of the Cabinet.
2. The membership of this panel is to be determined by Council.
3. If a panel member is unable to attend a meeting the Leader of the relevant Group has the delegated authority of the Council to nominate a substitute.
4. The members of the remuneration panel may not be members of the performance panel.

**Remit**

The panel has the delegated authority of the Council to meet in private to:

- (i) Review the total remuneration of the chief Executive on a regular basis, at least annually.
- (ii) Review any remuneration issues arising from the performance panel.
- (iii) Make an informed and evidence based decision on the pay and remuneration package of the Chief Executive, in line with the council's pay and reward strategy, employment policies and practices and financial regulations.
- (iv) Commission research and background information to inform its decision making process, using the officers of the council to provide information on national guidance, pay benchmarking information, best practice advice, affordability, performance data.
- (v) The panel may also co-opt an external member on a temporary basis to assist their review and to assist with objective analysis of data.
- (vi) Refer proposed decisions to the S151 officer for consideration of any budgetary implications.
- (vii) The panel can meet as frequently as it requires to discharge its responsibilities.
- (viii) Panel members must commit to working objectively, impartially and maintaining confidentiality

**CHIEF EXECUTIVES PERFORMANCE PANEL**<sup>01/09</sup>  
(Members 3)

Councillor Mrs L Neal, Councillor Powell, Councillor M Taylor

1. The Chief Executive's Performance Panel must be politically balanced comprising of three members including at least one member of the Cabinet.
2. The membership of this panel is to be determined by the Council.
3. If a panel member is unable to attend the Leader of the relevant Group has the delegated authority of the Council to nominate a substitute.
4. The members of the performance panel may not be members of the remuneration panel or the appeal panel.

**Remit**

The panel has the delegated authority of the Council to meet in private to:

- (i) Set the objectives of the Chief Executive on a regular basis.
- (ii) Undertake a performance and development review against these objectives on a regular basis, at least annually.
- (iii) Monitor performance against objectives.
- (iv) Make recommendations to the remuneration panel regarding the performance of the Chief Executive.
- (v)
- (vi) Address any formal complaints and any capability, conduct or other substantial employment issues, reaching appropriate solutions by agreement in the best interests of the Council.
- (vii) Take formal action (reflecting the guidance contained in the national handbook on the conditions of service for Local Authority Chief Executives and the provision of the Local Authorities (Standing Orders) (England) Regulations 2001) including the appointment of a Designated Independent Person and consideration of their recommendations.
- (viii) In an emergency and/or in exceptional circumstances, the Chairman of the performance panel will have the delegated authority of the Council to suspend the Chief Executive, pending the commissioning by the performance panel of a properly constituted investigation by a Designated Independent Person
- (viii) Hear any grievance made by the Chief Executive against the Service Manager for Human Resources & Organisational development of the Leader

- (ix) The Monitoring Officer and the Service Manager for Human Resources and Organisational Development are responsible for acting as advisers to the performance panel to ensure legislative compliance and HR advice, and the Section 151 Officer is responsible for advising the panel on any relevant financial matter.
- (x) The panel can meet as frequently as it requires to discharge its responsibilities.
- (xi) Panel members must commit to working objectively, impartially and maintaining confidentiality.

Formal complaints that fall under the remit of this panel are written complaints about the Chief Executive that are not related to ordinary service delivery, or that can be dealt with through other procedures and which are not trivial or unfounded. The Chair of the performance panel and the Monitoring Officer are responsible for ensuring that complaints are addressed through the most appropriate procedure.

**CHIEF EXECUTIVES APPEAL PANEL<sup>01/09</sup>**  
(3 Members)

Councillor P Carpenter, Councillor V Kerr, Councillor I Stokes

1. This must be a politically balanced panel made up of three members who:
  - Are not members of the performance panel.
  - Who have no involvement with any of the matters within the remit of the appeal.
  - It must include at least one member of the cabinet.
2. The membership of this panel is to be determined by the Council.<sup>3</sup> The Leader has the delegated authority of the Council to make any necessary substitutions to ensure that the appeal panel is independent of the subject of the appeal.

## **COMMUNITIES POLICY DEVELOPMENT GROUP**

Chairman  
Vice-Chairman

Councillor Nicholson  
Councillor Thompson

Councillor Cooke  
Councillor Griffin  
Councillor Morgan

Councillor Mrs Taylor  
Councillor Wootten

## **ENGAGEMENT POLICY DEVELOPMENT GROUP**

Chairman  
Vice-Chairman

Councillor Cook  
Councillor Woolley

Councillor Auger  
Councillor Bisnauthsing  
Councillor Channell

Councillor Jock Kerr  
Councillor Robins

## **RESOURCES POLICY DEVELOPMENT GROUP**

Chairman  
Vice-Chairman

Councillor Craft  
Councillor Scott

Councillor Bevan  
Councillor Davidson  
Councillor Robins

Councillor B Sandall  
Councillor Jacky Smith

## **RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

1. Any function under a local Act other than a function specified or referred to in Part 2 or Schedule 1.
  - Decision Making body – The Council

*(There are presently no local Acts in force in South Kesteven).*
2. The determination of an appeal against any decision made by or on behalf of the authority.
  - Decision Making Body – Appeal Panel – 5 members of a Regulatory committee
3. The appointment of review boards under regulations under subsection (4) or Section 34 (determination of claims and reviews) of the Social Security Act 1998.
  - Decision Making Body – Review Board – 5 members of a Regulatory committee
4. 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.
  - Decision Making Body – Cabinet
  - Delegation of Function - The member with responsibility for performance management
5. Any function relating to contaminated land
  - Decision Making Body – Cabinet – Leader and 5 members of the authority
  - Delegation of function – A list of powers delegated to the Head of Environmental Services may be found at page 95 of this Constitution
6. The discharge of any function relating to the control of pollution of the management of air quality.
  - Decision Making Body – Cabinet - Leader and 5 members of the authority
  - Delegation of function – A list of powers delegated to the Head of Environmental Services may be found at page 95 of this Constitution.
7. The service of an abatement notice in respect of statutory nuisance

- Decision Making Body – Cabinet – Leader and 5 members of the authority
  - Delegation of function – a list of powers delegated to the Head of Environmental Services to be found at page 95 of this Constitution.
8. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- Decision Making Body – Leader and 5 members of the authority
  - Delegation of function – a list of powers delegated to the Head of Environmental Services to be found at page 95 of this Constitution.
9. The inspection of the authority's area to detect any statutory nuisance.
- Decision Making Body – Cabinet – Leader and 5 members of the authority
  - Delegation of function – a list of powers delegated to the Head of Environmental Services to be found at page 95 of this Constitution.
10. The investigation of any complaint as to the existence of a statutory nuisance.
- Decision Making Body – Cabinet – Leader and 5 members of the authority
  - Delegation of function – a list of powers delegated to the Head of Environmental Services to be found at page 95 of this Constitution.
11. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interest in land.
- Decision Making Body – Cabinet
  - Delegation of function – A list of powers delegated to the Head of Assets may be found at page 100 of this Constitution also Head of Development & Growth page 101 and Head of Environmental Services, page 95 of this Constitution.<sup>09/08</sup>
12. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- Decision Making Body – Cabinet

- Delegation of function – A list of powers delegated to the Head of Assets may be found at page 100 of this Constitution
13. The appointment of any individual:-
- a. to any office other than an office in which he is employed by the authority;
  - b. to any body other than –
    - (i) the authority;
    - (ii) a joint committee of two or more authorities; or
  - (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.
- Decision Making Body – Council
14. Membership of the Scrutiny Committee – 11 members.
15. Membership of the Policy Development Groups – 7 members.
16. By way of classification no committee, Policy Development Group, board or panel has the power to establish a panel for the purpose of advising officers on the exercise of authority delegated to them by Council.
17. The approval of key human resources and organisational development strategies and policies that have significant financial implications e.g. remuneration/pay, pensions, redundancy.<sup>06/09</sup>
- Decision Making Body – Cabinet
  - Delegation of function – The member with responsibility for human resources and organisational development
18. The approval of operational human resources and organisational development policies, working procedures, protocols.<sup>06/09</sup>
- Decision Making Body – the Head of Paid Service and their management team
  - Delegation of function – a list of powers delegated to the Chief Executive is to be found on page 90 of this Constitution.

## LIST OF POWERS DELEGATED TO OFFICERS

### CHIEF EXECUTIVE, HEADS OF SERVICE, SERVICE MANAGERS

1. To manage the services for which they are responsible:-
  - (i) in accordance with any policy decisions made by, or guidelines issued by, the Council;
  - (ii) within the budgets made or approved by the Council;
  - (iii) in compliance with all standing orders, codes of practice, financial regulations or instructions approved or adopted by the Council.
2. To take such decisions or actions as they are required or authorised to take:-
  - (i) under standing orders adopted by the Council, and
  - (ii) as proper officers of the Council (as defined in Section 270(3) of the Local Government Act 1972).
3. To accept tenders and award contracts to contractors on behalf of the Council in the following circumstances:-<sup>01/08</sup>
  - (i) following a tender process strictly in accordance with the Council's Contract Procedure Rules and Financial Regulations;<sup>01/08</sup>
  - (ii) for the carrying out of works and/or the provision of goods and/or services; and<sup>01/08</sup>
  - (iii) which are to be awarded on the basis of lowest possible price<sup>01/08</sup>

### CHIEF EXECUTIVE

1. All functions as Head of Paid Service, including the approval of operational human resources and organisational development policies, working procedures, protocols. The Head of Paid Service may delegate such approvals to the management team.<sup>06/09</sup>
2. That the Head of Paid Service be made responsible for maintaining and updating the scheme of delegation to officers.
3. To authorise officers in appropriate posts who are suitably trained and qualified to carry out the delegations where authorised posts become vacant or cease to exist and to authorise the change in the Constitution to bring into effect the changes to the scheme of delegation.<sup>01/10</sup>
4. To authorise the Head of Paid Service (or deputy) to grant dispensation in respect of any conflict of interest of any Member of the Cabinet declared at meetings of the Cabinet.<sup>10/12</sup>

## **STRATEGIC DIRECTOR CORPORATE FOCUS (Chief Finance Officer) (S151 OFFICER)**<sup>10/10</sup>

1. To make arrangements for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.
2. To conduct loans, finance operations and to incur and repay bank overdrafts within the policies of the Council as prescribed from time to time.
3. To write off all debts due to the Council as approved in the financial regulations<sup>09/08</sup> when he is satisfied that recovery is not possible.
4. To take and authorise in writing other officers appropriately qualified and trained to take<sup>01/10</sup> all such action as may be required in relation to an appeal under Section 16 of the Local Government Finance Act 1992.
5. To exercise the powers of the Council to anticipate precepts in accordance with regulations made by the Secretary of State under Section 41 of the Local Government Finance Act 1992.
6. To exercise and authorise in writing other officers appropriately qualified and trained<sup>01/10</sup> to exercise the powers of the Council under Section 14 and Schedule 2 of the Local Government Finance Act 1992 relating the variation of the statutory instalment scheme for the payment of the Council Tax.
7. To exercise and authorise in writing other officers appropriately qualified and trained<sup>01/10</sup> to exercise the powers of the Council under Section 14 and Schedule 3 of the Local Government Finance Act 1992 relating to any request to any person appearing to be resident, owner or managing agent of a particular dwelling to supply information needed for the purpose of identifying the liable person in relation to the dwelling.
8. To exercise and authorise in writing other officers appropriately qualified and trained<sup>01/10</sup> to exercise the powers of the Council under Section 14 and Schedule 3 of the Local Government Finance Act 1992 relating to the management of the schemes of civil penalties (including the imposition and collection of such penalties) within the policies of the Council prescribed from time to time.
9. To take, and authorise in writing other officers appropriately qualified and trained<sup>01/10</sup> to take on behalf of the Council, any appropriate action to enforce the payment of Council taxes under Section 14 and Schedule 4 of the Local Government Finance Act 1992 and to enforce payment of community charges under Schedule 4 of the Local Government Finance Act 1992.
10. To make determinations and authorise in writing other officers appropriately qualified and trained to make determinations<sup>01/10</sup> under Section 47 of the Local Government Finance Act 1988 and Section 1 and Schedule 1 of the Local Government and Rating Act 1997 as to discretionary rate relief in accordance with any such scheme for the time being approved or adopted by the Council.
11. To compile and maintain, on behalf of the Council, in accordance with Section 42 of the Local Government Finance Act 1988 (and Section 1 and Schedule 1 of the Local Government Rating Act 1997) a local non-domestic rating list and a rural settlement list.

12. To take and authorise in writing other officers appropriately qualified and trained<sup>01/10</sup> to take all such action as is required of the Council in the administration of the non-domestic rating system under Section 62 and Schedule 9 of the Local Government Finance Act 1988 and any regulations made by the Secretary of State there under.
13. To exercise the powers of the Council under Section 99 of the Local Government Finance Act 1988 relating to the collection fund and the payment of precepts.
14. To take all such action as is required of the Council to establish and maintain its general fund under Section 91 of the Local Government Finance Act 1988.
15. To take all such action as is required of the Council to establish and maintain its Housing Revenue Account under Section 74 of the Local Government and Housing Act 1989.
16. Subject to any directions given from time to time by the Council to make all such calculations as are required for the purposes of Section 32 of the Local Government Finance Act 1992.
17. To make arrangements for the proper administration of housing and Council tax benefits under Section 134 of the Social Security Administration Act 1992, (as amended by SS 121, 227, Schedules 12 & 19 of the Housing Act 1996) (Section 123 of the Social Security Contributions and benefits Act 1992 and Schedule 9 of the Local Government Finance Act 1992).
18. To implement schemes for lease cars, car loans and travelling allowances from time to time approved by the Council.
19. Without prejudice to the exercise and authorise in writing other officers appropriately qualified and trained<sup>01/10</sup> to exercise of any of the powers referred to in paragraphs 1 to 17 inclusive, the Strategic Director Corporate Focus is authorised to serve notices, enter into agreements, give receipts, make adjustments, institute proceedings and to take any action available to the Council to collect or enforce the collection of non-domestic rates, Council Tax and the personal, standard and collective community charges from those persons liable.
20. To authorise contributions up to a maximum of £200 towards litigation costs in cases supported by the Local Government Association.
21. To carry out all functions relating to treasury management in accordance with the Council's Treasury Management Policy. The policy is in accordance with the CIPFA Code of Practice.
22. To maintain adequate internal controls by setting appropriate authorisation limits for Council officers in relation to the procurement of goods and services for the Council.
23. To take the appropriate action in respect of forfeiting, terminating or repossessing a lease between the Council and any tenant as the final part of a debt recovery and breach of tenancy process where rent remains outstanding or there has been some other breach of the terms of the lease which would require the Council to obtain vacant possession of the leased premises.<sup>03/09</sup>

24. To make the appropriate financial arrangements and/or payment to mitigate risk, including litigation or risk management situations, taking such action as may be required for each situation/case based on appropriate professional opinion and advice.<sup>06/09</sup>
25. To exercise the powers of the Council to prosecute as contained in the Social Security Administration Act 1992 (as amended) and any subsequent legislation relating to Housing and Council Tax Benefit Fraud and any other fraud which local authorities are permitted to prosecute in accordance with current legislation in consultation with Legal Services.<sup>10/09</sup>
26. To sign and serve and authorise in writing other officers appropriately qualified and trained to sign and serve notice seeking possession and take action for possession of any Council dwelling, land or a garage, authorised under Schedule 2 of the Housing Act 1985 (as amended by the Housing Act 1996) due to rent arrears and Section 128 Housing Act 1996.<sup>01/10</sup>
27. To sign, serve and authorise in writing other officers appropriately qualified and trained to sign, serve and issue Notice to Quit and take action for possession of any Council dwelling or garage under licence, non secure tenancy as a result of rent arrears.<sup>01/10</sup>
28. To sign, serve and authorise in writing other officers appropriately qualified and trained to sign, serve make application to the County Court in connection with rent arrears under the Housing Act 1985.<sup>01/10</sup>
29. To authorise the sale of Council dwellings in accordance with the Right to Buy as required by the Housing Act 1985 (as amended).<sup>09/08</sup>
30. To consider and determine applications for a review or a listing and applications received for compensation received from the owner of any property included on the list of assets of community value in accordance with the Assets of Community Value (England) Regulations 2012.<sup>12/12</sup>
31. To authorise the use of powers contained in the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.<sup>04/13</sup>

### **HEAD OF HOUSING AND NEIGHBOURHOODS**<sup>09/10</sup>

1. To exercise the general management, regulation and control of the Council's housing stock under Section 21 of the Housing Act 1985.
2. To take all such action as is required of the Council to prepare, maintain and administer the housing register under Sections 159 to 166 of the Housing Act 1996 as amended by the Homelessness Act 2002.
3. Subject to any policy directions given by the Council, to take all such action as is required of the Council to prepare, maintain and administer a housing allocation scheme under Sections 161, 167 to 168 of the Housing Act 1996 and Section 106 of the Housing Act 1985 as amended by the Homelessness Act 2002..
4. To allocate housing to the homeless applicants to whom the Council owes a duty under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002.

5. To sign and serve notice seeking possession and take action for possession of any Council dwelling, land or garage for any reason authorised under Schedule 2 of the Housing Act 1985 (as amended by Housing Act 1996) due to breach of tenancy and Section 128 Housing Act 1996.
6. To publish information about secure tenancies under Section 104 of the Housing Act 1985.
7. To maintain arrangements for consultation with tenants on matters of housing management which are likely substantially to affect them (Section 105, Housing Act 1985).
8. To issue reports to all housing revenue account tenants each year containing information determined by the Secretary of State about functions of the Council as housing authority (Section 167, Local Government and Housing Act 1989).
9. To implement and ensure compliance with Tenancy & Neighbourhood Services Tenancy Agreement (April 2002).
10. To sign, serve, and authorise Officers to issue Notice to Quit and take action for possession of any Council dwelling or garage occupied under licence, non-secure tenancy as a result of breach of tenancy or trespass.
11. To sign, serve and authorise officers to sign and serve anti-social behaviour contracts drawn up and served under the provisions of the Crime and Disorder Act 1998.
12. To sign, serve and authorise officers to make any application to the County Court in connection with the general housing management regulation and control of the Council's stock under the Housing Act 1985, Housing Act 1996, Homelessness Act 2002, the Crime and Disorder Act 1998 and the Anti-Social Behaviour Act 2003.
13. To authorise the disposal of small parcels of land held for the purpose of Tenancy Services land (not exceeding 0.25 acres) which is not longer required for use by Tenancy Services purposes provided such disposals are in accordance with established policy, the land is not required by any other service of the Council and subject to prior consultation with the Ward Member in which the land is situated.<sup>09/08</sup>
14. To authorise grants under the Housing Grants, Construction and Regeneration Act 1996 as implemented under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 with the exception of discretionary Disabled Facilities Grants.<sup>06/09</sup>

### **Homelessness**

15. To authorise Housing Solutions Officers to exercise the duty of providing or securing the provision of advisory services and assistance in relation to homelessness under Part VII of the Housing Act 1996 as amended by the Homelessness Act 2002.
16. To take all such action and authorise all Housing Solutions Officers as is required of the Council to undertake enquiries in relation to homelessness under Section 184 of the Housing Act 1996 as amended by the Homelessness Act 2002 and to determine homelessness applications as appropriate.

## **HEAD OF ENVIRONMENTAL SERVICES**<sup>09/10</sup>

### **Private Sector Housing**

1. To serve and to authorise Housing Solutions Officers and Environmental Health Officers to serve, abatement notices under Section 80 of the Environmental Protection Act 1990.
2. To serve, and to authorise Housing Solutions Officers and Environmental Health Officers to serve, notices under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 to unblock private sewers.
3. To serve, and to authorise Housing Solutions Officers and Environmental Health Officers to serve, notice under Sections 45, 50, 79 and 140 of the Public Health Act 1936.
4. To serve, and to authorise Housing Solutions Officers and Environmental Health Officers to serve, notice under Sections 189, 190 and 352 of the Housing Act 1985 relating to fitness of property for human habitation.
5. Authorisation to sign on behalf of the Council documents under the Housing Act in relation to condition of houses or environmental health as proper officer under Section 234 of the Local Government Act 1972.
6. To serve and to authorise Officers to serve notice in relation to defective premises under Section 76 of the Building Act 1984.
7. Authorised and to authorise Officers to arrange for restoration of gas, electricity or water supply where the building is occupied as a dwelling and the supply has been cut off as a result of landlord failure under Section 33 of the Local Government (Miscellaneous Provisions) Act 1976.
8. (Authorised and to authorise) Officers to undertake works to a building to prevent it becoming a danger to public health under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982
9. Authorised and to authorise Officers to arrange for repair where drainage is inadequate under Section 59 of the Building Act 1984.
10. Authorised and to authorise Officers to serve repair notices where property is unfit for human habitation under Section 189 of the Housing Act 1985.
11. To serve and to authorise Officers to serve repair notice where property is in state of disrepair under Section 190 of the Housing Act 1985.
12. To serve and to authorise Officers to serve notice to make houses in multiple occupation fit for number of occupants under Section 352 of the Housing Act 1985.
13. To serve and to authorise Officers to serve requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

14. To serve and to authorise Officers to serve, deferred action notices in relation to unfit properties under Section 81 of the Housing Grants, Construction and Regeneration Act 1996.
15. To serve and to authorise Officers to serve, "Minded to" notices in respect of houses in disrepair or unfit under Regulation 3 of the Housing (Fitness Enforcement Procedures) Order 1996.
16. To serve and to authorise Officers to serve, demand and recover payment for enforcement action notices in respect of properties in disrepair or unfit under the Housing Grants, Construction and Regeneration Act 1996.
17. To serve and to authorise Officers to serve notices to recover expenses incurred when serving notices under Section 352 of the Housing Act 1985.

### **Waste Services**

1. To serve and authorise Officers to serve<sup>09/08</sup> on behalf of the Council enforcement notices for litter, waste and dog fouling in respect of the following statutes:

Environmental Protection Act 1990  
 The Refuse Disposal (Amenity) Act 1978  
 Dogs (Fouling of Land) Act 1996  
 Clean Neighbourhood Act 2005

2. The Head of Environmental Services be authorised to designate in writing any other officers that are to be authorised by the Council to enter premises for these various statutory purposes and also to act in respect of the enforcement of the various statutory provisions relating to waste, dog fouling and fly tipping within these statutes.
3. That the Head of Environmental Services be an authorised officer for the purpose of the enforcement of the graffiti and fly posting provisions of the Anti Social Behaviour Act 2003;
4. That the Head of Environmental Services be authorised to designate in writing any other officers that are authorised by the Council to enter premises for these various statutory purposes and also to act in respect of the enforcement of various statutory provisions relating to graffiti and fly posting within the Anti Social Behaviour Act 2003; and
5. That the Head of Environmental Services have delegated powers relating to enforcement given under the provisions of the Clean Neighbourhood Act 2005.

### **Licensing**

1. To act as authorised officer and authorise Officers to act<sup>09/08</sup> for the purposes of licensing hackney carriage and private hire vehicles and drivers under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 and the exercise the powers of the Council in respect of the offences set out below:-

- (i) sex offences;
  - (ii) drink driving;
  - (iii) reckless driving;
  - (iv) driving without insurance;
  - (v) burglary and theft;
  - (vi) offences involving violent behaviour (e.g. grievous or actual bodily harm or assault);
  - (vii) impersonation;
  - (viii) arson;
  - (ix) blackmail
  - (x) offences involving fraud or deception;
  - (xi) firearms and or weapons;
  - (xii) drugs;
- which in the opinion of the Head of Environmental Services will or may render the applicant not fit to hold, or continue to hold, a licence.

2. No hackney carriage or private hire driver's licence shall be issued to an applicant until:

- (i) the applicant has held a full driving license for one year;
- (ii) three years have elapsed with no further convictions since his/her driving license was restored following a conviction for offences involving drink/driving or reckless driving.

3 That the Head of Environmental Services in consultation with Legal Services and the Licensing Committee Chairman (Vice-Chairman in his/her absence) be authorised to immediately suspend or revoke a hackney carriage or private hire divers' licence if "the interests of public safety require the suspension or revocation of the licence to have immediate effect" as detailed in Section 52 of the Road Safety Act 2006.<sup>10/09</sup>

4. To approve permits for public collections for charitable or other purposes under the provisions of the Charities Act 1992, and 2006 when the Act comes into force<sup>09/08</sup> and other relevant statutory provisions.

5. To approve applications for the grant, renewal and transfer of license and registrations under the provisions set out below provided he/she is satisfied that all necessary conditions are met:-

Act	Function
Local Government Miscellaneous Act 1968	Street Trading
Licensing Act 2004	Alcohol Licensing
Gambling Act 2005	Gambling

6. To approve requests for busking in the Stamford Pedestrian Precinct.

7. To authorise officers to take enforcement action on licensing matters in accordance with any enforcement policy approved by the Licensing committee and late Night Refreshment Committee.<sup>09/08</sup>

## **Community Safety**

1. To authorise Anti Social Behaviour Officers and Legal Officers to consult in accordance with Crime and Disorder Act 1998 Section 1 (1) and 1 (2) as appropriate and make application to the relevant court for an anti-social behaviour order. <sup>09/08</sup>

## **Public Health**

**To authorise the Director of Public Health and all other proper officers of the Health Protection Agency (HPA) so authorised:**

Dr Colin Brockway as lead proper officer and as alternative proper officers

Dr Patrick Morgan Dr Keith Neal Dr Frances Pitt

Dr Richard Slack Dr Roy Fey Dr Vanessa MacGregor

Susie Singleton

Note:

The following only may be authorised to exercise the powers contained in the National Assistance Acts 1948 and 1951

Dr Mandy Bretman (Lincolnshire Primary Care Trust)

Dr Isabel Perez (Lincolnshire Primary Care Trust)

Dr Robert Wilson (Lincolnshire Primary Care Trust)

<b>Legislation</b>	<b>Section of Regulations</b>	<b>Effect</b>
Public Health (Control of Disease) Act 1984	Sections 11, 18, 20, 21, 22, 24, 29, 31, 32, 36, 38, 40, 42, 43 and 48	Notification and control powers for Communicable Diseases
Public Health (Infectious Diseases) Regulations 1988	Regulations 6, 8, 9, 10	Additional Powers to the above
Public Health Act 1936	Sections 84 and 85	Cleansing of filthy or verminous articles, persons or clothing
Public Health Act 1961	Section 37	Disinfestations of verminous articles offered for sale
National Assistance acts 1948 and 1951	Section 47 of the National Assistance Act 1948 and section 1 of the National Assistance (amendment) Act 1951	Removal from home and detention in a care home or hospital for persons in need of proper care and attention

1. To apply to a Justice of the Peace for orders under Sections 37 & 38 of the Public Health (Control of Diseases) Act 1984 (as modified or applied by the Public Health (Infectious Diseases) Regulations 1988) in relation to persons suffering from acquired immune deficiency syndrome (AIDS) or other notifiable disease.

2. To apply in emergency situations to the relevant court under Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951 for the removal to suitable premises of people in need of care and attention.

**The Head of Environmental Services is authorised:**

1. To approve and authorise Officers to approve<sup>09/08</sup> all applications (including applications for renewal, variation and transfer) for licences or registration of premises and/or persons which or who fall within the terms of reference of the Licensing Committee and Alcohol, Entertainment and Late Night Refreshment Committee<sup>09/08</sup> provided he is satisfied that all qualifying conditions have been met.
2. To engage and authorise Officers to engage<sup>09/08</sup> a veterinary officer on a fee basis for the occasions where they consider that an application for the licensing or registration of premises requires an inspection by a veterinary officer
3. To serve, and to authorise Environmental Health and other officers to serve under Section 80 of the Environmental Protection Act 1990 when he is satisfied that immediate action is necessary.
4. To serve and to authorise Environmental Health and other officers to serve notices and to take all necessary action under Part 11 (A) of the Environmental Protection Act 1990.
5. To exercise and authorise Officers to exercise<sup>09/08</sup> the powers of the Council under Section 46 of the Public Health (Control of Diseases) Act 1984 relating to:
  - (a) the burial or cremation of a body of any person who has died or been found dead in the area where no other suitable arrangements have or will be made;
  - (b) the recovery of the costs incurred.
6. To serve, and to authorise Environmental Health and other Officers to serve, notices under Section 17 of the Public Health Act 1961 relating to drainage when satisfied that immediate action is necessary.
7. To serve, and to authorise Environmental Health and other Officers to serve, notices under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 to unblock private sewers when satisfied that immediate action is necessary.
8. To serve and authorise Officers to serve<sup>09/08</sup> notice under Sections 45, 50, 79 and 140 of the Public Health Act 1936 when satisfied that immediate action is necessary.
9. To serve and authorise Officers to serve<sup>09/08</sup> notice under Section 60 of the Control of Pollution Act 1974 to control noise levels from construction sites when satisfied that immediate action is necessary.
10. To serve and authorise Officers to serve<sup>09/08</sup> notice under Section 59 and 60 of the Building Act 1984 relating to drainage when satisfied that immediate action is necessary.

11. To serve and authorise Officers to serve<sup>09/08</sup> notice under Sections 189, 190 and 352 of the Housing Act 1985 relating to fitness of property for human habitation when immediate action is necessary.
12. To prosecute fly-tipping offences under S.33 (1) (a) Environmental Protection Act 1990 following consultation with the Head of Legal and Democratic Services.
13. That the Head of Environmental Services appoints inspectors for the purposes of Part 1 of Schedule 2 of the Sunday Trading Act 1994.

### **HEAD OF LEGAL & DEMOCRATIC SERVICES**<sup>09/10</sup>

1. To serve, or authorise the service of, requisitions for information and to prosecute offenders under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 330 of the Town and Country Planning Act 1990.
2. To instigate prosecution proceedings for unlawful advertisements and breach of condition notices under the Town and Country Planning Act 1990.
3. To serve planning contravention notices and to commence prosecution proceedings under Section 171 (c) of the Town and Country Planning Act 1990.
4. To make corrections to the Constitution in respect of minor anomalies and inaccuracies and to report these changes.<sup>07/11</sup>
5. After consultation with the Independent Person or reserve, to determine whether a complaint merits formal investigation and to arrange such investigation.<sup>07/12</sup>
6. To receive complaints of failure to comply with the Members' Code of Conduct by district, town and parish councillors, with authority to delegate the function of dealing with the complaints relating to parish and town councillors to the relevant town or parish council where appropriate.<sup>07/12</sup>
7. To consider and determine applications for dispensations in accordance with the legislation relating to dispensations to allow Members to participate and vote in any decision where they have an interest. In the event that the Monitoring Officer is unable to determine such an application for dispensation, the Monitoring Officer is authorised to refer that application to the Review Board for consideration and determination.<sup>07/12</sup>

### **HEAD OF ASSETS**<sup>09/10</sup>

1. To prepare and implement, with resources provided by the Council programmes for the refurbishment, repair and maintenance of Council dwellings.<sup>01/10</sup>
2. To exercise the powers of the Council relating to tenants' right to have repairs carried out and pay compensation for improvement under Sections 121 and 122 of the Leasehold Reform, Housing and Urban Development Act 1993 and Section 96 of the Housing Act 1985 (Tenants Right to Repairs).<sup>01/10</sup>

3. To serve and authorise officers to serve requisitions for information under Section 16 of the (Miscellaneous Provisions) Act 1976.<sup>01/10</sup>

### **PROPERTY DEVELOPMENT MANAGER**<sup>01/12</sup>

1. To arrange short term lettings of land not immediately required for other purposes at rents/licences fees fixed by the S151 Officer.
2. To grant, vary or discharge easements and covenants in, over or for the benefit of land owned by the Council subject to:-
  - (i) valuation agreed by the District Valuer;
  - (ii) approval of the Head of any service directly concerned.
3. To exercise all the Council's powers and duties, including the power to issue directions and to apply
  - (i) to the Magistrates' Court for orders relating to unauthorised encampments of travellers contained in the Criminal Justice and Public Order Act 1994 and
  - (ii) to the Civil Courts for orders against trespassers on Council land or property.
4. To serve and to authorise officers to serve notices under Section 17 of the Public Health Act 1961 relating to drainage.<sup>01/10</sup>
5. To serve, and to authorise officers to serve notices under Section 35 of the Local Government (Miscellaneous Provisions) Act 1976 to unblock private sewers.<sup>01/10</sup>
6. To serve and to authorise officers to serve notice under Sections 59 and 60 of the building Act 1984 relating to drainage.<sup>01/10</sup>
7. Authorise and to authorise officers to arrange for repair where drainage is inadequate under Section 59 of the Building Act 1984.<sup>01/10</sup>
8. In consultation with the Portfolio Holder for Governance and Communication, to determine the regulations and procedures from time to time applicable in accordance with the Localism Act, The Assets of Community Value (England) Regulations 2012 and guidance issued relating to applications to include a property on the list of assets of community value.<sup>12/12</sup>
9. In consultation with the Head of Finance and the Head of Legal and Democratic Services in accordance with the provisions of the Assets of Community Value (England) Regulations 2012,<sup>12/12</sup>
  - to consider correctly completed applications received to nominate a property to be included on the list of assets of community value and
  - to determine applications to include a property on the list of assets of community value or on the list of assets which have not been included on the list of community assets.
  - to consider and determine applications for compensation received from owners or former owners of property which has been included on the list of assets of community value.

## **Building Control**

1. Power to determine applications submitted under building regulations including the determination of applications for the relaxation and variation of building regulations and authority to engage consultants for the checking of structural details where this work cannot be carried out by the Council's own staff.
2. To take, after consultation with the relevant Cabinet members and the Legal Service Manager, enforcement action under the Building Regulations (including the services of notices under Section 35<sup>09/08</sup> and 36 of the Building Act 1984).
3. To authorised Building Control Officers to serve notices under Section 330 (Requisition for Information) and Section 171C (Planning Contravention Notices) of the Town and Country Planning Act 1990.
4. In consultation with the Chief Executive, to vary the standard fee scale of the Local Government Association Model Scheme by plus or minus 10% (under The Building Control (Local Authority Charges) Regulations 1998).
5. To exercise the powers of the Council relating to emergency measures needed to deal with dangerous structures under Section 78 of the Building Act 1984.
6. In consultation with the Chief Executive and the relevant Cabinet member, to vary the standard fee scales of the Local Government Association Model Schemes by a percentages greater than 10%.
7. Delegation to determine applications for uncontested street naming.<sup>03/11</sup>

## **HEAD OF DEVELOPMENT & GROWTH**<sup>09/10</sup>

That the Head of Development & Growth is authorised to delegate to other officers in writing who have the necessary training and qualifications the delegations listed at the headings 1-2 below:<sup>01/10, 01/12</sup>

### **1. Business Grants**

1. To authorise awards under the Council's Business Grant Scheme in consultation with the relevant Cabinet member.

### **2. Development Management Enforcement**

- (i) To authorise enforcement officers<sup>09/08</sup> to administer cautions in respect of breach of advertisement control and in order cases where, following authorisation, court proceedings are considered inappropriate.
- (ii) To serve, in consultation with Head of Legal & Democratic Services, breach of condition notices in respect of breaches relating to the implementation of planning permissions and conditions containing a precedent requirement.

- (iii) To take action under Section 225 of the Town and Country Planning Act 1990 to remove or obliterate unauthorised placards and posters.
- (iv) To serve notices under Section 330 (Requisition for Information) and Section 171C (Planning Contravention Notices) of the Town and Country Planning Act 1990.
- (v) To serve the following notices in consultation with the Development Management Service Manager or any officer delegated in writing by her or him and Legal Services the following:<sup>01/10</sup>
  - Enforcement Notice
  - Breach of Condition Notice
  - Section 215 Notice
  - Listed Building Enforcement Notice
  - Hazardous Substance Notice
  - Stop Notice and
  - Temporary Stop Notice

### 3. **Development Management**

- (i) To exercise and authorise in writing other Officers appropriately qualified and trained to exercise<sup>01/10</sup> the following powers of the Council under the Town and Country Planning Acts and other relevant legislation:-

All decisions, responses or determinations arising in relation to applications, approval of reserved matters, prior approvals, consents and consultations, submitted to or received by the Council in accordance with all Town and Country Planning, Listed Building and related or associated legislation (including subordinate legislation and any consolidation, re-enactment or amendment thereto) shall be delegated to the Development Control Lead Professional or another Officer authorised in writing by him who has the appropriate qualifications and training<sup>01/10</sup> except in the following situations:

- Any application for planning permission which, in the opinion of the Authorised Officer is a departure from the Development Plan or an emerging replacement plan, and where the intended officer decision is permission/consent.
- Any application for planning permission, approval of reserved matters, conservation area consent or listed building consent where a Member of the Council has requested in writing to the Development Control Lead Professional that the application be considered by Committee. All requests shall be on the appropriate pro-forma and shall be submitted within three weeks of the circulation of details of the application.

The request shall include a statement outlining material planning reasons why the proposal needs to be considered by Committee, accompanied by a list of related Development Plan or National Planning Policies. The Development Control Lead Professional shall have the power to decline the request if in their opinion the reasons do not constitute material planning reasons.

All requests will be acknowledged in writing, and the reasons for the application

being referred will be included in the officer report to the Development Control Committee.

- Any application or consultation or like matter where the Authorised Officer considers a decision should be taken by Committee.
  - Any application submitted by or on behalf of a Councillor of the authority (or their spouse or partner) or by or on behalf of a member of the Council's staff (or their spouse or partner).
  - Any application submitted by or on behalf of the Council for its own developments, except for the approval of routine minor developments to which no objection has been received.
- (ii) In those cases where statutory time limits are involved for making decisions or taking action, for example in cases of agricultural buildings, demolitions, telecommunications determinations and notifications of works to trees in Conservation Areas, where non determination within a set period automatically gives consent; any objections received will be considered by the Authorised Officer and at their discretion efforts will be made to resolve the objection before the expiry period. However, the existence of the objection will not alter their authority in these instances to make a decision
- (iii) To accept minor amendments to approved plans.
- (iv) To determine, under Section 31 of the Town and Country Planning Act (General Permitted Development) Order 1995, whether prior approval is required in cases where demolition of buildings is involved.
- (v) To determine under the Town and Country Planning (General Permitted Development) Order 1995 whether prior approval is required for proposed agricultural development.
- (vi) To determine prior notification submissions under Article 24 of Schedule 2 of the Town and Country Planning (general Permitted Development) Order 1995 – and as amended by the Amendment Order 1991 – Development by Telecommunications Code Systems Operators.
- (vii) To exercise the powers under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and any future amending or replacement regulations, to undertake screening opinions and to determine the need for an Environmental Impact Assessment statement for development which requires planning permission.
- (viii) Power to authorise:-
- (a) the making of immediate Tree Preservation Orders;
  - (b) routine maintenance work to trees covered by Tree Preservation Orders or trees in Conservation Areas.
- (ix) To issue hedgerow retention notices and generally to discharge duties under the Hedgerow Regulations 1997 made under Section 97 of the Environment Act 1995.

- (x) To deal with all complaints in relation to high hedges made pursuant to Part 8 of the Anti-Social Behaviour Act 2003 and any regulations issued thereunder;
- (xi) To authorise persons to exercise the power of entry pursuant to Section 74 and 77 of the Anti-Social Behaviour Act 2003.
- (xii) To authorise approval to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) on a delegated planning application approval provided that the Section 106 Agreement does not contain any financial contributions.<sup>06/08</sup>
- (xiii) To enter into planning performance agreements on behalf of the Council as local planning authority.<sup>01/09</sup>

#### **4. Neighbourhood Planning**<sup>10/12</sup>

To take, after consultation with the relevant Portfolio Holder and the local ward member(s), decisions on the following matters, as defined in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (or as may be amended):

- Applications to designate a Neighbourhood Area
- Applications to designate a Neighbourhood Forum
- To accept or decline repeat proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
- Validity and acceptance of proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
- Appointment of person to carry out examination of a Neighbourhood Development Plan or Neighbourhood Development Order.<sup>10/12</sup>

### **SERVICE MANAGER PLANNING POLICY**

1. To determine, subject to the exceptions set out below, applications received for grant aid under the Planning (Listed Buildings and Conservation Areas) Act 1990.<sup>09/08</sup>

### EXCEPTIONS:-

- (a) New applications which would commit the District Council to expenditure in excess of £1,000.
- (b) Applications for supplementary grant which would commit the District Council to further expenditure in excess of £500.
- (c) Applications where an applicant has requested reconsideration of a decision of the Development Control Lead Professional or Services Manager Development Services.<sup>09/08</sup>
- (d) Applications which involve a matter of policy (e.g. grants to churches).

### **LIST OF “PROPER OFFICERS” & DESIGNATED OFFICERS FOR PARTICULAR FUNCTIONS**

1. The officers listed in column A below have responsibility for the functions set opposite them in column B under the statutory provisions set out in column C:-

A	B	C
Chief Executive	Head of Paid Service	Section 4 L.G.H.A. 1989
Chief Executive	Electoral Registration Officer	Section 8 R.P.A. 1983
Chief Executive	Returning Officer at district and parish elections	Section 35 R.P.A. 1983
Strategic Director Corporate Focus	Financial Administration and Council Tax	Section 151 L.G.A.1972 Section 114 L.G.F.A. 1988 and L.G.F.A. 1992 other than the functions reserved to the Council under Section 67 of that Act.
Head of Legal & Democratic Services	Monitoring Officer	Section 5 L.G.H.A.

2. The officers listed in column A are proper officers for the functions set opposite them in column B under the statutory provisions set out in column C.

A	B	C
Chief Executive	To act as parish trustee	Section 13 L.G.H.A. 1972
Chief Executive	Declaration of acceptance of office	Section 83 L.G.A. 1972
Chief Executive	Delivery of resignation from office	Section 84 L.G.A. 1972
Chief Executive	Summoning Council meeting to fill casual vacancy for office of chairman	Section 88 L.G.A. 1972
Chief Executive	Receipt of notice of casual vacancy	Section 89 L.G.A. 1972
Chief Executive	As Returning Officer for South Kesteven has delegated authority in consultation with Ward Councillors to determine Polling Places <sup>01/10</sup>	Section 16 of the Electoral Administration Act 2006
Monitoring Officer	Pecuniary Interests	Section 96 L.G.A. 1972 Section 19 LGHA 1989 and the Local Authorities (Members' Interests) Regulations 1992
Monitoring Officer <sup>07/12</sup>	Disclosable Pecuniary Interests	Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Monitoring Officer	To exclude from agendas any report which is likely to be considered in the absence of the public	Section 100B(2) L.G.A. 1972
Monitoring Officer	To supply to any newspaper copies of documents supplied to Councillors in connection with any item on the agenda	Section 100B(7)(c) L.G.A. 1972

A	B	C
Monitoring Officer	To prepare a summary of proceedings taken in the absence of the public when the minutes do not provide a reasonably fair and coherent record of the proceedings	Section 100C(2) L.G.A. 1972 Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
The Officer who issues a report to the Council/ Committee	To compile a list of background papers	Section 100D(1)(a) L.G.A. 1972 Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
The Officer who issues a report to the Council/ Committee	To identify background papers	Section 100D(5)(a) L.G.A. 1972 Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
Monitoring Officer	To decide whether a document contains certain categories of exempt information which will exempt the document from inspection by members of the Council	Section 100F(2) L.G.A. 1972 Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
Monitoring Officer	Recording of Executive Decisions <sup>10/12</sup>	Local Government Act 2000; Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
Chief Executive	Signature of documents	L.G.A. 1972
Chief Executive	Politically restricted posts	L.G.H.A. 1989 Section 2(4)
Chief Executive	Duty to notify auditor of meetings to consider statutory reports	L.G.F.A. 1988 Section 116
Chief Executive	Functions in relation to charities	Section 210 L.G.A. 1972
Head of Development & Growth	Local Land Charges	Local Land Charges Act 1975 and rules made there under

A	B	C
Chief Executive	Deposit of documents	Section 225 L.G.A.1972
Head of Legal & Democratic Services	Certification of photographic copies	Section 229 L.G.A. 1972
Head of Legal & Democratic Services	To send copies of bylaws to county and parish Councils	Section 236 L.G.A. 1972
Chief Executive	Certification of bylaws	Section 238 L.G.A. 1972
Chief Executive	Signing summonses to Council meeting	L.G.A. 1972 Schedule 12 para. 4(2)
Chief Executive	Address to which summonses are to be sent	L.G.A. 1972 Schedule 12 para. 4(3)
Chief Executive	Receipt of monies from officers	Section 115 L.G.A. 1972
Chief Executive	Transfer of securities on alteration of name or area	Section 146 L.G.A. 1972
Head of Development & Growth	Ordnance Survey matters	Section 191 L.G.A. 1972
Head of Development of Growth	Local Land Charges	Local Land Charges Act 1975 and rules made there under
Property Development Manager <sup>01/12</sup>	Dangerous Buildings and emergency measures	Building Act 1984 Sections 77 & 78
Property Development Manager <sup>01/12</sup>	Notices to the Council of intended demolition	Building Act 1984, Sections 80, 81 & 82
Head of Environmental Services	Signature of documents under the Housing Act in relation to the condition of houses or environmental health	L.G.A. 1972 Section 234

A	B	C
Head of Environmental Services	Defective premises	Building Act 1984 Section 76
Head of Environmental Services	To act as appointed officer for dogs	Environmental Protection Act 1990 Section 149
Head of Environmental Services	To inspect district for detection of statutory nuisance	Environmental Protection Act 1990 Section 79
Head of Environmental Services	To arrange for restoration of gas electricity or water supply where building is occupied as a dwelling and supply has been cut off as a result of landlord failure	Local Government (Miscellaneous Provisions) Act 1976 Section 33
Head of Environmental Services	To undertake work to a building to prevent it becoming a danger to public health	Local Government (Miscellaneous Provisions) Act 1982 Section 29
Head of Environmental Services	To arrange for repair where drainage is inadequate	Building Act 1984 Section 59
Head of Environmental Services	To serve repair notice(s) where property is unfit for human habitation	Housing Act 1985 Section 189
Head of Environmental Services	To serve repair notice(s) where property is in state of disrepair	Housing Act 1985 Section 190
Head of Environmental Services	Signature of documents in relation to local authority air pollution control	Environmental Protection Act 1990 Part 1
Head of Environmental Services	To issue prior consents regarding noise from construction sites	Control of Pollution Act 1974, Section 61

<b>A</b>	<b>B</b>	<b>C</b>
Head of Environmental Services	To serve notice to make houses in multiple occupation fit for number of occupants	Housing Act 1985 Section 352
Head of Environmental Services and Head of Housing & Neighbourhoods	To serve requisitions for information	Local Government (Miscellaneous Provisions) Act 1976, Section 16
Head of Housing & Neighbourhoods	To serve deferred action notices in relation to unfit properties	Housing Grants, Construction and Regeneration Act 1996, Section 81
Head of Housing & Neighbourhoods	To serve 'Minded To' notices in respect of houses in disrepair or unfit	The Housing (Fitness Enforcement Procedures) Order 1996, Regulation 3
Head of Housing & Neighbourhoods	To serve Demand for Payment for Enforcement Action notices in respect of properties in disrepair or unfit	Housing Grants, Construction and Regeneration Act 1996
Head of Environmental Services and Head of Housing & Neighbourhoods	To serve notices to recover expenses incurred when serving notices under Section 352, Housing Act 1985	Housing Act 1985 Section 352(A)
Head of Environmental Services	To issue approvals to food businesses falling under the provisions of regulations made using the powers of the Food Safety Act 1990 and the European Communities Act 1972	Food Safety Act 1990

A	B	C
Head of Environmental Services	To serve notice to require destruction of rats or mice or keeping land free of rats and mice	Prevention of Damage by Pests Act 1949, Section 4
Head of Development and Growth	Ruinous and dilapidated buildings and neglected sites	Building Act 1984 Section 79

NOTE:- In this list:-

- L.G.A. 1972 means the Local Government Act 1972
- L.G.F.A. 1988 means the Local Government Finance Act 1988
- L.G.H.A. 1989 means the Local Government and Housing Act 1989
- R.P.A, 1983 means The Representation of the People Act 1983
- L.G.F.A, 1992 means the Local Government Finance Act 1992

3. The Head of Environmental Services is a proper officer of the Council in relation to the Public Health Act 1961 Section 85, the Public Health Control of Disease Act 1984, Section 47 of the National Assistance Act 1948 and Section 1 of the National Assistance (Amendment) Act 1951.
4. Without prejudice to the specific appointments as proper officers set out in paragraphs 1, 2 and 3 above, the Chief Executive, the Development Control Lead Professional and Heads of Service are proper officers of the Council in relation to any matters (including, but not limited to, matters referred to in Section 234 of the Local Government Act 1972) which fall either by specific resolution of the Council or by custom or practice within their responsibilities.
5. The Chief Executive is the proper officer of the Council in relation to any matter or function which is not otherwise catered for in this list or by later resolution of the Council.
6. A proper officer shall nominate in writing another officer of the Council to act as proper officer in his stead in the event that he is at any time absent or unable to act as such proper officer.
7. In the event of any ambiguity in or discrepancy between any of the paragraphs 1 to 5 above, those paragraphs shall take precedence in numerical order.

## **AUTHORISED OFFICERS**

The Head of Environmental Services and officers designated in writing by them are authorised by the Council to enter premises for various statutory purposes (including survey, examination and valuation) under Sections 197, 260, 319, 340, 395, 411 and 600 of the Housing Act 1985, and Section 97 of the Local Government and Housing Act 1989.

The Head of Development & Growth and the Development Control Lead Professional <sup>09/08</sup> and officers, designated in writing by him/her, are authorised to enter premises for various statutory purposes under Sections 196 A and B and Section 324 of the Town and Country Planning Act 1990 and Sections 88 and 88A of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

The Head of Development & Growth and the Development Control Lead Professional and officers designated in writing by him/her are authorised to enter premises for various statutory purposes under Section 95 of the Building Act 1984.

Head of Environmental Services and officers designated in writing by them are authorised to act under the following statutes:-

Animal Boarding Establishments Act 1963  
Animal Health Act 1981  
Animal Welfare Act 2006  
Breeding of Dogs Acts 1973 and 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Building Act 1984  
Burials Act 1857  
Caravan Sites and Control of Development Act 1960  
Chemicals (Hazard Information and Packaging) Regulations 1993  
Cinemas Act 1985  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Control of Smoke Pollution Act 1989  
Control of Substances Hazardous to Health Regulations 1999  
Criminal Justice and Public Order Act 1994  
Crop Residues (Restriction on Burning) No.2 Regulations 1991  
Dangerous Dogs Act 1991  
Dangerous Dogs (Amendment) Act 1997  
Dangerous Wild Animals Act 1976  
Dark Smoke (Permitted Period) Regulations 1958  
Dogs Act 1871  
Dogs (Fouling of Land) Act 1996

Electricity at Work Regulations 1989  
 Environmental Protection Act 1990  
 Environmental Protection (Applications, Appeals & Registers) Regulations 1991 and amendments  
 Environmental Protection (Prescribed Processes and Substances) Regulations 1991 and amendments  
 Environment Act 1995  
 Factories Act 1961  
 Fire Safety and Safety of Places of Sport Act 1987  
 Food and Environment Protection Act 1985  
 Food Hygiene (England) Regulations 2006  
 Food Labelling Regulations 1996  
 Food Safety Act 1990  
 Food Premises (Registration) Regulations 1991  
 Food Safety Act 1990 and any orders or regulations made there under  
 Fresh Meat (Beef Controls) (No.2) Regulations 1996  
 Gambling Act 2005  
 Gambling Act 1968 (and Regulations and Orders made there under)  
 General Food Regulations 2004  
 Health Act 2006  
 Health and Safety at Work etc. Act 1974 and associated legislation  
 Health and Safety (Enforcing Authority) Regulations 1998  
 Health and Safety (First Aid) Regulations 1981  
 Health and Safety Information for Employees Regulations 1989  
 House to House Collections Act 1939 (and Regulations made there under)  
 Housing Act 1985  
 Housing Act 1996  
 Housing Act 2004  
 Housing Grants Construction and Regeneration Act 1996  
 Housing (Fitness Enforcement Procedures) Order 1996  
 Housing (Prescribed Forms) (No.2) Regulations 1990, as amended 1997  
 Houses in Multiple Occupation (Charges for Registration Schemes) Order 1997  
 Housing (Means of Escape from Fire in Houses in Multiple Occupation) Order 1981  
 Hypnotism Act 1952  
 Land Compensation Act 1973  
 Land Drainage Act 1991  
 Late Night Refreshment Houses Act 1969  
 Licensing Act 2003  
 Licensing and Management of Houses in Multiple Occupation and other houses (miscellaneous provisions) (England) Regulations 2006<sup>09/08</sup>  
 Lifting Operations and Lifting Equipment Regulations 1998  
 Local Government Act 1972 (Byelaw, Section 235)  
 Local Government & Housing Act 1989  
 Local Government (Miscellaneous Provisions) Act 1976 and 1982  
 Motor Vehicle Salvage Operators Regulations 2002  
 National Assistance Act 1948 & 1951  
 Noise and Statutory Nuisance Act 1993

Noise at Work Regulations 1989  
Offices, Shops & Railway Premises Act 1963  
Pesticides Act 1998  
Pet Animals 1951  
Pollution Prevention and Control Act 1999  
Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1994  
Prevention of Damages by Pests Act 1949  
Pressure Systems and Transportable Gas Containers Regulations 1989  
Private Water Supplies Regulations 1991  
Products of Animal Origin (Import and Export) Regulations 1996 (SI 1996/3124) As Amended  
Products of Animal Origin (Third Country imports) (England) Regulations 2003  
Products of Animal Origin (Third Country Imports) (England) (No.3) Regulations 2004  
Public Health Act 1936  
Public Health Act 1961  
Public Health (Control of Disease) Act 1984  
Radioactive Substances Act 1960  
Rag Flock and Other Filling Materials Act 1951  
Refuse Disposal (Amenity) Act 1978  
Regulations of Investigatory Powers Act 2000  
Riding Establishments Act 1964  
Riding Establishments Act 1970  
Road Traffic (Regulations) Act 1984  
Rural Water Supplies and Sewerage Act 1971  
Scrap Metal Dealers Act 1964  
Sunday Trading Act 1994  
Slaughter of Poultry Act 1967  
Slaughterhouse Act 1974  
Sunday Observance Act 1780  
Theatre Act 1968  
The Contaminates in Food (England) Regulations 2003\*  
The Dangerous Substances (Notification and Marking of Sites) Regulations 1990  
The European Communities Act 1972  
The Game Act 1831  
The Game Licences Act 1860  
The Health and Safety (Display Screen Equipment) Regulations 1992  
The Houses in Multiple Occupation (Specified Educational Establishments) (England) Regulations 2007  
The Housing (Deferred Action and Charge for Enforcement Action) (Forms) Regulations 1996  
The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997  
The Housing (Fire Safety in HMO's) Order 1997

The Housing (Fitness Enforcement Procedures) Order 1996  
 The Housing (Interim Management Orders) (Provisional Circumstances) (England) Order 2006  
 The Housing (Management of Houses in Multiple Occupation) Regulations 1990  
 The Housing (Maximum Charge for Enforcement Action) Order 1996  
 The Housing (Recover of Expenses for Section 352 Notices) Order 1997  
 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Regulations 2006  
 The Imported Food Regulations 1997  
 The (Import & Export) (as amended 2001) Regulations 1996  
 The Licensing of Homes in Multiple Occupation (Prescribe Descriptions) (England) Order 2006  
 The Local Government (Miscellaneous Provisions) Act 1982 S.3  
 The Lotteries and Amusements Act 1976 S.5 (as amended by the National Lottery etc. Act 1993)  
 The Management of Houses in Multiple Occupation (England) Regulations 2006  
 The Management of Health and Safety at Work Regulations 1992  
 The Manual Handling Operations Regulations 1992  
 The Meat (Enhanced Enforcement Powers) England Regulations 2000  
 The Notification of Cooling Towers and Evaporative Condensers Regulations 1992  
 The Noise Act 1996  
 The Official Feed and Food Controls (England) Regulations 2006  
 The Personal Protection Equipment at Work Regulations 1992  
 The Police, Factories etc (Miscellaneous Provisions) Act 1916, S.5 as amended by S.251 and Schedule 29 to the Local Government Act 1972  
 The Products of Animal Origin (Third Country ~Imports) England Regulations 2002  
 The Provision and Use of Work Equipment Regulations 1998  
 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995  
 The Selective Licensing of Houses (Specified Exemptions) (England) Order 2006  
 The Transmissible Spongiform Encephalopathy (England) Regulations 2002  
 The Working Times Regulations 1998  
 The Workplace (Health, Safety and Welfare) Regulations 1992  
 Town Police Clauses Act 1847  
 Vehicles (Crime) Act 2001  
 Water Industry Act 1991 and 1999  
 Water Resources Act 1991 Water Supply (Water Quality) Regulations 1989  
 Water Supply (Water Quality) Regulations 2000  
 Zoo Licensing Act 1981

\*Including any orders or regulations made there under or having effect by virtue of any of the foregoing, or any modification or re-enactment of the foregoing

**NOTE:**

By resolution of the Council contained in Minute 15 in volume 14, all officers who are duly authorised officers of their own local authorities within the meaning of Section 5 of the Food Safety Act 1990 are duly authorised officers for the same purposes within the district of South Kesteven.

## **AUTHORISED OFFICERS**

The Head of Housing & Neighbourhoods and the Head of Environmental Services and officers designated in writing by them be authorised to enter premises in accordance with the provisions of the Housing Act 1985, the Local Government and Housing Act 1989 and the Housing Act 2004 and act in accordance with the provisions of the following statutes:-

Building Act 1984  
Environmental Protection Act 1990  
Housing Act 1985  
Housing Act 1986  
Housing Grants, Construction and Regeneration Act 1996  
Housing (Prescribed Forms) (No.2) Regulations 1990  
Housing in Multiple Occupation (Charges for Registration Schemes) Order 1981  
Public Health Act 1934  
Public Health Act 1961  
The Housing (Deferred Action and Charge for Enforcement Action) (Forms) Regulations 1996  
The Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997  
The Housing (Fire Safety in HMO's) Order 1997  
The Housing (Fitness Enforcement Procedures) Order 1996  
The Housing (Management of Houses in Multiple Occupation) Regulations 1990  
The Housing (Maximum Charge for Enforcement Action) Order 1996  
The Housing (Recovery of Expenses for Section 352 Notices) Order 1997  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government and Housing Act 1989  
The Crime and Disorder Act 1998  
The Anti Social Behaviour Act 2003  
The Homelessness Act 2002

The Head of Housing & Neighbourhoods and the Head of Environmental Services and officers designated by them in writing are authorised to carry out all duties and powers authorised by Sections 11, 20, 28, 32, 40, 46, 47, 64, 102, 113, 136, 139 and 243 of the Housing Act 2004.

## **DEPUTIES**

Under the relevant provisions, certain statutory officers of the Council have a duty to nominate members of their staff to perform their duties when they are unable to act owing to absence or illness. In practice this will be a service manager, having the requisite professional qualifications according to the particular duties requiring to be performed.

Currently, the Monitoring Officer has nominated the Principal Lawyer to act on his/her behalf in these circumstances and the Section 151 Officer (Chief Finance Officer) has nominated the Head of Finance to act on his/her behalf in these circumstances. There is no specific duty to appoint a deputy Head of Paid Service, and in the absence or illness of the Chief Executive the same rule would apply. The Chief Executive will establish arrangements with the Operational Management team and the Strategic Management team to ensure that his or her duties are carried out in a deputy capacity during the Chief Executives absence.

### **LOCAL GOVERNMENT ACT 1972**

The Chief Executive, and any officer of the Council so authorised by him in writing, may prosecute, defend or appear in any proceedings under Sections 222 and 223 of the Local Government Act 1972.