

# 1. Committee Terms of Reference and Scheme of Delegation

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## 1.1 Delegation of Functions

This section of the Constitution summarises which part of the decision making process is responsible for which function. The allocation of functions follows the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 as amended.

## 1.2 Council Terms of Reference

Meetings of Council will be conducted in accordance with this Constitution and in particular the Council Procedure Rules.

The functions of Council are principally to:

- Approve the Budget and Policy Framework
- Set Council Tax
- Formulate Council policy
- Provide a forum for Members to debate issues of importance to the district
- Provide a forum for holding the Leader of the Council, Executive Lead Members and Committee Chairmen to account
- To hear addresses and receive petitions on matters of importance to the District from key organisations and the public in accordance with this Constitution.

Additionally the Council has the following specific functions which may not be delegated or Council has decided not to delegate:

- Taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-Committees or Officers;
- Adopting and changing the Constitution, the Council's Code of Conduct and Members' Allowance Scheme

- Appointing the Leader of the Council
- Agreeing and/or amending the terms of reference and delegation for Executive Lead Members and committees, deciding on the composition of committees and making appointments to and removing Members from them
- Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
- Consideration of notices of motion and reports within the terms of reference of Council
- Deciding referred planning applications
- Appointing the Electoral Registration Officer and Returning Officer
- Appointing the Head of Paid Service and confirming the appointment of Monitoring Officer and Section 151 Officer
- Considering reports of the Auditor, Head of Paid Service; Monitoring Officer and Section 151 Officer
- Making decisions about any matter within the Executive arrangements where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget and policy framework
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation, Personal Bills or Private Members Bills
- Responding to appropriate bodies with regard to boundary reviews or other electoral issues
- Changing the name of the area, electoral areas and parishes;
- Functions relating to parishes and parish councils, including the size of Parish Councils, dissolving, grouping and separating parishes
- Functions relating to changing governance arrangements for Parish, Ward or County District boundaries and community governance
- Functions relating to establishing, creating and removing polling districts, altering the years of ordinary elections of councillors and parish councillors
- To consider the making of agreements with other local authorities for the placing of staff at the disposal of those authorities.
- All other matters which, by law, must be reserved to Council or local choice functions that Council has decided to reserve to itself.

## **Policy Framework**

The policy framework consists of all high level Council policies and strategies including those which are reserved to council by law. This includes, but is not limited to the Community Plan,

Corporate Plan and Local Development Framework.

In cases of uncertainty the Monitoring Officer shall adjudicate whether a decision to be taken forms part of the Policy Framework and requires Council approval

## **Budget**

The budget consists of the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

In cases of uncertainty the Section 151 Officer shall adjudicate whether a decision to be taken forms part of the Budget and requires Council approval.

## **1.3 Terms of Reference for Executive and Executive Lead Members**

### **Executive Terms of reference**

This part of the Constitution together with the Executive Procedure Rules principally constitutes the Executive arrangements as set out in the Local Government Act 2000. The Executive arrangements set out here are interrelated to other parts of the Constitution.

The Leader of the Council is responsible for all executive functions as defined in the Local Government Act 2000 as amended. These may be made by the Leader of the Council, the Executive collectively, exercised under joint or area arrangements or delegated to individual Lead Members or Council officers.

The Executive may not make decisions on matters which they are prohibited from making by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and other subsequent legislation.

The Executive shall only make decisions within the budget and policy framework except in cases as set out in the Executive Procedure Rules.

### The Leader of the Council has determined:

The Executive shall collectively make all Key Decisions on behalf of Cherwell District Council.

The Executive may choose to delegate these to a Lead Member, officer, area committee or joint arrangements with another authority or refer them to the Leader of the Council for decision.

Executive Lead Members shall in the first instance make all Non-Key Decisions within their area of responsibility unless delegated in this Constitution to an officer. The Lead Member may decide to delegate these to an officer, area committee or joint arrangements with

another authority or refer them to the Executive for collective consideration, who in turn may decide to refer it to the Leader of the Council for decision.

Officers shall take all decisions in the first instance delegated to them in this Constitution within their area of responsibility. An officer may choose to refer a decision to a Lead Member, who in turn may decide to refer a decision to the Executive for collective consideration, who in turn may decide to refer it to the Leader of the Council for decision.

Even where Executive functions have been delegated, this does not prevent the discharge of delegated functions by the person or body who delegated them. This shall be the case should the decision maker find that a conflict of interest has arisen, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

These delegations may be amended by the Leader of the Council, however such amendments shall not take effect until after they are reported to Council.

### Decisions made under the Executive Arrangements

A notice of any decision made under the Executive arrangements shall be published and sent to all Members as soon as is practical following the decision being made in accordance with the call-in provisions of this Constitution.

### Executive Terms of Reference

The Executive will consist of the Leader of the Council together with at least two, but not more than nine, other Councillors appointed to the Executive by the Leader of the Council. The Executive will conduct itself in accordance with this constitution and in particular the Executive Procedure Rules.

The functions of the Executive are principally to:

- Make recommendations to full Council on the formulation, adoption and revision of the Budget and Policy Framework and all of the Council's corporate strategies
- Make Key Decisions within the agreed Budget and Policy Framework
- Make decisions referred to it by Lead Members and officers with delegated decision making powers.

Additionally the Executive has the following specific functions:

- Setting the Council Tax Base
- Performance Monitoring and Management
- Developing Council Policy

### Key Decisions

A Key Decision is a 'significant' decision that is legally within the power of the Council to make, is not precluded by statute from being made under the Executive arrangements and is not otherwise retained for decision by Council or delegated to a Committee of Council or

Officer by this Constitution.

Significance - A decision is significant if it meets the financial and/or community impact criteria:

Financial

A decision that will result in the Council:

- Incurring potential revenue expenditure or savings above an amount to be determined by Council annually
- Incurring potential capital expenditure or savings above an amount to be determined by Council annually
- Procuring or awarding any Contract having a total value exceeding £500,000.

and/or

Community Impact

A decision that is significant in its effects on communities living or working in an area comprising two or more Wards in the area of the Council. That is a decision where:

- A significant number of users of the service in the Ward(s) will be affected and/or
- An impact that will last for a number of years, or be permanent; and /or
- A significant impact on communities in terms of environmental and social well-being.

The following are not regarded by the Council to constitute key decisions:

- Implementing approved budgets or policies and strategies where there is little or no further choice involved and the main decision has already been taken by the Council in agreeing the budget and policy framework.
- Implementing approved actions and targets in annual service plans.
- Decisions by the Head of Finance and Procurement which are part of the ordinary financial administration of the Authority, notably those relating to investments, within the agreed Treasury Management policy.
- Implementing projects for which specific conditions have been attached by external funders, such as the Government or European Union.
- The award of contracts for the provision of works, goods and services, within an agreed policy and budget and where a decision has been made.
- Changes arising from amendments to statute where there is little or no discretion.

**Executive Lead Member Terms of Reference**

Areas of responsibility are determined by the Council and are assigned by the Leader to individual Members of the Executive (Lead Members) whom s/he appoints. The Leader may re-allocate functions between Lead Members during the Council year.

The function of an Executive Lead Member is to:

- Have general responsibility for the standards and performance of functions within their area of responsibility

- Make recommendations to the Council on the formulation, adoption and revision of the Budget and Policy Framework and all of the Council's corporate strategies
- In the first instance make Non Key Decisions within their area of responsibility as allocated by the Leader of the Council
- In the first instance make decisions referred to them by officers with delegated decision making powers

Executive Lead Members shall in the first instance make all Non-Key Decisions (as defined below) within their area of responsibility unless delegated in this Constitution to an officer.

The Lead Member may choose to delegate these to an Officer or refer them to the Executive for collective consideration if any of the following circumstances apply to the matter under consideration:

- A proposed decision is deemed to be controversial either by the Lead Member or the relevant Director or Head of Service, or such Officer has registered major concerns about the proposed decision
- It impacts on more than one area of Council activity
- It has major resource implications
- It does not fall squarely within current policies
- The individual Lead Member has a disclosable pecuniary interest (whereupon s/he shall take no part in the collective decision).

If the relevant Lead Member is not available or unable to exercise his delegated authority at the appropriate time and in the view of the Director the decision cannot wait until their return or a meeting of the Executive, the Leader of the Council or in his absence the Deputy Leader shall have reserve powers to take a decision on the issue in question.

#### Non-Key Decisions

All decisions that are legally within the power of the Council to make, are not precluded by statute from being made under the Executive arrangements, are not Key-Decisions and are not otherwise retained for decision by Council or delegated to a Committee of Council or an officer.

## **1.4 Terms of Reference for Committees**

### **Accounts, Audit and Risk Committee Terms of Reference**

(8 members with unnamed substitutes)

- Ensuring that the Council's corporate governance arrangements are adequate and operating effectively in practice.
- Considering the Council's Code of Corporate Governance and the Annual Governance Statement.

- Monitoring the effectiveness of the Council's risk management procedures, the internal control environment and counter fraud and corruption arrangements and report any concerns to the Executive.
- Endorse the annual Risk Management Strategy and recommend it to the Executive for adoption.
- Approval of the Council's Statement of Accounts.
- Considering any reports of internal or external auditors and agreeing the action to be taken from those reports including any recommendations to the Council.
- To consider and make recommendations on the internal audit plan.
- To consider a report on the effectiveness of the internal audit system at least annually.
- To consider risks associated with significant partnerships entered into by the Council and to receive reports on the management of those risks.
- To receive the District Auditor's management letter and make recommendations arising from it.
- To produce an annual report to Council on the activities of the committee

## **Appeals Panel Terms of Reference**

(10 members with no substitute members who shall not be members of the Personnel Committee)

- To hear and determine any appeals by employees in accordance with the relevant Council procedures.

## **Budget Planning Committee Terms of Reference**

(12 members with unnamed substitutes for each political group, but with specific reservation of a place for the Executive Lead Member holding the area of responsibility for financial management)

The Committee will:

- Provide strategic overview of all matters that could significantly impact upon the finances of the authority
- Oversee the implementation of the forthcoming and on-going financial reform that will significantly affect the Council
- Provide advice on the impact of business and housing growth in the district and estimate the financial impact of such growth
- Be responsible for supporting the budget setting strategy and process for:

- the general fund
- capital programme
- assets
- treasury management
- reserves
- investments
- recommending the Committee's preferred option, for formal consideration by Executive, in light of the Council's stated priorities.
- Have a planning horizon which will be medium term ( five years) including the medium term financial strategy
- Will also focus on major projects facing the Council that will have a significant impact on the resources of the Council as well as the budget setting round for the forthcoming financial year.
- Be responsible for considering how the council responds to: changes in the way the council is funded, value for money and other legislative initiatives and reforms.
- Innovate and challenge the way the Council manages its budget and financial affairs.

### **Joint Appeals Panel**

**Area:** The Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and South Northamptonshire Council

**Membership:** The Committee shall be comprised of 6 councillors, 3 from Cherwell District Council and 3 from South Northamptonshire Council with 2 named substitutes from each authority. They may not be members of the Joint Commissioning Committee. All councillors including substitutes will receive appropriate training before they can participate as a Committee member.

**Quorum:** will be 2 Members from each authority.

**Chairman:** the Chairman and Vice Chairman will be elected by the Committee and will be representative of each authority.

**Decision making:** decision will be by a majority of Members of the Committee present and voting.

### **Terms of Reference**

- To hear and determine any appeals by or grievance appeals against the Head of Paid Service (Chief Executive) made by any member of the Joint Management Team who is shared with Cherwell District Council.

- To hear and determine any appeals brought by the Chief Executive, Monitoring Officer of section 151 Finance Officer against any disciplinary sanctions imposed short of dismissal.
- To hear and determine any appeals against any disciplinary sanctions imposed on a member of the Joint Management Team who is shared with South Northamptonshire Council excluding the statutory officers referred to above.

## **Joint Commissioning Committee Terms of Reference**

(12 members, 6 from Cherwell District Council and 6 from South Northamptonshire Council, unnamed substitutes)

The Joint Commissioning Committee is established pursuant to the Section 113 agreement between Cherwell District Council and South Northamptonshire Council dated 9 December 2010 as amended by Deeds of Variation dated 28 July 2011 and 20 May 2015 and the final shared services and confederation business case approved by both Councils on 23 February 2015 and 25 February 2015.

The Joint Commissioning Committee's remit is to have overall responsibility for the provision, to the adopting councils, of shared services arrangements both in respect of services the Councils have direct responsibility for and services provided to the Councils via the confederation company and its delivery units (if established).

Membership of the Joint Commissioning Committee is 12 members (who should not be directors of the confederation or its delivery units (if established) from each of the councils, currently this is 6 from Cherwell District Council and 6 from South Northamptonshire Council and will be reviewed if another council was admitted to the shared working programme and confederation (if established). Political balance will apply to the appointment of members by each of the Councils.

The quorum for the committee is four voting members of which at least two must be from Cherwell District Council and two from South Northamptonshire Council.

## **Functions**

- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils (including those shared services provided via the confederation company and its delivery units if established).
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils (including those shared services provided via the confederation company and its delivery units if established).

- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.
- To set and monitor performance standards and budgets for shared services, (including those provided by the confederation company and its delivery units if established), providing intervention where required.
- Through their commissioning officers to manage (on behalf of the councils) their contracts and arrangements for service delivery (including with the confederation if established).
- To take all executive decisions with regard to any established and future shared service and all executive decisions relating to any joint local authority owned company established pursuant to a shared service business case.
- To approve the nomination of elected members and officers to be appointed as Directors by joint local authority owned companies,

### Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint chief officers (currently Directors and Heads of Service) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).

### Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them (including via the confederation company and its delivery units if established) to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.
- Determine the terms and conditions of employment of any posts where costs are shared or are going to be shared.
- Determine and review all policies affecting the employment of staff in posts where costs are shared or going to be shared.
- Approve the creation of new posts where this is an increase to the establishment and there is no budget where costs are shared or are going to be shared.

- Approve any restructuring of teams involving more than five posts where costs are shared or are going to be shared.

## Statutory Officer Discipline

The role and responsibilities of the Joint Commissioning Committee with regard to Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.
- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.
- Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

## **Joint Scrutiny Committee Terms of Reference**

The Joint Scrutiny Committee is established pursuant to the Section 113 agreement between Cherwell District Council and South Northamptonshire Council dated 9 December 2010 as amended by Deeds of Variation dated 28 July 2011 and 20 May 2015 and the final shared services and confederation business case approved by both Councils on 23 February 2015 and 25 February 2015.

Membership of the Joint Scrutiny Committee is 5 members from each of the councils, currently this is 5 from Cherwell District Council and 5 from South Northamptonshire Council and would be reviewed if another council was admitted to the shared working programme and confederation company (if established). Political balance will apply to the appointment of members by each of the Councils. No member of the Executive (CDC) or Cabinet (SNC) shall be a member of the committee.

The quorum for the committee is four voting members of which at least two must be from Cherwell District Council and two from South Northamptonshire Council.

## **Functions**

- To receive and scrutinise reports from the Joint Commissioning Officer Group detailing the performance against targets that are included within the Contract and Commissioning Plan and otherwise relating to the services provided through shared services (including via the

confederation company and its delivery units, if established), any other major shared contracts, (if entered into), and to be able to challenge internal and external providers and hold members of the shared management team publicly to account.

- To receive and scrutinise reports from the Joint Commissioning Officer Group detailing the financial performance of shared services (including those provided via the confederation company and its delivery units if established) against savings targets detailed in the respective Councils' Budget and Medium Term Financial Strategies.
- To receive and scrutinise change requests and contract variations agreed or proposed between the Joint Commissioning Committee or officers acting under delegated authority and service providers (including the confederation company and its delivery units if established) to include (but not be limited to) the introduction of new key performance indicators, delivery of new commissions via the external delivery units, changes required due to new legislation and commercial development opportunities.
- To engage with partner organisations, other relevant public sector bodies, private sector organisations, trade unions, local residents or any other appropriate witnesses when fulfilling the overview and scrutiny role in relation to the monitoring of contracts for services provided by service providers (including the confederation company and its delivery units if established) .
- To scrutinise decisions of and services reporting to the Joint Commissioning Committee including the commissioning officers
- To apply the Joint Overview and Scrutiny Procedure Rules, including call-in arrangements, when prepared and adopted by the councils.
- To hear any call-in requests with regard to any executive decisions made by the Joint Commissioning Committee.

### **Licensing Committee Terms of Reference**

(12 members and 5 named substitute members based on proportional representation with each represented party having at least one substitute member)

- To deal with applications to exhibit an unclassified film, or to change the classification given to any film by the British Board of Film classification, for exhibition within the District.
- To deal with all matters which are the responsibility of the Council in relation to hackney carriage and private hire vehicles licensed by the Council, except those delegated to the Sub-Committee or Officers.
- To deal with all matters which are the responsibility of the Council under the Licensing Act 2003 except those which are delegated to the Sub-Committee or Officers.
- To deal with all matters which are the responsibility of the Council under the Gambling

Act 2005 except those which are delegated to the Sub-Committee or Officers.

- To deal with all matters and determine applications which are the responsibility of the Council in relation to Street Trading under Section 115 of the Highways Act 1980 and Section 3, schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- Any matter relating to proposed changes to the public rights of way network, and public rights of access to open country and common land, which is not the result of the consideration of a planning application.
- So far as the responsibilities may arise under the relevant legislation, functions set out in Part B of Schedule 1 to the Local Authorities Functions and Responsibilities (England) Regulations 2000, relating to taxi, private hire vehicle, gaming, entertainment, food and miscellaneous licensing.
- Any miscellaneous functions relating to highways which may be the responsibility of the Authority which are not discharged by the Planning Committees as set out in Part I of the Schedule to the Local Authorities Functions and Responsibilities (England) (Amendment) Regulations 2001.
- To determine Public Path Order applications (which are not the result of the consideration of a planning application) which the Head of Law and Governance proposes to refuse, and (ii) (if approved) to confirm such Orders where no objections have been made within the statutory period; and (iii) to determine whether to abandon or to refer to the Secretary of State an Order to which objections have been made within the statutory period.

## **Licensing Committee Sub-Committee Terms of Reference**

- The hearing of, and decisions on, applications and notifications under the Licensing Act 2003 where this cannot be decided by the Head of Community Services because valid representations/objections have been received and not withdrawn.
- The hearing of, and decisions on, applications for review of a premises licence/Club Premises Certificate under the Licensing Act 2003.
- The hearing of, and decisions on, applications for and notifications under the Gambling Act 2005 where this cannot be decided by the Head of Community Services because valid representations/objections have been received and not withdrawn.
- The cancellation of club gaming/club machine permits under the Gambling Act 2005
- The cancellation of a licensed premises gaming machine permits where a permit holder requests a hearing under the Gambling Act 2005
- Consideration of temporary use notices under the Gambling Act 2005 where an objection has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary and that the Head of Community Services is satisfied that a counter notice is not required.
- Decision to give a counter notice to a temporary use notice under the Gambling Act 2005.

- To provide a forum for applicants who may wish to appeal against decisions of the Head of Community Services in respect of Street Trading and provisions of facilities on the Highway.
- To provide a forum for applicants who may wish to appeal against decision of the Head of Community Services in respect of animal welfare Licensing.

**Note:** The Licensing Subcommittee will be made up of any 3 Members to be drawn from the membership of the parent Committee (excluding substitute Members). Members must have received appropriate training and must have taken a non-committal approach to any lobbying in respect of the appeal to be heard, otherwise they may not participate in the hearing. The delegation of functions will be in accordance with the Licensing Act of 2003.

## Overview and Scrutiny Committee Terms of Reference

(12 members who are not members of the Executive with unnamed substitutes)

The Committee will be appointed 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

### Functions

Within its scope and terms of reference, the Overview and Scrutiny Committee will:

- (a) review and monitor the performance of the Council's services;
- (b) review and/or scrutinise policies, proposals, decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (c) make reports and/or recommendations to the Council and/or the Executive in connection with the discharge of any functions;
- (d) consider any matter affecting the area or its inhabitants;
- (e) exercise the right to Call-in, for reconsideration, decisions made, but not yet implemented by the Executive.
- (f) consider matters arising from a Councillor Call for Action (CCfA) under Section 119 of the Local Government and Public Involvement in Health Act 2007 and Regulations thereunder; and
- (g) undertake the functions of the Council's crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006, including CCfA relating to crime and disorder matters.

### Specific Functions

- (a) **Scrutiny** - Within its scope and terms of reference Scrutiny may:
  - (i) review and scrutinise the decisions made by and performance of the Executive

and/or Committees and the appropriate Officers both in relation to individual decisions and over time;

- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service area;
- (iii) question Members of the Executive 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 Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address the Committee and local people about their activities and performance;
- (vi) require Members of the Executive, the Chief Executive, Directors and Service Heads to attend to answer questions and give evidence on receipt of at least 5 days' written notice.
- (vii) question and gather evidence from any person, not a Member or an Officer of the Council, with their consent;
- (b) **Advisory and Review** – Within its scope and terms of reference the Overview and Scrutiny Committee may:
  - (i) assist the Council and the Executive in the development of its Policy Framework by in-depth analysis of policy issues, excluding those policy areas which fall under the remit of the Strategic Planning and Regeneration Committee;
  - (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) make recommendations to Executive and/or appropriate Committees and/or Council and/or any external bodies arising from the outcome of the scrutiny process.
  - (v) review and scrutinise the performance of major partnerships and other public bodies in the area and invite written reports and/or request them to address Councillors and local people about their activities and performance.
- (c) **Annual Report** – The Overview and Scrutiny Committee will report annually to Council on function on their workings and make recommendations for future work programmes and amended working methods if appropriate.

- (d) **Work Programme** – The Overview Scrutiny Committee will exercise overall responsibility for the Overview and Scrutiny Work Programme and for ensuring that this is sustainable with regard to the support and resources that are available to it and that is considered in conjunction with other committees of the Council and their respective work programmes in order to minimise duplication of effort.

### **Personnel Committee Terms of Reference**

(12 members with unnamed substitutes who shall not be members of the Appeals Panel)

- Determination and review of all policies affecting the employment of staff.
- Monitoring of employment statistics for the authority.
- To approve the creation of new posts where this will be an increase to the establishment and there is no budget.
- To receive and act on recommendations of the Council and Employee Joint Committee.
- To exercise discretion on behalf of the Council in the decision to award any enhanced pension rights.
- To agree any restructuring involving more than five posts and/or compulsory redundancies.
- To select short lists of candidates and to appoint officers of the Council to posts at Head of Service level or above (excluding the Head of Paid Service) in accordance with the Officer Employment Procedure Rules, where the post is not shared

### **Planning Committee Terms of Reference**

(18 members made up primarily of non-executive members, but with specific reservation of a place for the Executive Lead Member holding the area of responsibility for planning matters. 12 named substitute members)

Except where there is a specific delegation to a Head of Service:

- (a) To determine and advise on all planning applications, all special determination and prior approval categories and any local authority development proposals, subject to the following provisos:
- That the Head of Development Management may refer any application to Council for final determination, where the Committee is minded to approve or refuse that application if the decision is fundamentally against local and national planning policy and/or the decision is contrary to proposals formulated by the Executive or relevant Lead Member.
  - That in accordance with the relevant Council Procedure Rule at least one third of Council Members have signed a statement to the effect that they are of the view that a particular application is of such special significance to the District that it

ought to be determined by Council.

- (b) To authorise or determine:
- Planning obligations;
  - All matters concerning public path orders required as a result of planning legislation;
  - Advertisement consents;
  - Conservation area consents and notices;
  - Revocation or modification of planning permissions by order under planning legislation;
  - Any enforcement action including in respect of advertisement contraventions;
  - Tree preservation orders;
  - Consent to carry out work to protected trees;
  - Listed building consents and notices;
  - Certificates of alternative development;
  - Direct action by execution of works, taking steps and/or carrying out operations, by or on behalf of the Council under any current planning legislation, including the recovery of any costs or expenses;
  - Legal proceedings in respect of any breach of planning obligations;
  - Any other notices, orders, demands, permissions, consents and grants under current planning legislation; and
  - Observations, comments and representations on development proposals being determined by other bodies and/or in adjoining or nearby administrative areas.
- (c) To administer the registration and record keeping provisions contained in planning legislation.
- (d) To exercise the Council's statutory duties in respect of the Building Regulations and associated legislation.
- (e) To exercise the Council's statutory powers in respect of land drainage and associated legislation.
- (f) To do anything which is incidental, conducive or calculated to facilitate any of the Committee's functions or which are necessary for the discharge of the functions.
- (g) To exercise all powers, duties and functions of the Council contained in or referred to in the statutory provisions from time to time in force within the terms of reference of the Committee.

### **Standards Committee Terms of Reference**

(8 members)

- The promotion and maintenance of high standards of conduct by members and co-opted members of the Council and the Town and Parish Councils in the Cherwell district.

- The making of recommendations to Council on the adoption, revision or replacement of a code of conduct for members and co-opted members.
- The approval and administration of arrangements under which allegations of breach of the code of conduct for members and co-opted members can be investigated and decisions on such allegations can be made.
- The determination of items (if any) that must be entered in the Council's register of members' interests over and above any that are legally required.
- The approval and administration of arrangements for the granting of dispensations to members and co-opted members so as to permit their participation in meetings despite the existence of a disclosable pecuniary interest.

### **Executive Urgency Sub Committee Terms of Reference**

(3 members of the Executive including the Leader of the Council or Deputy Leader of the Council if possible)

In the event of a level 2 contingency being declared by the Chief Executive or Monitoring Officer or in their absence their appointed deputies, the Executive Urgency Sub Committee shall make any decisions under the Executive functions of the Local Government Act 2000.

### **Emergency General Purpose Committee Terms of Reference**

(3 members consisting of the Leader of the Council, Deputy Leader of the Council and Leader of the Opposition with named substitutes of any Executive Member, any member of the majority party group and any member of the opposition respectively).

- In the event of a level 2 or 3 contingency being declared by the Chief Executive or Monitoring Officer, or in their absence their appointed deputies, the Emergency General Purpose Committee shall make any decision within the power of Cherwell District Council or its committees that are not part of the Executive functions or reserved in legislation to Full Council.

### **Decision Making Contingency Plan**

Level 1 Contingency – Essential Decisions Only (for maintaining essential council services and dealing with the contingency) – Members unable to act.

- Chief Executive (or a Director in their absence) to make all decisions under urgency provisions in the constitution.
- In formal consultation process with Leader and Executive Members by whatever means possible.
- Decisions would need to be formally reported at a later date.

Level 2 Contingency – Normal Business Suspended – very few Members able to act

- Suspension of all committees except Executive, call-in waived by Chairman of Overview

and Scrutiny Committee.

- Executive Urgency Subcommittee to take urgent decisions under the Executive functions of the Local Government Act 2000.
- Executive Lead Member decisions could be used as normal and could be maximised with Executive delegating decisions to, Leader and Deputy Leader. Leader and Deputy Leader both have reserve powers to act in case of inability of Executive Member to act.
- Non-urgent Executive business rescheduled.
- Emergency General Purposes Committee to take urgent decisions outside the scope of the Executive.
- Full Council to be summoned for urgent matters reserved to it e.g. setting the council tax.

Level 3 Contingency – Meetings without pressing business cancelled – limited number of Members able to act.

- Regulatory and Executive committees meet to consider pressing business, all other business rescheduled.
- Other meetings suspended.

For situations below level 3, normal meetings continue with greater use of substitute members where possible.

Level of contingency to be declared by the Chief Executive or Monitoring Officer or, in their absence, their appointed deputies.

## 1.5 Officer Scheme of Delegation

### Scheme of Delegation to Officers

#### Introduction

This scheme has been adopted by South Northamptonshire Council and Cherwell District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.

Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the Cabinet/Executive on executive functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.

All references to legislation shall be deemed to include any subsequent amendments to such legislation

Officers shall inform the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this

Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business

References to powers of 'the Council' include functions of the executive.

The delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

All delegations to officers are subject to:

- Statutory requirements
- Contract and Financial Procedure Rules
- Consideration of the policies and plans of the relevant Council
- The Code of Conduct and adopted protocols
- The requirements of the Joint Management Team in relation to the overall management and co-ordination of the Council's affairs
- Adequate financial provision within approved revenue and capital budgets having been made for the likely financial consequences of any decision (subject to any discretion permitted by the Financial Procedure Rules).
- Any acceptance of quotations and tenders must be in accordance with the Council's Contract Procedure Rules
- Having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972

Where an officer has delegated powers, the Council or the Cabinet/Executive or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate

## **Exclusions**

This Scheme does not delegate:

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.

## **Authorisations to other Officers**

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent:

- to the Head of Law and Governance : every authorisation

- to the Head of Finance and Procurement: authorisations to order, purchase or settle invoices

### **Reserve Delegations**

The delegated powers held by a post may be exercised by the line manager of that post (or by his/her line manager) if:

- that post is vacant
- the post-holder is not at work for any reason.

### **Consultation**

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular consultation must take place with legal, finance and human resources as appropriate

### **Restriction on delegations to Heads of Service**

Each delegation to a Head of Service is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.

The Head of Paid Service, or a Director, may exercise any delegated power possessed by a Head of Service whilst a direction is in force with respect to that delegation.

A Director, or in the absence of a Director, a Head of Service may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

### **Transfer of Functions**

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.

Where a Division is restructured, the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Head of Law and Governance. Any use of this delegated power must be reported to the Full Council and/or to the Cabinet/Executive as soon as practicable.

### **General Delegations to all Directors and Heads of Service**

All Directors and Heads of Service have the following delegated authority unless explicitly limited to certain Heads of Service. The Director (Bicester) shall only have delegated authority in respect of CDC.

## Equipment

- Purchase of vehicles, plant and equipment for which expenditure has been approved subject to any policy for standardisation (but if the purchase involves a leasing arrangement this must be made by the Section 151 Officer).
- Hire of plant subject to inclusion of cost of hire within approved estimates
- Disposal of surplus plant, equipment and materials

## Legal

- To take any steps to implement a decision of the Council, any Committee or the Cabinet/Executive
- Service of requisitions for information as to ownership of, or other interests in, any land or property under statutory powers
- Service of requisitions for information under the Crime and Disorder Act 1998
- The release of Council held information under the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 subject to any consultation with the Head of Law and Governance on any application of exemptions.
- To sign Statements of Truth under the Civil Procedure Rules 1998 on behalf of the Council
- Authority to apply for planning permission in respect of small projects and minor modifications to projects
- To sign licences and notices relevant to their service areas subject to consultation with the Head of Law and Governance where necessary
- Authority to appear, institute proceedings, prosecute, defend, negotiate a settlement and take any steps necessary in any proceedings on behalf of the Council where the matter falls within the remit of the relevant service unit. Such authority to be exercised subject to the Head of Law and Governance being satisfied as to the evidence and the process being followed.
- To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area.
- Service of any statutory notices affecting their service area subject to consultation with the Head of Law and Governance where appropriate
- To exercise the Council's powers to enter land (and to authorise others to enter land) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- To instruct the Council's Legal Service with respect to any legal matter concerning their department or division.

- To exercise the Council's power to publish information about its services including deciding the content of any publication.
- To exercise the Council's powers to take any action with respect to the Local Government Ombudsman after consulting the Head of Law and Governance on legal implications . Where settlement by ex gratia payment or other action is proposed such action is to be authorised by the section 151 officer
- To decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals).
- To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order.

The Chief Executive must be informed of any decision to exclude under this paragraph.

- To assist any outside body concerned with the manager's Division or Department and to make representations to them.
- To exercise the Council's powers of competence to promote or improve the well-being of South Northamptonshire and/or Cherwell provided that this is connected with their Division or Department.
- To exercise the Council's powers in connection with any lost, abandoned or uncollected property. NB. the Head of Environmental Services has responsibility for dealing with abandoned vehicles
- To respond to consultation papers relevant to the officer's department or division in consultation with the relevant portfolio holder/lead member where appropriate.

## **Financial**

- To authorise expenditure relating to their approved capital and revenue budgets in accordance with the Financial Procedure Rules.
- To exercise the virement powers permitted by the Financial Procedure Rules.

## **Contracts (exercise of these powers is subject to compliance with the Financial Procedure Rules)**

- To tender or quote for and, if successful, to carry out any work which is put out to tender by the Council.
- To tender for and enter into contracts to provide goods and services to anybody to which the Council has express statutory authority to provide goods and services and to fix charges where those charges are not prescribed by legislation.
- To use spare capacity of goods, plant or manpower by entering into contracts (or to carry out work for another person or body).
- Authority to commence a procurement process leading to the award of a contract for works, goods or services up to £150,000

- Authority to waive the requirement to seek tenders or quotations in relation to contracts for works, goods or services below £5,000
- Authority to approve negotiations with a tenderer submitting the most financially advantageous tender to obtain improvements in price, delivery or content in relation to contracts for works, goods or services below £150,000
- Authority to approve the award of any contract for the procurement of works, goods or services up to £150,000
- Signing on the relevant Council's behalf any contract for works, goods or services below £150,000

### **Human resources**

- Appointment of agency staff provided costs are contained within service budgets
- Advertisement of vacancies within establishment in accordance with adopted HR policies
- Appointment of staff below Head of Service level
- To sign job offers and/or contracts of employment for Directors (by Chief Executive), for Heads of Service (by Chief Executive, relevant Director or other officer delegated by one of these)
- To agree flexible contracts and working patterns including job share, home working and term time working (in consultation with the Head of Transformation)
- To confirm appointments on completion of probationary period
- To approve car loans where these are permitted as part of Council policy
- To implement the relevant Council's employment procedures in line with the agreed relevant Council policy (the power to dismiss in accordance with Council policy rests with the Head of Paid Service or the Directors)
- To authorise officers to attend professional or educational meetings, conferences and courses, and on-going training and qualification training in consultation with the Head of Transformation
- To agree unpaid leave of absence and compassionate leave in consultation with the Head of Transformation
- Granting of contractual salary progression within career graded posts in line with the relevant Council policy (if any)
- To approve revised job descriptions and job titles where no grading increase is involved subject to the approval of the Head of Transformation
- The general organisation of services within the policies laid down by the relevant Council including capability and disciplinary
- To appoint employees to existing posts at the minimum level within the salary band with discretion to appoint to any other point of the band provided this is within approved budgets
- To decide whether or not to allow employees to undertake additional employment in consultation with the Director of Resources and the Head of Transformation

- To authorise recruitment to any post on temporary employment to address operational needs (**at South Northamptonshire only** - subject to a maximum of 9 months continuous employment)
- To grant extension of sick pay to employees (**at South Northamptonshire only** – subject to a maximum of 12 months full pay)
- To grant unpaid leave of absence (**at South Northamptonshire only** – subject to a maximum duration of 6 months)
- The dismissal of employees below Director/ Head of Service level in accordance with the Joint Disciplinary Policy and Procedure

**At Cherwell only** - Subject to consultation with the Director of Resources, the Head of Transformation, the Head of Finance and Procurement and the Head of Law and Governance

- to determine new organisation structures below Head of Service provided that changes do not affect more than five posts in any one restructuring, there are no resultant compulsory redundancies, change is with the agreement of existing staff and the change can be contained within service budgets.

List of Shared Joint Management Team with specific delegated powers

1. Chief Executive
2. Director of Community and Environment
3. Director of Resources
4. Director of Development
5. Commercial Director (Bicester) – **Cherwell only**
6. Head of Community Services
7. Head of Environmental Services
8. Head of Finance and Procurement
9. Head of Law and Governance
10. Head of Transformation
11. Head of Development Management
12. Head of Strategic Planning and the Economy
13. Head of Regeneration and Housing

### **Delegation to Chief Executive**

This post is Head of Paid Service and has responsibility for the overall management of the staff who work for Cherwell District Council and South Northamptonshire Council under

section 4 of the Local Government Act 1989 (full details of the responsibilities are set out in the introduction to this constitution).

This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

## **Emergencies**

If Cherwell District Council and/or South Northamptonshire Council need to act urgently in any matter (including without limitation, complying with the Emergency Plan, the Business Recovery or Business Continuity Plan or taking any action under new legislation) the Chief Executive may authorise any action taken or expenditure incurred as necessary.

If the Chief Executive is unwell, unobtainable, has an inability to act or where there is no Chief Executive in post, a Director may act in their absence. In the absence of any Director, any Head of Service may act.

The Chief Executive, Director or Head of Service may delegate responsibility to another nominated officer where appropriate.

All such action shall be reported to the relevant committee, Executive/Cabinet or Council as may be appropriate.

## **Release of Information**

Determination of appeals/review requests from people dissatisfied with a decision not to release Council held information.

## **Suspension or Dismissal**

The suspension or dismissal of a Director or Head of Service, subject to consultation with the Head of Transformation, the Director of Resources and the Monitoring Officer and subject to external professional advice being sought. No dismissal of the Monitoring Officer or the Section 151 Officer can take place other than via a decision of full Council in compliance with the Officer Employment Procedure Rules. A statutory officer (i.e., the Head of Paid Service, Section 151 Officer and Monitoring Officer) can only be suspended by the Head of Paid Service, the Monitoring Officer or the Joint Commissioning Committee. The Head of Paid Service and the Monitoring Officer shall each have authority to agree settlement agreements on the termination of employment of a statutory officer employed by the Council in consultation with the Leader of the Council.

## **Anti-Social Behaviour**

Taking action under the Anti-Social Behaviour Act 2003, including the making of statutory orders, where the Chief Executive is specifically named as the relevant Council Officer within the Act.

### **Specific Delegated Powers for Returning Officer**

Authority to take action, and make decisions, as necessary as Electoral Registration Officer and Local Returning Officer

Assigning officers in relation to requisitions of the Electoral Registration Officer

Providing assistance at European Parliamentary elections

Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils

Declaring vacancies in office to certain cases and giving notice of casual vacancies

Consulting on proposed changes to the scheme of elections

Duties relating to providing notice to the Electoral Commission and relating to publicity

To amend the Council's Polling Districts and Polling Places Order as necessary.

To amend the adopted election fees and charges schedule to reflect operational requirements

### **Directors**

To take any decision, or exercise any power, which the Council has if the postholder considers that a decision is urgently necessary in the interests of the Council and the postholder consults the Leader of the Council, or in his/her absence the Deputy Leader of the Council (or in the absence of either or both such other Cabinet/Executive members as are considered most appropriate to the postholder) and the exercise of this power is reported to the Cabinet/Executive for information (for executive decisions) or consults the Chairman of the Council or appropriate Committee, or in his/her absence the Vice Chairmen of the Council or appropriate Committee (or in the absence of either or both such other Council or Committee members as are considered most appropriate to the postholder) and the exercise of this power is reported to full Council or the Committee for information (in the case of non-executive decisions).

**At South Northamptonshire only** - to determine applications for Council grants (excluding those in respect of which Heads of Service have specific delegated authority) up to a value of £20,000 subject (in the case of grants exceeding £1,000) to consultation with the Grants Panel.

**At Cherwell only**- allocation of grants is delegated to Head of Community Services and Head of Regeneration and Housing up to a value of £20 000 and in the case of Disabled Facilities Grants to the Head of Regeneration and Housing up to a value of £30,000.

To grant renew refuse or cancel any authorisation that may be required under the Regulation of Investigatory Powers Act 2000 so far as it affects their service area. This power may only be exercised by Directors, or by the Monitoring Officer, or the Chief Executive

To respond to licensing applications in the Council's role as responsible authority.

### **Director of Resources (Section 151 Officer)**

To exercise any of the powers of the Head of Finance and Procurement

To exercise the powers vested under section 151 of the Local Government Act 1972 to ensure the financial probity of the Council. This includes the power to override the determination of the Head of Finance and Procurement, when exercising their delegated powers, if the Section 151 Officer considers it appropriate

Power under section 92 of the Local Government Act 2000 to direct the appropriate Director or Head of Service in consultation with the appropriate portfolio holder/lead member to make an ex gratia payment (**at South Northamptonshire only** – any amount: **at Cherwell only** - up to £5000) or to provide other benefits to remedy complaints within the framework of the Local Government Ombudsman Good Practice Remedies (February 2005) document where necessary in consultation with the Monitoring Officer

### **Head of Community Services**

- To exercise the Council's power with respect to nuisance parking. If the nuisance is caused by an abandoned vehicle the Head of Environmental Services will exercise the Council's powers to remove.
- Authorising the temporary use of off street parking areas for uses other than parking
- The issuing of parking permits and season tickets for off street parking and for residents parking schemes and Exemption Certificates for pedestrianized areas
- The enforcement of parking and other stationary traffic offences
- **At Cherwell only** - To make minor amendments to the Councils Off Street Parking Orders subject to consultation with the lead member
- Implementation of powers under the Crime and Disorder Act 1998
- To exercise the Council's powers to take steps to encourage visitors to the area including the provision of tourist information where appropriate in consultation with the Head of Strategic Planning and the Economy
- To apply for funding from any third party for the purposes of the development or improvement of Cherwell or South Northamptonshire or for the management of the countryside

- To provide, maintain and develop a wide range of sporting, play and cultural activities for the benefit of the community.
- To promote, manage (in accordance with the provisions of any management contract maintain and develop the Council's sports centres, community centres, swimming pools and other leisure facilities.
- Where not already provided for by, or under, contract to fix the terms and conditions upon which any Council leisure facility may be used by any particular class or group of persons and to run pre-payment and advance booking schemes.
- To allow events and exhibitions to take place in any facility.
- To provide public catering services in facilities or at events provided by this service area.

## **Environmental Health**

- To exercise the Council's powers with respect to securing the safety of food throughout the food chain, including imported food, and the condition of food premises (including, but not limited to, powers of licensing and registration)
- To exercise the Council's powers with respect to the control of infectious and notifiable diseases
- To exercise the Council's powers to take steps to prevent or remedy any statutory or public nuisance (including noise nuisance)
- To exercise the Council's powers with respect to regulation of processes, and the control of emissions, with a potential impact on the environment (including the issue and revocation of any consent, licence, or permit and taking any action to enforce the provisions of this)
- To exercise the Council's powers with respect to Sunday trading
- To appoint inspectors and authorised officers (including for the issue of fixed penalty notices) under any legislation for any purpose which he/she believes relates to the Public Protection and Development Management service area
- To exercise the Council's powers and duties with respect to:
  - scrap metal dealers and motor salvage operators
  - to control distribution of free literature
  - tattooing, ear and body piercing and electrolysis
  - pleasure boats
  - loudspeakers in streets
  - the burning of crop residues
  - noise from certain premises at night
  - alarm notification areas
  - sex establishments

- To exercise the Council's powers for the prevention of smoking in designated places and vehicles
- To exercise the Council's powers with respect to persons on land without the owners' consent. This power may also be exercised by the Head of Regeneration and Housing where appropriate
- To exercise the Council's powers:
  - concerning the condition of any drain or private sewer
  - to secure that any building has adequate or improved drainage and/or sanitary conveniences
  - concerning the condition of any cesspool
  - concerning the use and ventilation of soil pipes
  - concerning the remedial work including the service of notices in relation to rainwater pipes, soil pipes and ventilating shafts and the apportionment and recovery of costs
  - concerning the alteration of a drainage system of premises
  - concerning the drainage and condition of yards and passages
  - with respect to the provision of washing and sanitary facilities
  - to loan temporary sanitary conveniences where necessary
- To exercise the Council's powers with respect to the licensing of caravan sites, camping sites and moveable dwellings
- To exercise the Council's powers with respect to filthy or verminous premises, articles or persons. NB this power is also exercisable by the Head of Regeneration and Housing
- To exercise the Council's powers with respect to water supplies, including private water supplies
- To exercise the Council's powers relating to controlled waste, graffiti, litter, rubbish or anything on land in the open air. This power may also be exercised by the Head of Environmental Services, who also has responsibility for abandoned vehicles
- To exercise powers under the Environmental Protection Act 1990 to issue fixed penalties for littering and dog fouling. This power may also be exercised by the Head of Environmental Services
- To exercise the Council's powers with respect to the control of noise levels on construction or demolition sites
- To exercise the Council's powers with respect to the enforcement of the law about health and safety at work etc.
- To exercise the Council's powers with respect to smoke emissions from chimneys and premises

- To exercise the Council's powers with respect to the control of emissions from furnaces
- To exercise the Council's powers to determine chimney heights
- To exercise the Council's powers with respect to obtaining information about air pollution or other information to protect the environment
- To exercise the Council's powers with respect to ruinous and dilapidated buildings, dangerous buildings and the demolition of buildings
- To exercise the Council's powers to prevent pollution of land, water or air or harm to human health
- To exercise the Council's powers with respect to the review and assessment of air quality
- To exercise the Council's powers in respect of registration of users of radioactive material
- To exercise the Council's powers with respect to the identification and remediation of contaminated land
- To exercise the Council's powers in respect of exhumation, burial of the dead and burial grants to assist with cost of burials where there are no relatives who will fund the cost

### Licensing

#### **All licensing matters will be dealt with in compliance with statutory guidance and Council policies**

- To deal with all matters, and exercise the Council's powers, including enforcement, under the Gambling Act 2005
- To deal with all matters, and exercise every function, and power, including enforcement, relating to hackney carriage, private hire drivers, proprietors and vehicles, and private hire operators
- To deal with all matters, and exercise the Council's powers, including enforcement, in respect of animal welfare, the licensing of animals and animal associated activities
- To deal with all matters, and exercise the Council's powers, including enforcement, under the Licensing Act 2003
- To deal with all matters, and exercise the Council's powers, including enforcement, under street trading legislation
- To deal with all matters, and exercise the Council's powers, including enforcement, under the legislation relating to street and house to house collections
- Authorising the siting of market stall spaces and the letting of such spaces subject to the necessary planning and highways consents

- To exercise powers to permit third parties to place objects over or on the public highway, under section 115 of the Highways Act 1980

### **Community Safety**

- Taking action under the Anti-Social Behaviour Act 2003 and any subsequent legislation falling within the service area, where necessary in consultation with the Head of Law and Governance
- All functions under Part 8 of the Anti-Social Behaviour Act 2003 (relating to high hedges) NB see also powers under development management

### **Land Drainage**

- To exercise the Council's functions with respect to watercourses and land drainage, including the power to serve statutory notices

## **Head of Development Management**

### **Planning**

#### **A. To determine applications for:**

- Planning permission (outline and full)
- Reserved matters approval
- Extensions of time
- Listed building consent
- Conservation area consent
- Advertisement consent
- Variations/removal of conditions
- Discharge of conditions
- Minor material amendments
- Non material amendments
- Certificates of lawfulness for an existing use or development
- Certificates of lawfulness for a proposed use or development
- Certificates of appropriate alternative development
- Applications under the Hedgerow Regulations
- Works to trees protected by a Tree Preservation Order
- All forms of deemed applications (arising from enforcement action)
- Responses to consultations from the relevant County Council or a neighbouring local authority for the winning and working of minerals or the use of land for mineral-working deposits and waste developments **(SNC only)**

Apart from the following:

1. All Major applications (full, outline [and reserved matters – **SNC only**]) except for minor material amendments and the variations and removal of conditions.

Major applications are defined as;

- Applications for 10 or more dwellings
- Applications for new buildings where the floor space to be created is over 1000sqm
- Applications for commercial (non-householder) renewable energy schemes, including single wind turbines.
- Responses to National Infrastructure consultations (**SNC only**)

2. All recommendations to approve a significant departure from the adopted development plan or other Council approved policies and/or strategies

Whether an application is considered to be a 'significant' departure will be determined by the Head of Development Management (or the line manager that is responsible for Development Management and reports to the Head of Development Management) in consultation with the Chairman of the CDC Planning Committee / SNC Planning Committee (or Vice Chairman in the Chairman's absence).

When deciding if any departure is 'significant' the criteria that will be considered will include, but not be limited to, the following;

- All relevant policies in the development plan and whether the policies are up to date
- Other CDC/SNC policies, guidance and strategies
- Government policy
- Scale and type of development
- Site history
- Whether conditions or a legal agreement could address any potential conflict

3. Applications called in by a member of the Council within 25 days [**SNC**], 21 days [**CDC**] of the registration of an application subject to the following:

- The call in request must be for material planning reasons
- The request must be made within 25 calendar days [**SNC**], 21 calendar days [**CDC**] of the registration of the application as valid (the day after registration to count as day one)
- The request must be made in writing on the appropriate form or via an e-mail containing the same information shown on the appropriate form (**SNC**) or by letter or email (**CDC**)

- The request must be sent to the Head of Development Management (or the line manager that is responsible for Development Management and reports to the Head of Development Management) and the Chairman of the CDC Planning Committee / SNC Planning Committee
- The request MUST contain all the relevant information

On receipt of the call-in request the Head of Development Management (or the line manager that reports to the Head of Development Management and is responsible for Development Management) will either agree, or refuse, the request in consultation with the Chairman of the CDC Planning Committee / SNC Planning Committee (Vice Chairman in the Chairman's absence). The criteria for deciding whether to allow a call-in request will include, but not be limited to,

- whether material planning reasons have been supplied,
- views of parish or town council,
- level of public interest,
- scale and type of development,
- site history,
- statutory time frame for decision,
- relevant development plan policies, council guidance and strategies
- whether the committee could legitimately reach another conclusion than the one reached by officers and/or the extent to which they are considered to have the potential to "add value" to the final scheme.

**At SNC**, once the request has been agreed or refused;

- the relevant form giving reasons for the decision will be completed and signed by both parties
- the date that the committee will consider the application will be given
- the form (or e-mail) will be returned to the councillor who made the request
- If the councillor is unable to attend the meeting, he/she will be encouraged to appoint a substitute or to submit comments in writing
- a copy of the form will be placed on the relevant (public) application file

**At CDC** the councillor who called in the application is encouraged to attend, or send another nominated member to speak

4. Applications submitted by;

- Any Officers of CDC/SNC with management responsibility in a personal capacity
- Officers employed in the Development Management Service
- Councillors of CDC/SNC (other than applications relating to works to trees)
- A member of staff or Councillor of CDC/SNC acting as agent or advisor or consultant

where in any case the Council determining the application is the Council of which the relevant person is an officer or member. For the avoidance of doubt any officer in a joint role shall have this provision applied at both Councils.

5. Applications affecting the Council's own land or where the Council is the applicant (other than applications for works to trees advertisements or for public information purposes)
6. Any application which the Head of Development Management considers should be referred to CDC Planning Committee / SNC Planning Committee (**at CDC** in consultation with the Planning Committee Chairman (Vice Chairman in the Chairman's absence)) because of its controversy or significance.

When deciding if an application is controversial or significant, the criteria that will be considered will include, but not be limited to, the following;

- Consultation responses
- Representations
- Level of public interest
- Relevant development plan and other Council policies, guidance and strategies
- Government policy
- Scale and type of development
- Site history
- Whether CDC Planning Committee / SNC Planning Committee could realistically and legitimately take a different view from the officer's recommendation and/or the extent to which they are considered to have the potential to 'add value' to the final scheme.

**B.** To determine the following;

- All notifications, determinations and prior approval applications (which include those proposals relating to agricultural developments, telecommunications, demolition of buildings, electricity board works and the removal of public pay phones)
- All requests for screening opinions
- All requests for scoping opinions
- All requests and applications for revisions to s.106 agreements
- Responses to all consultations from the County Council and neighbouring local authorities that ARE NOT Major applications (CDC only)
- Responses to all consultations from the County Council and neighbouring local authorities that ARE NOT major applications (except those applications for the winning and working of minerals or the use of land for mineral-working deposits and waste developments) (SNC only)
- Responses to all consultations from neighbouring local authorities (including County Councils) that ARE major applications (except at SNC those applications for the

winning and working of minerals or the use of land for mineral-working deposits and waste developments) SUBJECT to the relevant case officer consulting with the Chairman of CDC Planning Committee / SNC Planning Committee (or the Vice-Chairman in his absence) and relevant Ward Councillor(s) (including adjoining Wards as considered necessary) in advance of a response being issued. The case officer will notify the Chairman of CDC Planning Committee / SNC Planning Committee and relevant Ward Councillor or the date of the Committee meeting at which the adjoining authority/County Council will be considering the application.

- Works to trees in conservation area
- Applications for Hazardous Substances Consent

#### Information about applications

The power to decide what information is needed before a decision can be taken on any application

#### Acceptance of Land

To exercise the Council's powers to accept the transfer of land, where the land is, or is to be, transferred to the Council under planning obligation or for another planning purpose

#### Notifications of Development and applications under Permitted Development Rights including Article 4 Directions

To take any action in response to notifications of proposed development required to be given before exercising permitted development rights, and to deal with any subsequent application for consent

To issue Article 4 Directions, in consultation with the portfolio holder/lead member

#### Planning Enforcement

To take any enforcement action including the issue and service of any statutory notice which includes, but is not limited to,

- enforcement notices (of any kind)
- stop notices
- temporary stop notices
- breach of condition notices
- listed building enforcement notices
- planning contravention notices
- hazardous substances contravention notices
- advertisement discontinuance notices.
- untidy site notices
- repairs notices

To exercise any statutory power to withdraw any such notice, to waive or relax any of their contents, or extend a period for compliance.

#### Building Preservation Notices

To serve, and withdraw, building preservation notices on unlisted buildings. The reasons for the notice, and any question of potential compensation, must be reported to the earliest available meeting of the Planning/Development Control Committee

#### Urgent Works Notices

To serve urgent works notices where the Head of Development Management is satisfied that it is necessary to serve such a notice without delay to avoid damage or the risk of damage to an unoccupied listed building. The reasons for the notice and any question of potential compensation must be reported to the earliest available meeting of the CDC Planning Committee / SNC Planning Committee.

#### Trees

- To instruct the Head of Law and Governance to make and confirm Tree Preservation Orders
- To take any action which the Council has power to take to require the planting of any tree.
- To serve compensation directions concerning applications for works under a tree preservation order.
- To revoke or vary a tree preservation order.
- To determine all applications for felling, topping, lopping or uprooting trees subject to a Tree Preservation Order

#### Hedgerows and High Hedges

To exercise the Council's powers with respect to hedgerows and high hedges including registration, administration and determination of notifications under the Hedgerow Regulations

#### Planning Agreements

To authorise the Council to enter into a planning agreement relating to an application which can be decided by the Head of Development Management.

### **Conservation**

- To designate and review Conservation Areas in consultation with the relevant portfolio holder and approval of Conservation Area Appraisals and associated management plans in consultation with the portfolio holder/lead member
- Listed Buildings and Conservation Areas - to make any grant (of no more than £2,000) that the Council has power to make in connection with a listed building or another building of architectural or historic interest or conservation areas

- Provision of revisions to the Local List of Buildings of Architectural or Historic Interest and public consultation on such revisions subject to consultation with the portfolio holder/lead member

## **Building Control**

### Street naming and numbering

- Naming and renaming of streets, the renumbering of streets, and the renumbering of properties, subject in all cases to consultation with the appropriate Ward Member(s) and, in the case of renaming where an objection has been received in response to the statutory notice, to consideration of the objection and final determination by the lead member in the case of Cherwell and by the Magistrates Court in the case of South Northamptonshire
- Numbering of properties
- Provision of nameplates

### Building Regulation Matters

- Issuing of approvals or consents to plans submitted in accordance with the Building Regulations, rejection of those not in accordance with those Regulations and approval of applications for relaxation or dispensation from those Regulations
- Collection of charges payable under the Building Regulations and the repayment of charges where refunds are due
- Agreeing or challenging estimates submitted for calculating Building Regulation fees and charges
- Revision of Building Regulation fees and charges to ensure full cost recovery of the service subject to consultation with the Section 151 Officer
- Variation of individual charges from the prescribed scale of fees and charges, if required, subject to consultation with the Section 151 Officer
- To carry out the necessary statutory duties in respect of Initial Notices issued by the Approved Inspectors supervising work instead of the Council
- To deal with any consultation concerning the safety of any sports ground
- To exercise the Council's powers to require sufficient sanitary facilities to be provided in buildings
- To exercise the Council's powers to require taller chimneys to be erected following the erection of a building
- To exercise the Council's powers with respect to consents for cellars below subsoil water level
- To exercise the Council's powers to require the provision of entrances and/or exits or means of escape from premises
- To exercise the Council's powers to require the provision of food storage places in houses
- To exercise the Council's powers in relation to the use and ventilation of soil pipes
- Taking action in respect of dangerous structures

- Approval of temporary structures under the Public Health Acts and the Building Regulations and the renewal of such consents
- Service of all statutory notices and taking action when Building Regulations are contravened in consultation with the Monitoring Officer where this involves legal proceedings to ensure that they are satisfied as to the evidence
- Service of notice under the Building Act 1984, authorising works of demolition and to exercise the Council's powers with respect to demolition of buildings
- To exercise the Council's powers with respect to ruinous, dilapidated or dangerous buildings or structures, or sites which are dangerous or detrimental to the amenity of the area
- To carry out the necessary statutory duties, in respect of Initial Notices issued by Approved Inspectors supervising work instead of the Council.
- To exercise the Council's powers to take enforcement action against people erecting unsafe structures used on public occasions.

### **Highways**

To consent to the stopping up of small areas of highway in consultation with the Ward Member where authorised to do so by legislation

### **Head of Environmental Services**

- To exercise the Council's powers with respect to abandoned shopping and luggage trolleys.
- To exercise the Council's powers with respect to the regulation of waste carriers.
- To exercise powers under the Environmental Protection Act 1990 to issue fixed penalties for littering and dog fouling
- All matters relating to:
  - Abandoned vehicles
  - Cleansing of streets
  - Statutory notices on provision of dustbins
  - Removal of obnoxious matter
  - Discharge of agency powers under sections 132 and 149 of the Highways Act 1980, for the removal of unauthorised signs or marks on the highway (is this agreed agency in both Oxfordshire and Northamptonshire?)
  - Acquisition, management and hire of vehicles, plant and equipment, subject to the Council's Financial and Contract Rules of Procedure
- Taking action under the Clean Neighbourhoods Act and Environment Act 2005 where necessary in consultation with the Head of Law and Governance who must be satisfied as to the evidence

- To exercise the Council's powers relating to controlled waste, graffiti, litter, rubbish or anything on land in the open air including abandoned vehicles. This power may also be exercised by the Head of Development Management ( with the exception of dealing with abandoned vehicles)
- Investigating and prosecuting offences under the Environmental Protection Act 1990 subject to the Head of Law and Governance being satisfied as to the evidence
- The use of parks, open spaces and recreation areas for special functions
- The planting and maintenance of trees on Council-owned land or Council-controlled land
- The provision of advice relating to trees and recommending to the Head of Development Management the making of Tree Preservation Orders in an emergency
- Dealing with applications for works to trees in Conservation Areas
- Approving the standards for adoption of open space land in planning agreements
- Managing the maintenance of monuments and public clocks in the Council's ownership
- The provision of street furniture on land other than recreational land
- The making of temporary traffic orders under section 21 of the Town Police Clauses Act 1847 relating to special events on the highway and the power to waive charges for the making of such orders in exceptional circumstances
- To exercise the Council's powers for the control of pest and vermin, the prevention of damage by pests and the control of pigeons and birds in built up areas
- To exercise the Council's powers with respect to seizure of stray dogs, and dog control orders

### **Head of Finance and Procurement**

- The power to opt to tax properties for VAT purposes
- Raising of loans to meet the capital requirements of the Council for such amounts and on such terms as are considered necessary, subject to the Council's Capital Programme decision on financing and whether the Council is, or wishes to continue to be, debt free
- Borrowing in sterling from banks up to a prescribed limit by way of overdraft, subject to not breaching any debt free status
- Raising and repayment of temporary loans in sterling
- To accept terms and conditions attached to any government grants
- To amend the constitution as required consequent on changes to the thresholds in European procurement regulations
- To enter into lease agreements
- The arrangement of all necessary insurances

- Refunds of rates for a maximum period of six years on commercial industrial premises where clerical or arithmetical error has been made on rateable value subject to consultation with the Section 151 Officer
- Investment of all surplus Council funds in accordance with the Council's annual Treasury Management Policy and to exercise the Council's powers generally with respect to the investment of money
- To exercise all the Council's powers and duties to bill, administer and collect the Council Tax, the National Non Domestic Rates and outstanding community charge liability including the power to enforce collection and exercise the Council's discretion
- To exercise the Council's powers to authorise officers and agents to represent the Council in any court or tribunal or at any hearing on local taxation or benefit matters, and to serve warrants in respect of these matters
- To exercise all the Council's powers with respect to the administration of Housing and Council Tax benefits
- Award of discretionary housing payments up to £5000
- To make arrangements for the control of the Council's financial affairs generally
- To exercise the virement powers permitted by the Financial Procedure Rules
- Authority to write off up to £10,000 on business rates
- The writing off of any bad debts up to a maximum of £5,000
- The writing off of bad debts where debtor is bankrupt, insolvent or has ceased to trade
- The writing off of balances over the £5,000 limit for bad debts and the £10, 000 limit for business rates where this cannot be collected because of the committal of the debtor for non-payment of Council Tax or business rates
- To determine applications for Council grants up to a value of £20,000 [**Cherwell only**]
- To determine application for Council grants up to a value of £1000. [**South Northamptonshire only**]

### Head of Law and Governance

- To institute, defend, prosecute or appear in any legal or other proceedings on behalf of the Council (including proceedings to seek warrants and all steps necessary to pursue or defend such legal proceedings)
- To settle by compromise any legal proceedings which have been started
- After consultation with the Head of Finance and Procurement and the appropriate instructing officer of the Council's instructing service area to settle claims brought by or against the Council.
- To authorise officers to appear in legal proceedings on behalf of the Council.
- To instruct Counsel or external Solicitors on any matters likely to affect the interests of the Council and generally to administer the budget for the Legal Service.
- To sign and serve all notices prior to, or in the course of proceedings, in accordance with any statutory powers or any functions of the Council

- To nominate representatives to outside bodies where any vacancy arises after the annual Council meeting or before the first Thursday in May in any year, but only after consultation with the Chief Executive and the Leader of Council
- To approve reasons for the absence of Councillors from any meetings and the declaration of vacancies of any seats of the Council.
- To make changes in the membership of Committees and Sub-Committees occurring during the municipal year.
- Determination of ad hoc and permanent amendment to the list of “approved” duties as set out in the Members’ Allowances Scheme
- To authorise attendance by a councillor at a national conference or seminar
- After a subcommittee hearing to accept or reject any proposals from the applicant in consultation with the Chairman of the relevant subcommittee
- Setting and reviewing charges for the supply of Council held information under the Freedom of Information Act 2000
- The setting of fees for the supply of background papers pursuant to the Local Government ( Access to Information) Act 1985 as an exemption to the standard fee prescribed from time to time
- To take any action necessary to ensure compliance with legislation regarding data protection , freedom of information law or environmental information
- To administer the register of local land charges, carry out official searches and to respond to enquiries of local authorities and determine the fee charged for responding to these
- To exercise all of the Council’s relevant powers and discretions, and to perform all of the Council’s relevant duties, in relation to the law relating to the sale, mortgage and re-purchase of former Council houses
- To give or withhold consent which the Council has the right to give or withhold under a term in a contract
- The signing of certificates under the Local Government (Contracts) Act 1999
- To make and confirm Tree Preservation Orders
- Authorising amendments to the constitution where required by statutory changes or administrative error
- Where there is any confusion or doubt to determine which committee a matter shall be determined by
- In consultation with the Head of Development Management to determine whether the charge for payment of all or part of the Council’s legal costs for the preparation of planning agreements should be waived
- Making orders granting parish meetings specific parish council powers
- Making of temporary appointments to parish councils
- Making of orders under section 39(4) of the Representation of the Peoples Act 1983 removing difficulties arising in respect of the election of parish councillors or the holding of a first meeting after an ordinary election or where a parish council is not properly constituted

- To approve street closure applications where there is no objection from any statutory consultee
- To administer to Council's arrangements for dealing with complaints of Member misconduct
- To authorise the Head of Community Services to enter into a Traffic Penalty Tribunal (TPT) s.101 Joint Committee Agreement under the Local Government Act 1972
- To exercise the Council's powers with respect to rights of way. To determine Public Path Order applications. To make Public Path Orders and to confirm them where no objections or representations have been made within the statutory period, or where all objections and representations so made are withdrawn
- Submission of representations on public rights of way proposals affecting the district

### **Head of Regeneration and Housing**

- To nominate persons for tenancies or long leases granted by registered social landlords in accordance with the priority given by the allocation scheme approved by the respective Council.
- To determine all applications for persons presenting themselves to the Council as homeless and to determine how any duty which the Council may have to such persons is performed and to keep the policy on homelessness under review
- To decide housing register and homelessness appeals where the relevant housing manager has been personally involved with making the decision which is the subject of the appeal
- To exercise all the Council's powers with respect to the statutory housing register
- To manage the hostels for the homeless, including granting and terminating tenancies and licences and evicting occupiers
- To provide housing advice services to the public
- To exercise the Council's powers with respect to the provision of affordable housing by registered social landlords
- To respond to consultations by the Homes and Communities Agency/relevant government agency concerning its development programme
- To exercise powers with respect to persons on land owned by Cherwell or South Northamptonshire without permission
- To exercise powers with respect to bringing private sector empty dwellings back into use
- To exercise powers with respect to the provision of advice about facilities/services for the disabled

- To exercise powers to provide works of maintenance and improvement to properties owned by, or rented to, the elderly or disabled
- To exercise powers with respect to the overcrowding of housing accommodation
- To exercise powers with respect to houses in multiple occupation
- To exercise powers to secure the repair, maintenance, demolition, closure and improvement of sanitary conditions of dwellings
- To exercise powers with respect to private sector housing accommodation
- Service of statutory notices under housing legislation where required in cases of urgency
- To exercise all powers under the Housing Act 2004
- To provide housing accommodation during private improvement works
- To authorise those officers or agents or consultants acting on behalf of the Council who may exercise statutory powers of entry or statutory powers to require the production of documents under the Housing Acts
- To exercise the Council's powers with respect to filthy or verminous premises, articles or persons. NB this power is also exercisable by the Head of Community Services
- To exercise the Council's powers for the control of pest and vermin, the prevention of damage by pests in respect of residential properties NB. This power is also exercised by the Head of Community Services and the Head of Environmental Services.
- To exercise the Council's powers to take steps to prevent or remedy any statutory or public nuisance in relation to residential premises.
- To exercise the Council's powers in respect of the condition and occupation of canal boats in its area, including powers of entry and inspection.
- To exercise powers relating to community interest companies and similar vehicles including participation and running of such companies
- Granting of housing advances in accordance with the approved scheme and ancillary matters and the granting in exceptional cases, of housing advances not in accordance with approved schemes subject to consultation with the portfolio holder
- To promote group repair and area renewal schemes
- To exercise powers with respect to grants including disabled facility grants, for improvement and maintenance of housing. This includes the amendment or minor revision of grant policy in consultation with the portfolio holder/lead member subject to there being no budgetary impact arising and where the grant is for a parish council the determination shall be in consultation with the Head of Community Services
- To exercise powers for making loans including, but not limited to, the Flexible Home Improvement Loans Limited

- Authorisation of legal proceedings for offences under the Rent Act, the Landlord and Tenant Act, the Protection from Eviction Act and the Housing Acts subject to the Head of Law and Governance being satisfied as to the evidence
- Day to day estates management of the Council's investment portfolio of land and buildings including lease renewals, surrenders, assignments and rent reviews and any role in community land trust developments
- Agreements to the grant or acquisition of easements and wayleaves (to an unlimited value at **CDC** and up to a value of £20,000 at **SNC**) subject to consultation with the portfolio holder/lead member
- Agreements to the grant or acquisition of leases and licences up to a value of £100,000 per annum (**CDC**) or £20,000 per annum (**SNC**).
- Agreements to purchases and sales of land up to a consideration of £250,000 (**CDC**) or £20,000 (**SNC**) subject to consultation with the portfolio holder/lead member
- Variation or release of restrictive covenants up to a value of £250,000 (**CDC**) or £20,000 (**SNC**) subject to consultation with the portfolio holder/lead member
- Settlement of compensation claims submitted on behalf of or received by the Council relating to the use of statutory powers to acquire an interest in land
- Submitting and settling appeals on rating assessments
- Agreement to waive right of pre-emption reserved in the sale of Council property in consultation with the portfolio holder/lead member
- Service of Notices relating to additional shared ownership shares

### **Head of Strategic Planning and the Economy**

- Submission of representations to the Highway Authority on traffic management proposals affecting the district
- Making any non-substantive updates and corrections necessary to facilitate final publication of any policy documents following Cabinet/Executive approval
- To exercise the Council's powers to take steps to encourage visitors to the area in support of the local economy except the operation of tourist information centres which falls within the responsibility of the Head of Community Services

### **Head of Transformation**

- To submit any post for re-grading and, after considering a job evaluation report, alter the grade of any post or refuse application for re-grading
- To authorise career graded posts and the progression of staff through those career grades
- Agreement to changes to establishment posts provided such changes are contained within existing budgets

- To produce, implement and review the Council's recruitment and retention policies
- Administration of car loans in consultation with the Head of Finance and Procurement
- Recovery of all sums due to the Council at the end of employment with exception of those subject to credit agreement
- To implement a corporate skills and development training programme and to approve applications for post entry training and to enter into agreements with employees requiring them to pay the cost assistance in certain cases
- To authorise payment of relocation and disturbance allowances and to enter into agreements with employees requiring them to pay the cost assistance in certain cases
- The implementation of national and local agreements with trade unions in consultation with the Head of Finance and Procurement in relation to wages and salaries
- To amend job titles (other than for members of Senior Management Team)
- To grant early retirement on medical grounds to employees in accordance with the Council's HR policies
- Approval of extensions to sick pay at full or half pay as provided for in the National Conditions of Service
- Issue of pensions protection certificates under Regulation 23 of the Local Government Pensions Scheme Regulations 1997 in consultation with the Head of Finance and Procurement ( not available from 1/4/2008 but updates on previously issued certificates may be requested)
- Setting aside the policy on recruitment of qualified staff where appropriate professional qualification is not readily accessible
- Application and monitoring of the corporate equalities policies at Cherwell and South Northamptonshire
- Authority to conclude compromise agreements with employees on matters of dispute relating to their employment in consultation with the Head of Law and Governance and in consultation with the Head of Finance and Procurement on the amount of the settlement
- To take any necessary steps to secure the health and safety of employees, contractors, members and visitors when on the Council's premises or otherwise conducting the business of the Council.

### **Schedule of Proper Officer Appointments**

#### **Head of Paid Service**

This post has responsibility for the overall management of the staff who work for the authority under section 4 of the Local Government and Housing Act 1989 (full details of the responsibilities are set out in the introduction to this Constitution).

This post is responsible for ensuring the proper use of evaluation systems for determining what staff are paid and reporting as and when required by either authority on the number and grade of staff required.

### **Section 151 Officer**

This post has day to day responsibility for the Council's financial affairs under Section 151 of the Local Government 1972 and Section 114 of the Local Government Finance Act 1988 and provides strategic financial advice to the Council. Full details of the responsibilities are set out in the introduction to this Constitution.

### **Monitoring Officer**

This post is responsible for the Council's Code of Conduct and advising the Council's Standards Committee on any potential breaches. Full details of the responsibilities are set out in the introduction to this constitution.

### **Electoral Returning Officer and Returning Officer**

Authority to take such action and make such decisions as are necessary as Electoral Registration Officer and Returning Officer/Acting Returning Officer (for Parliamentary and European elections)/Deputy Returning Officer (for County Council elections)/Counting Officer (for referenda).

Assigning Officers in relation to requisitions of the Electoral Registration Officer

Providing assistance to the Returning Officer at Parliamentary, European and County Council elections and to the Chief/Regional Counting Officer for referenda.

Power to fill vacancies in the event of insufficient nominations and make temporary appointments to Parish Councils.

Declaring vacancies in office in certain cases and giving notice of casual vacancies.

Consulting on proposed changes to the scheme of elections

Duties relating to providing notice to the Electoral Commission and relating to publicity.

### **Proper Officers and Authorised Officer Appointments**

The relevant postholders listed below have been appointed as Proper Officers for the purposes of the adjacent legislative provisions.

An officer with line management responsibility for an officer listed in the list of Proper Officer and Authorised Officer appointments may exercise the power in the absence of the Proper Officer/Authorised Officer.

The Proper Officer (Medical) shall be such officer as the Health Protection Agency may wish to appoint.

The Section 151 Officer shall act as the Proper Officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The Head of Law and Governance shall act as the Proper Officer for any other legislative provisions where specific arrangements have not been made under this scheme.

Except for documents to be executed under seal, any officer of the Council to whom powers have been delegated shall be the Proper Officer for the purpose of authenticating any notice, order or document which he/she is authorised or required by any enactment to give, make or issue.

Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

<b>Legislation Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper Officer / Authorised Officer</b>
<b>Landlord and Tenant Act 1927</b>	S.23	To serve and receive notice on behalf of the Council	Head of Regeneration and Housing
<b>Public Health Act 1936 (as amended)</b>	S.45	To serve notice on owners of buildings with defective sanitary conveniences capable of repair	Head of Regeneration and Housing
	S.50	To serve notice on owners of overflowing or leaking cesspools	Head of Regeneration and Housing
<b>NB prospectively removed by Control of Pollution Act 1974 s.109(2) but not yet in force</b>	S.79	To serve notice to require removal of noxious matter	Head of Community Services
	S.83	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of Regeneration and Housing or Head of Community Services
	S.84	To serve notice requiring remedial action where there	Head of Regeneration and Housing or Head

<b>Legislation Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper Officer / Authorised Officer</b>
		are filthy and verminous premises, persons or articles	of Community Services
	S.85 (see also s.35 Public Health Act 1961	Remedial action where there are filthy and verminous premises, persons or articles	Head of Regeneration and Housing or Head of Community Services
	s.275	By agreement to carry out works in default on sewers or drains	Head of Community Services
	S.287	Power to enter premises	Head of Community Services, Head of Regeneration and Housing
<b>Prevention of Damage by Pests Act 1949</b>	S.2 – S.7	Duty to control rats and mice in district	Head of Environmental Services, Head of Community Services or Head of Regeneration and Housing
	S.22	Powers of entry	Head of Environmental Services, Head of Community Services or Head of Regeneration and Housing
<b>National Assistance (Amendment) Act 1951</b>	S.1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Medical Officer/Community Physician
	S.1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	Medical Officer/Community Physician
<b>Landlord and Tenant Act 1954</b>	S.66	To serve and receive notices on behalf of the Council	Head of Regeneration and Housing

<b>Legislation Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper Officer / Authorised Officer</b>
<b>Milk and Dairies (General) Regulations 1959 (as amended)</b>	Reg.20	Milk treatment orders	Medical Officer/Community Physician
<b>Public Health Act 1961</b>	S.34	Accumulation of rubbish	Head of Community Services or Head of Environmental Services
	S.36, SS.83, 84 and 85 (2) Public Health	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises including power to require vacation of premises during fumigation.	Head of Regeneration and Housing or Head of Community Services
<b>Local Government Act 1972</b>	S.37	Prohibition of sale of verminous articles	Head of Regeneration and Housing
	S.13 (3)	Appointment as a Parish Trustee	Head of Law and Governance
	S.83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Chief Executive
	S.84 (1)	Receipt of notice of resignation of councillor	Chief Executive
	S.88 (2) and Schedule 12	Convening a meeting of Council to fill casual vacancy in the office of Chairman	Chief Executive
	S.89 (1) (b)	Notice and filling of casual vacancy	Returning Officer
	Local Elections (Parishes and Communities) Rules 1986	Request for an election to fill a casual vacancy in respect of parish councils	Returning Officer

<b>Legislation Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper Officer / Authorised Officer</b>
	S.96 (1) and (2)	Receipt of notices and recordings of disclosures of interests	Head of Law and Governance
	S.99	Convening of meetings	Chief Executive
	S.100 and Schedule 12A	Access to information	Head of Law and Governance
	S.100 (except 100D)	Admission of public (including press) to meetings	Chief Executive
	S.100D	Listing background papers for reports and making copies available for the public to look at	Head of Law and Governance
	S.100D (1)A	Compilation of lists of background papers	Each Head of Service for their service area reports
	Section 100D (5)A	Identification of background papers	Each Head of Service for their service area reports
<b>Local Government Act 1972</b>	S.115 (2)	Receiving money due from officers	Chief Finance (section 151) Officer
	S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Chief Finance (section 151) Officer
	S.151	Financial administration	Chief Finance (section 151) Officer
	S.173 - S178	Keeping of records of Members' Allowances	Chief Finance (section 151) Officer
	S.191	To receive applications to undertake OS work under the Ordnance Survey Act, 1841	Head of Development Management
	S.204	Receipt of Licensing applications and make the appropriate representations in respect of the same	Head of Development Management

<b>Legislation Act</b>	<b>Section</b>	<b>Purpose of appointment</b>	<b>Proper Officer / Authorised Officer</b>
	S.210	To exercise powers in respect of charities	Head of Law and Governance
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Head of Law and Governance
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of Law and Governance
	S.225	Deposit of documents	Chief Executive
	S.228	Inspection of documents	Head of Law and Governance
<b>Local Government Act 1972</b>	S.228(3)	Accounts for inspection by any member of the Council	Chief Finance (section 151) Officer
	S.229(5)	Certification of photographic copies of documents	Head of Law and Governance
	S.234	Authentication of documents	Head of Law and Governance
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Head of Law and Governance
	S.238	Certification of byelaws	Chief Executive
	S.251 and Schedule 29	Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972	Head of Law and Governance
	S.270	Except in the case of financial powers or matters, to act as the Proper Officer in respect of any other	Head of Law and Governance

		statute where specific arrangements have not been made in the Scheme	
	Various Sections	Any requirement in relation to parish authorities specified in the Act (or other legislation).	Head of Law and Governance
<b>Local Government Act 1972</b>	Schedule 12 para 4 (2) (b)	Signing of summons to Council meeting	Chief Executive
	Schedule 12 Para 4 (3)	Receipt of notice regarding address to which summons to meeting is to be sent	Chief Executive
	Schedule 14 Para 25	Certification of resolution passed under this paragraph	Head of Law and Governance
	Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Head of Strategic Planning and the Economy
	Schedule 16 S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Head of Strategic Planning and the Economy
		The purposes of issuing planning decision notices and for all building regulation purposes	Head of Development Management
	Schedule 16	Receipt of deposit lists of protected buildings	Head of Strategic Planning and the Economy
	Schedule 29	Adaptations, modifications and amendments of enactments.	Head of Law and Governance
	Part VA	Access to information	Head of Law and Governance
<b>Health and Safety at Work Act 1974</b>	S.19 – S.25 / 39	Appointment of and termination of appointment of Inspectors and various enforcement powers	Head of Community Services
<b>Local Government Act 1974</b>	S.30 (5)	To give notice that copies of a Local Commissioner's (Ombudsman) report are	Monitoring Officer

		available	
<b>Control of Pollution Act 1974</b>	S.60 – S.61	Construction site noise	Head of Community Services
<b>Local Land Charges Act 1975</b>	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Head of Law and Governance
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	S.16	Requests to obtain particulars of persons interests in land	Heads of Service
	S33	Restoration of supply of water, gas or electricity	Head of Regeneration and Housing
	S.41 (1)	To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions	Head of Law and Governance
<b>Local Authorities Cemeteries Order 1977 (as amended)</b>	Article 10	To sign exclusive rights of burial	Head of Law and Governance
<b>Refuse Disposal (Amenity) Act 1978 (as amended)</b>	S.2A	Fixed penalty notice in respect of abandoned vehicles	Head of Environmental Services
<b>Local Government (Miscellaneous Provisions) Act 1982</b>	S.13 – S.17	Skin piercing	Head of Community Services
	S29	Protection of buildings	Head of Regeneration and Housing Services or Head of Development Management (depending on type of premises)
	S.27	Repair of drains, private sewers etc	Head of Community Services

	S.35	Blocked private sewers	Head of Community Services
<b>Local Government (Miscellaneous Provisions) Act 1982</b>		Control of sex establishments	Head of Community Services
<b>Representation of the People Act 1983</b>	S.28	Acting Returning Officer at Parliamentary Elections	Returning Officer
	S.67(1)	Receipt of appointment of election agents	Returning Officer
	S.67(6)	Publication of names and addresses of agents	Returning Officer
	S67(7)(b)	Appropriate officer for local election purposes	Returning Officer
	S.81(1)	Receipt of return of election expenses	Returning Officer
	S.82(1)	Receipt of declaration of election expenses	Returning Officer
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Returning Officer
	S89(3)	Copy and inspections of returns and declarations.	Returning Officer
	S.131	Providing accommodation for holding election count	Returning Officer
<b>Building Act 1984</b>	S.59 – S.61	Authorisation of repair, reconstruction or alteration of drains	Head of Community Services or Head of Regeneration and Housing
	S.64 – S.65	Replacement of sanitary conveniences	Head of Community Services or Head of Regeneration and Housing
	S76	Defective premises (expedited procedure relating to s80 EPA 1990)	Head of Development Management or Head of Regeneration and Housing
	S.78	To act as “the surveyor” empowered to take and	Head of Development

		authorise emergency action in respect of damaged and dangerous buildings.	Management
	S.84	Paved yards	Head of Development Management
	S.93	Authentication of documents	Head of Development Management or Head of Regeneration and Housing
	S.95	Power to enter premises	Head of Development Management or Head of Regeneration and Housing
	S.97	Power to execute work	Head of Development Management or Head of Regeneration and Housing
<b>Public Health (Control of Disease) Act 1984</b>	S.11	Cases of notifiable disease and food poisoning to be reported	Medical Officer/Community Physician
(as amended by the Health and Social Care Act 2008)	S.11	To receive certificates from medical practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Head of Community Services
	S.18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Head of Community Services
	S.20	Stopping of work to prevent spread of disease	Medical Officer/Community Physician
	S.21	Exclusion from school of child liable to convey notifiable disease (as amended by s.45 of 2008 Act)	Medical Officer/Community Physician
	S.22	List of pupils at schools having case of notifiable disease (as amended by	Medical Officer/Community Physician

	s.45 of 2008 Act)	
S.23	Exclusion from places of entertainment	Medical officer/community physician
S.24	Control of infected articles intended to be washed at laundry or wash houses	Head of Community Services
S.25	Library books to be disinfected or disposed of	Head of Community Services
S.26	Infectious matter not to be placed in dustbins	Head of Environmental Services
S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Medical Officer/Community Physician
S.31	Certification by officer of need for disinfection of premises	Head of Community Services or Medical Officer
S.32	Certification by officer of need to remove person from infected house	Head of Community Services or Medical officer
S.34	Duty of owner etc of public convenience	Head of Environmental Services
S.35	To obtain a Justice's Order requiring a person to be medically examined	Medical Officer/Community Physician
S.36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Medical Officer / Community Physician
S.37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Medical Officer / Community Physician
S.38	To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease	Medical Officer / Community Physician
S.39 – S.40	Getting a warrant to examine residents of a	Medical Officer / Community Physician

	common lodging house		
S.42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Medical Officer / Community Physician	
S.43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Medical Officer / Community Physician	
s.45	Power to require children are kept from school, require contact lists of pupils and to decontaminate premises or articles. Power to seek Justice's Order in respect of quarantine, isolation or destruction etc ( a Part 2A Order)	Head of Community Services	
S.48	Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building	Medical Officer / Community Physician	
S.49 – S.52	Regulations concerning canal boats	Head of Regeneration and Housing or Medical Officer / Community Physician	
S.59	Authentication of documents relating to matters within their province	Head of Regeneration and Housing or Medical Officer/Community Physician	
S.61	Power of entry	Head of Regeneration and Housing or Medical Officer / Community Physician	
<b>Food Act 1984</b>	S.8	Enforcement of provision relating to working	Head of Community Services

		conditions	
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of Community Services
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of Community Services
<b>Housing Act 1985</b>	S.265	Demolition Order	Head of Regeneration and Housing
	S.289	Clearance Area Declaration	Head of Regeneration and Housing
	S.300	Determination to Purchase	Head of Regeneration and Housing
	S.319	Power of entry	Head of Regeneration and Housing
	S.606	Submitting reports on particular houses or areas	Head of Regeneration and Housing
<b>Local Elections (Principal Area) Rules 1986</b>	All	All functions	Returning officer
<b>Local Elections (Parishes and Communities) Rules 1986</b>	Rules 46, 47 and 48	Keeping documents after an election and making them available for the public to look at	Returning Officer
<b>Public Health (Infectious Diseases) Regulations 1988</b>	Reg.6	Special reporting of infectious diseases	Medical Officer / Community Physician
	Reg.8	Statistical returns	Medical Officer / Community Physician
	Reg.9	Prevention of spread of disease	Medical Officer / Community Physician
	Reg.10	Immunisations and vaccination	Medical Officer / Community Physician
	Reg.11	Measures against rats	Medical Officer / Community Physician
	Schedule 3	Typhus and relapsing fever	Medical Officer / Community Physician

	Schedule 4	Food poisoning and food borne infections	Medical Officer / Community Physician
<b>Local Government and Finance Act 1988</b>	S.112 – S.115, S.115A	Responsible officer for the purposes of the financial administration of the Council's affairs	Chief Finance (section 151) Officer
	S.116	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the Chief Finance Officer under this Act	Chief Finance (section 151) Officer
<b>Local Government and Housing Act 1989</b>	S.2(4)	Maintenance and review of the Council's List of Politically Restricted Posts	Head of Transformation
	S.4	Functions as Head of Paid Service.	Head of Paid Service
	S.5	Functions of Monitoring Officer within the meaning of this section of the Act	Monitoring Officer
	S.15 - 17	Allocating seats on Committees	Head of Law and Governance
	S.18	Arrangements in respect of the Scheme of Members' Allowances	Chief Finance (section 151) Officer / Head of Law and Governance
	S.19	Arrangements in respect of the Register of Members' interests	Head of Law and Governance
	Part 7	Declaration of Renewal Areas	Head of Regeneration and Housing
<b>Environmental Protection Act 1990 (as amended)</b>	S.6 – S.15	Prescribed processes	Head of Environmental Services or Head of Community Services
	S.78	Contaminated land	Head of Community Services
	S.79 – S.82	Statutory nuisance	Head of Community Services or Head of Regeneration and Housing or Head of Environmental

			Services
	S.88	Fixed penalty notices for leaving litter	Head of Environmental Services or Head of Community Services
	S.149 – S.150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Head of Environmental Services
	Schedule 3	Powers of entry	Head of Community Services or Head of Regeneration and Housing or Head of Environmental Services
<b>Food Safety Act 1990</b>	S.9	Seizure of food	Head of Community Services
	S.29 – S.30	Sampling food	Head of Community Services
	S.11, S37 – S.39	Improvement / prohibition notices	Head of Community Services
	S.49(3)	To sign documents on behalf of the authority	Head of Community Services
<b>Town and Country Planning Act 1990</b>	S.215	Waste land	Head of Development Management
<b>Local Government (Committees and Political Groups) Regulations 1990</b>	Regs.8, 9, 10, 13 and 14	Dealing with political balance on committees and nominations to political groups	Head of Law and Governance
<b>Water Industry Act 1991</b>	S.80 – S.83	Private water supply	Head of Community Services
<b>Clean Air Act 1993</b>	S.1 – S.2	Prohibition of dark smoke	Head of Community Services
	S.51 and S.56	To exercise all functions conferred by these sections	Head of Community Services
<b>Criminal Justice and Public Order Act 1994</b>	S.77 – S.80	Removal of unauthorised encampments	Head of Regeneration and Estates

<b>Environment Act 1995</b>	S.80	Local air quality management	Head of Community Services
	S.84	Air quality management areas	Head of Community Services
<b>Dogs (Fouling of Land) Act 1996</b>	S.4	To issue fixed penalty notices	Head of Environmental Services or Head of Community Services
<b>Housing Grants, Construction &amp; Regeneration Act 1996</b>	Part 1	Disabled Facilities Grants	Head of Regeneration and Housing
<b>Noise Act 1996 (as amended)</b>	S.8	Fixed penalty notices in respect of noise nuisance	Head of Community Services
<b>Party Wall Act 1996</b>	S.10(8)	To act as the 'appointing officer' as required by of the Party Wall Act 1996	Head of Development Management
	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Head of Development Management
<b>Local Government (Contracts) Act 1997</b>	S.3	Signing certificates in respect of Certified Contracts	Head of Law and Governance
	S.4	To maintain a register of certificates in respect of Certified Contracts to be open to public inspection	Head of Law and Governance
<b>Data Protection Act 1998</b>	All	Ensuring compliance with the statutory provisions and principles of the Act	Head of Law and Governance
<b>Crime and Disorder Act 1998</b>	S.5	To work in partnership with the police and other responsible bodies to reduce crime	Head of Community Services
	S.17	To consider crime and disorder implications of any decisions	Head of Community Services
	S.115	Power to disclose information in the interest of community safety and other	Head of Community Services

		purposes of the Act	
<b>Local Government Act 2000</b>	S.34	Determine whether a petition is valid	Electoral Registration Officer
	S.81	Establishment and maintenance of the Register of Members' Interests including voting co-opted members	Monitoring Officer
	S.99 and S.100	Regarding Members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003	Head of Law and Governance
	Various	Dealing with the holding of referendums	Returning Officer / Electoral Registration Officer
		All other responsibilities in the Act and any subordinate legislation	Head of Law and Governance
<b>Freedom of Information Act 2000</b>	S.36	Application from exemption disclosure	Monitoring Officer
	All others	All responsibilities associated with the act	Head of Law and Governance
<b>Regulation of Investigatory Powers Act 2000 (RIPA)</b>	S.27 – S.29	Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and authorize the use of covert human intelligence sources under the Act	Directors, Monitoring Officer or Chief Executive in accordance with Council's RIPA policy  Chief Executive to authorise operations against children and vulnerable adults
<b>Local Authorities</b>	Schedule	Giving notice of	Head of Law and

<b>(Standing Orders) (England) Regulations 2001</b>	1Part II	appointments and dismissal of officers to the Executive in accordance with the Regulations	Governance
<b>Private Security Industry Authority Act 2001</b>		Enforcement of actions by licensed door supervisors	Head of Community Services
<b>Criminal Justice and Police Act 2001</b>	S.19(2)	Power of closure where the sale of alcohol is not in accordance with any authorisation	Head of Community Services
<b>The Representation of the People (England and Wales) (Amendment) Regulations 2002</b>	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Head of Law and Governance
<b>Money Laundering Regulations 2003</b>	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief Finance (section 151) Officer
<b>Anti-Social Behaviour Act 2003 (as amended)</b>	S.30	Approval for dispersal orders	Head of Community Services
	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of Community Services
	S.43	To issue penalty notices for graffiti and flyposting	Head of Development Management or Head of Environmental Services
<b>Accounts and Audit Regulations 2003</b>	All Regs	All responsibilities	Chief Finance (section 151) Officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the Chief

			Finance Officer is unable to act
<b>Housing Act 2004</b>	S.239	Determining if a survey or examination is necessary	Head of Regeneration and Housing
	Part 1	Enforcement of Housing Standards	Head of Regeneration and Housing
	Part 2	Licensing of HMOs	Head of Regeneration and Housing
	Part 3	Selective Licensing of Residential Accommodation	Head of Regeneration and Housing
	Part 4	Additional controls in relation to residential accommodation	Head of Regeneration and Housing
	Part 6	Other provisions about housing	Head of Regeneration and Housing
	Part 7	Supplementary and final provisions	Head of Regeneration and Housing
<b>The Clean Neighbourhoods and Environment Act 2005</b>	Part 2	Nuisance parking	Head of Community Services or Head of Environmental Services
	Part 3	Litter	Head of Environmental Services
	Part 4	Fly posting	Head of Environmental Services
	S.59	Dog control fixed penalty notices	Head of Environmental Services
<b>Food Hygiene Regulations 2006</b>	Reg.6	Hygiene improvement notice	Head of Community Services
	Reg.7	Hygiene prohibition orders	Head of Community Services
	Reg.8	Hygiene emergency prohibition orders	Head of Community Services
	Reg.9	Remedial action/detention notice	Head of Community Services

	Reg.12	Food sampling	Head of Community Services
	Reg.14	Powers of entry	Head of Community Services
	Reg.17	Food premises registration	Head of Community Services
<b>Smokefree (Premises and Enforcement) Regulations 2006</b>		Enforcing smokefree legislation in premises and vehicles	Head of Community Services
<b>Criminal Justice and Police Act 2006</b>	S.14	Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti-social behaviour	Head of Community Services
<b>Health Protection (Notification) Regulations 2010</b>	S.22	To share depersonalised data	Head of Community Services
		All local authority responsibilities under these regulations	Head of Community Services
<b>Local Authorities (Executive Arrangements) (Meetings and Access to information (England) Regulations 2012</b>		All local authority responsibilities under these regulations	Head of Law and Governance