PART 3: RESPONSIBILITY FOR FUNCTIONS

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RESPONSIBILITY FOR FUNCTIONS

SECTION 1 - INTRODUCTION

This part of the Constitution explains who is responsible for the various functions of the Council.

Functions fall into the following categories:

1.1 COUNCIL FUNCTIONS

These are functions which by law cannot be the responsibility of the Leader and Cabinet. In some cases, such as adopting the Council's Budget and Policy Framework, only Full Council may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an officer.

Article 4 in Part 2 of the Constitution sets out those functions which may only be exercised by the Council.

Council functions include those functions shown as such in the table of 'local choice' functions set out in paragraph 2.5 below.

1.2 'LOCAL CHOICE' FUNCTIONS

There are some functions which the Council may treat as being the responsibility of the Leader and Cabinet or the Council at its discretion.

Paragraph 2.5 sets out which 'local choice' functions are the responsibility of the Full Council and/or its Committees, and which are the responsibility of the Leader and Cabinet.

1.3 EXECUTIVE FUNCTIONS

All other functions are Executive Functions. Decisions on these Functions will be taken by the Leader unless they are delegated in accordance with Article 7 of the Constitution or dealt with under joint arrangements. Article 7 provides that the Leader may delegate responsibility for these functions to the Cabinet, Cabinet Committees, individual Cabinet Members, a Joint Committee with another Local Authority, Executive of another Local Authority or Officers. Executive Functions are all the statutory functions of the Council except those listed or referred to in paragraphs 1.1 and 1.2 above.

1.4 WHO MAY EXERCISE OFFICER DELEGATIONS?

Where a function has been delegated to an officer(s) ("Delegated Officers"), the decision may be taken in the name of (but not necessarily

personally by) such Delegated Officer(s), or by another officer(s) ("Authorised Officers(s)") in accordance with arrangements made from time to time by such Delegated Officer(s) for this purpose.

SECTION 2 – SCHEME OF DELEGATION

2.1 CABINET RESPONSIBILITIES AND FUNCTIONS

Part 2, Article 7 of the Constitution provides that the Cabinet will carry out the Executive Functions delegated to it by the Leader. Executive Functions delegated by the Leader to the Cabinet, individual Cabinet Members, Committees and Joint Committees are set out below in paragraphs 2.8, 2.9 and 2.10 respectively.

Executive Functions shall include those functions shown as such in the table of local choice functions, set out at paragraph 2.5 below.

The Leader has delegated certain Executive Functions to Officers. These, together with the functions delegated by the Council to Officers, are set out in Part 3, Section 3 of this Scheme.

Any changes made by the Leader to this Scheme, in relation to Executive Functions, will be reported to the next appropriate meeting of the Council.

2.2 OVERVIEW AND SCRUTINY COMMITTEE RESPONSIBILITIES AND FUNCTIONS

Part 2, Article 6 of the Constitution sets out the role and functions of the Overview and Scrutiny Committees established by the Council.

2.3 RESPONSIBILITY FOR COUNCIL FUNCTIONS

Part 2, Article 8 of the Constitution enables the Council to appoint such Committees as it considers appropriate to discharge functions which are not specifically the responsibility of the Cabinet or Overview and Scrutiny Committees. The role and functions of these Committees are detailed below in paragraph 2.6.

2.4 OVERALL LIMITATIONS

Any exercise of responsibility for functions or delegated powers shall comply with:

(a) any statutory restrictions;

(b) the Council's Constitution;

(c) the Council's Policy Framework and any other plans and strategies approved by the Council or Cabinet;

(d) the in-year budget;

(e) the Code of Practice on Local Authority Publicity; and

(f) agreed arrangements for recording decisions

The responsibilities for functions and delegations set out in this Scheme are subject to:

1) the right of an Overview and Scrutiny Committee to consider a proposal within the Policy Framework;

2) the discretionary powers of the Overview and Scrutiny Committee to call in or review Executive Functions and decisions;

3) a requirement on the Cabinet to consult the relevant Overview and Scrutiny Committee and/or Planning Committee on the parts of the Local Plan documents relevant to those Committee's respective functions.

2.5 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Local Choice Functions are those statutory functions of the Council which can be exercised by the Council (or a Committee or Officer of the Council), or by the Leader or by the Cabinet. The table below indicates the arrangements the Council has made in relation to making decisions with regard to its Local Choice Functions.

Function	Decision-making body	Delegation of functions
Any function under a local Act (other than a function specified or referred to in Regulation 2 Schedule 1 of the Local Authorities (Functions Responsibilities) (England) Regulations 2000 amended).	Cabinet	Unless shown otherwise, responsibility for functions has been delegated to Officers in Section 3 of the Delegation to Officers
Any function relating to contaminated land.	Cabinet	
The discharge of any function relating to the control of pollution or the management of quality.	Cabinet	
The service of an abatement notice in respect of a statutory nuisance.	Cabinet	
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough.	Cabinet	
The inspection of the Borough to detect any statutory nuisance.	Cabinet	
The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as interests in land.	Council	
The obtaining of particulars of persons interested in land under Section 16 of the Local (Miscellaneous Provisions) Act 1976.	Cabinet	

The appointment of any individual:- (a) to any office other than an office in which s/he employed by the authority; (b) to anybody other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council	
The determination of any appeal against any decision made by or on behalf of the Council (other than staffing, standards or licensing matters).	Council	
Approval of the Council's final accounts and financial statement.	Council	Audit and Accounts Committee
The making of agreements with other local authorities for the placing of staff at the disposal of other authorities.	Council	
Licensing of Scrap Metal Dealers	Cabinet	
Apply standard conditions to scrap metal licences.	Cabinet	

2.6 RESPONSIBILITY FOR COUNCIL FUNCTIONS – COMMITTEES

These are functions which cannot be the responsibility of the Cabinet in accordance with Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("Schedule 1"), or as a result of other statutory provisions.

Planning Committee

Membership

Cannot exceed 13 Councillors (to be politically balanced)

Chair

To be appointed by Council at the Annual General Meeting.

Frequency of Meetings

Scheduled for every month, if required, with additional meetings scheduled if necessary

Mandatory Training Requirement

Members of the Committee and reserves must undertake mandatory training in the relevant law and procedures which relate to the committee's work and undertake further mandatory training, on an ad hoc basis, where there are changes to procedure or relevant legislation prior to the first meeting of the municipal year.

Terms of Reference

2.6.1 Functions of Planning Committee

The Committee shall be responsible for:

(1) the determination of a Schedule 2 Application that passes the Gateway Test under the Planning Scheme of Delegation procedure set out in Part 4 of this Constitution and the Nominated Member and Nominated Officer or their authorised substitute(s) have referred such application to Planning Committee.

(2) the determination of Own-Interest Applications that the Nominated Member and Nominated Officer or their authorised substitute(s) have referred to Planning Committee in accordance with the procedure set out in Part 4 of this Constitution.

(3) powers relating to planning enforcement where such matters are referred to it by the Head of Planning and Infrastructure;

(4) applications relating to highway diversions, closures and extinguishments (s.257 and 258 of the Town and Country Planning Act 1990 as amended).

(5) confirming Tree Preservation Orders where there are unresolved objections;

(6) any other planning matter falling within the delegated power of the Head of Planning and Infrastructure in paragraphs 3.15(13), (14), (20), (22), (23) and (24) and which does not fall within 1) – 5) above referred by the Head of Planning and Infrastructure.

(7) Hazardous substance consents

Qualification on Delegation to Planning Committee

(1) The Planning Committee shall not have the delegated authority to:

Refuse a planning application made pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992. If the Planning Committee is minded to refuse a planning application made pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the application should be reconsidered by the Director of the responsible service which made the application and (if considered appropriate) the application will then be determined by Council, but only after Council has received the recommendations of the Planning Committee.

(2) Where a report on an enforcement case concludes that there is a breach of planning control but the officer recommendation is for no further action, the decision shall be considered by the Planning Committee if *one or more C*ouncillors of the Ward within which it is situated have so requested and have set out clear planning grounds for the request.

Procedure

The Planning Committee will generally operate in accordance with the Rules of Operation of the Planning Scheme of Delegation and Committee Procedure Rules set out in Part 4 of this Constitution.

Public Participation

The Planning Committee will operate the Public Participation at Meetings scheme as set out in Part 4 of this Constitution.

NB the definitions for 2.6 are contained within the Rules for Operation of the Planning Scheme of Delegation in Part 4 of the Constitution

2.6.2 Functions of the Licensing Committee

The Licensing Committee shall be responsible for:

(1) Hackney Carriages and Private Hire Vehicles, Drivers and Operators' licensing.

Licensing Sub-Committee will hear informal appeals against decisions to refuse applications and to suspend and revoke licences

(2) Caravan Site, Moveable Dwelling and Camp Site Licensing.

(3) Licensing of Sex Establishments.

(a) To determine applications for licences where relevant objections are raised; and

(b) to hear informal appeals against decisions to refuse applications or to revoke licences.

(4) Licensing Performances of Hypnotism.

(5) Health and Safety at Work Enforcement.

(6) Animal Welfare and Licensing.

Licensing Sub-Committee will hear informal appeals against decisions to refuse applications, restrict licences or impose conditions in excess of the standard licence conditions.

(7) Food Premises Registration.

(8) Charities and Street Collections Permits.

(9) Street Trading Consents.

Licensing Sub-Committee will hear informal appeals against refusals of applications and revocations of consents.

(10) Certificates of Registration of Acupuncture, Tattooing, Electrolysis and Cosmetic Piercing.

(11) Licensing functions under the Licensing Act 2003 and Regulations thereunder. Licensing Sub Committee will hear all applications:

(a) where relevant objections are raised in accordance with powers made under the Licensing Act 2003; and

(b) for reviews (including summary reviews) of licences and make a determination in accordance with powers made under the Licensing Act 2003.

(12) Licensing functions under the Gambling Act 2005 and Regulations thereunder.

Licensing Sub-Committee will hear all applications where relevant objections are raised; and hear all applications for reviews of licences

(13) All functions and powers relating to Smoke-free legislation.

(14) Licences under S115(E) of the Highways Act 1980 (Tables and Chairs)

Licensing Sub-Committee to hear informal appeals against refusals of applications.

(15) To set relevant fees and charges

General and Procedure

Unless reserved to the Licensing Committee or Sub-Committee in the paragraphs set out above, the Environmental Health Manager is delegated all relevant authorities to grant and refuse licences, permits and registrations and to impose conditions on such grants.

Appeals in relation to all licences etc as aforesaid and including those referred to in the paragraphs above, shall be heard (where the law allows or provides) by the Licensing Committee or Licensing Sub-Committee.

Procedure

The Licensing Committee (and Licensing Sub-Committee(s)) will generally operate in accordance with the Committee Procedure Rules set out in Part 4 of this Constitution.

When hearing appeals, applications and similar matters, the Licensing Committee or Licensing Sub-Committee may adopt the order of proceedings described in Schedule 4A or such other procedure as may be determined by the Committee in order to ensure compliance with the Licensing Act 2003 (Hearings) Regulations 2005 (as from time to time amended.)

Public Participation

The Licensing Committee will operate the Public Participation at Meetings scheme, as set out in Part 4 of this Constitution.

2.6.3 Functions of Audit and Accounts Committee

Statement of Purpose

1) The purpose of the Audit and Accounts Committee is to provide independent assurance to Councillors of the adequacy of the risk management framework and the internal control environment. It provides an independent review of Basingstoke & Deane's governance, risk management and control frameworks as well as overseeing the financial reporting and annual governance processes. It also oversees the functions of internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk and Control

2) To review and approve the Council's good governance framework, the Local Code of Corporate Governance and review the Council's arrangements against the framework.

3) To review and recommend the Annual Governance Statement for adoption, ensuring it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.

4) To review the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

5) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

Internal Audit

6) To approve annually the internal audit charter, and the internal audit plan and where necessary significant interim changes to the annual audit plan.

7) To consider the following reports from the Chief Internal Auditor during the year:

   (a) Audit Annual Report, which will include:

   - The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the

Annual Governance Statement; and

- Statement of the level of conformance with the Public Sector Internal Audit Standards, highlighting non-conformance Quality Assurance and Improvement Programme.

(b) Progress Reports in relation to the effectiveness of internal controls, to include:

- Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work; and

- agreed recommendations not implemented within a reasonable timescale.

External Audit

8) To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance.

9) To commission work from internal and external audit after consultation with the Executive Director of Corporate Services (Section 151 Officer) and the Chief Internal Auditor.

Financial Reporting

10) To review and approve the Statement of Accounts each year in accordance with statutory deadlines.

Accountability Arrangements

11) To review, monitor and consider reports from the Chief Financial Officer on treasury management functions and activities.

12) To review, monitor and consider reports from the Chief Finance Officer on the Property and Alternative Investment strategy including the Invest to Grow fund

Procedure

The Audit and Accounts Committee will operate in accordance with the Committee Procedure Rules, set out in Part 4 of this Constitution.

Public Participation

The Audit and Accounts Committee will operate a Public Participation at Meetings scheme as set out in Part 4 of this Constitution.

2.6.4 Functions of the Standards Committee

1) To advise the Council on the adoption or revision of the Code of Conduct for Councillors, contained in Part 5 of this Constitution.

2) To monitor the operation of the Code of Conduct and to advise the Council as required on matters relating to ethical standards and conduct.

3) To promote and maintain high standards of conduct by Councillors and Co-opted Members and to provide advice, guidance and training on the Code of Conduct

4) To advise council on adoption and oversee arrangements for dealing with complaints against Councillors which will, where appropriate, be determined by a Standards Hearing Panel.

Procedures

The Committee will operate in accordance with the Committee Procedure Rules set out in Part 4 of this Constitution.

2.6.5 Functions of the Human Resources Committee

1) To co-ordinate the recruitment of the Head of Paid Service (Chief Executive) and Executive Directors (excluding interim posts), making recommendations for appointments to Full Council.

2) To be consulted on any major structural changes that affect the whole Council.

3) To approve the following policies that will have a significant impact on staff and/or on costs to the Council.

   (a) Redundancy Handling Policy

   (b) Management of Sickness Policy

   (c) Disability Policy

   (d) Whistleblowing Policy

   (e) Disciplinary Policy and Procedure

   (f) Capability Policy

   (g) Bullying and Harassment Policy and Procedure

   (h) Staff Code of Conduct

(i) Sickness Absence Policy and Procedure

(j) Grievance Policy and Procedure

4) On an annual basis, to review the delegation to Officers to agree all employment policies, with the exception of those listed in paragraph (3) above, and determine whether the Committee wishes to amend the delegations for certain policies.

5) To approve staff retention packages and incentives.

6) To approve the payment of Market Supplements for Executive Directors and the Chief Executive in accordance with the Pay Policy Statement

7) To approve all early retirement/redundancy requests for Heads of Service, Executive Directors and Head of Paid Service.

8) To recommend to the Council an annual Pay Policy Statement and any element of discretion involving the Council's Statutory Pension Scheme that falls outside the delegated powers of the Head of Paid Service and Executive Directors.

9) To receive the following reports:-

(a) from the Head of Human Resources and Organisational Development twice a year on the operational management of the organisation, highlighting fluctuations in trends on significant indicators affecting the staff resources of the Council (eg sickness, recruitment, working practices, equal opportunities, etc);

(b) on the management of health, safety and wellbeing issued within the Council annually; and

(c) annually on all early retirements, redundancies and compromise agreements made in the preceding year

10) To appoint an Appeals Panel to hear (as may be appropriate) any appeals against disciplinary decisions:-

(a) which have resulted in dismissal of an Executive Director (see also the Officer Employment Procedure Rules in Part 4 of this Constitution).

(b) that have resulted in a dismissal by the Chief Executive

(c) determined by the Head of Paid Service.

11) The Committee will appoint four members, one of whom will be the Chairman, to attend the Joint Consultative Committee (JCC). The Cabinet Member will also attend the JCC.

12) To undertake the role of Appeals Committee to deal with disciplinary matters short of dismissal in relation to the Head of Paid Service, Chief Finance Officer or Monitoring Officer.

Procedures

The Human Resources Committee will operate in accordance with the Committee Procedure Rules in Part 4 of this Constitution and the Council and the Committee will also observe the Officer Employment Procedure Rules and the Appeals Panel Procedure.

Public Participation

The Human Resources Committee will operate a Public Participation at Meetings scheme, as set out in Part 4 of this Constitution.

2.6.6 Functions of Investigation and Disciplinary and Standards Appeals Committee

2.6.6.1 Functions

a) To consider allegations/issues regarding disciplinary matters relating to the designated statutory officers (DSO's) of the Council

1) (the Head of Paid Service, the Monitoring Officer and the chief finance Officer) and to authorise initial investigation.

2) To appoint an Independent Investigator to investigate allegations of misconduct against any DSO of the Council and to commission reports from an Independent Investigator.

3) To determine appropriate action upon receipt of any preliminary investigation.

4) To decide whether to suspend a DSO and to review decisions taken to suspend a statutory officer. In the event of the need for urgency, this function to be delegated to the Head of Human Resources and Organisational Development in consultation with Chair of the Committee and the Leader of the Council.

5) To determine what action should be taken against a DSO following an investigation. This could include action short of dismissal or dismissal.

b) To consider and determine appeals by councillors against decisions made by the Standards Hearing Panel and administer sanctions where appropriate.

2.6.6.2 Membership of the Investigation and Disciplinary and Standards Appeals Committee

The committee shall be politically balanced, shall consist of up to 7 Members of the Council and at least 1 member of the committee shall be a member of the Cabinet.

For appeals by councillors against decisions made by the Standards Hearing Panel, the membership of the committee will include an Independent Person and if the matter relates to a Parish or Town Councillor, a Parish or Town Council representative sitting on the Standards Committee. Only members of the Council have voting rights.

2.6.6.3 Procedure for Investigation and Disciplinary and Standards Appeals Committee as it relates to functions in paragraph 2.6.6.1 a)

The procedure for the functions in paragraph 2.6.6.1 b) will be determined by the Committee taking into account the provisions of section 8 of the Arrangements for dealing with complaints against councillors in part 5 of the Constitution.

Investigation

1) It is in the interests of all parties that the proceedings be conducted expeditiously and fairly.

2) In the exercise of its function, the Committee is to receive and consider any complaints/allegations. It may:

   - make such enquiries of the relevant officer or any other person as it considers appropriate;
   - request additional information, explanations or documents from any person; and
   - invite or receive representations from any person

3) The Committee having carried out such steps as it considers appropriate and having heard representations from the DSO or his or her adviser shall decide whether the issues:

   a) require no further action, or

   b) should be referred to an Independent Investigator

4) In considering whether the threshold in deciding to appoint an Independent Investigator has been met the Committee will assess whether:

   - if the allegations are provided it would be such as to lead to the dismissal or other action which would be recorded on the DSO's personal file; and

   - there is evidence in support of the allegation/issue sufficient to require further investigation.

5) In deciding whether the threshold for the appointment of an Independent Investigator has been reached the Committee may carry out such preliminary investigations as it considers appropriate or necessary or authorise officers to do so. This shall be solely for the purpose of establishing whether or not the threshold for appointing an Independent Investigator to carry out an investigation has been met.

6) Before deciding to appoint an Independent Investigator or suspend a DSO the Committee shall invite the representations of the DSO unless it is impracticable to do so. The DSO shall have the right to be accompanied at the Committee Meeting.

2.6.6.4 Receiving the Independent Investigator's Report/Hearing

1) The Committee should receive any report produced by an Independent Investigator in relation to a DSO within one month of the receipt of the report by the Council.

2) The DSO shall have the right to attend and be accompanied at the Committee Meeting which considers the Independent Investigator's Report.

3) The Committee shall consider the Independent Investigator's report and shall invite representations from the DSO and/or his/her representative. The committee may impose disciplinary sanctions as set out in the Council's disciplinary procedures, the JNC Terms and Conditions Handbook for Chief Officers and the JNC Terms and Conditions Handbook for Chief Executive. In conducting any hearing the Committee shall have regard to the model disciplinary procedure in the JNC handbook for Chief Executives.

2.6.6.5 Decision

1) If the Committee decides that the DSO shall be dismissed the Full Council shall consider the Committee's recommendation of dismissal. Prior consideration by Full Council, the Independent

Persons Panel shall consider the matter and the Committee shall give all members of the Cabinet the opportunity to raise any objections to the decision. This process is governed by the Officer Employment Procedures Rules set out in this Constitution.

2) In the case of any disciplinary action other than dismissal the DSO may appeal to the Human Resources Appeals Committee against the decision.

2.6.6.6 Suspension

If a DSO has been suspended for a period of 2 months (or in the case of a decision to suspend taken under urgency provisions) then the Committee shall review that suspension. In carrying out that review the Committee shall consider any representations made by the Independent Investigator and the DSO and/or his or her representative. Further reviews of suspension shall be carried out at appropriate periods thereafter.

Procedures

The Investigating and Disciplinary and Standards Appeals Committee will not operate a Public Participation at Meetings scheme, as set out in Part 4 of this Constitution.

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2.7 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Executive Functions are all of the Council's functions which are not the responsibility of any other part of the Council, by law or under this Constitution, together with those 'Local Choice' Executive Functions shown as Executive Functions in the table at paragraph 2.5.

The Leader is responsible for the discharge of Executive Functions and may delegate those functions as set out in Article 7 of this Constitution.

Paragraphs 2.8, 2.9 and 2.10 hereafter show how the Leader has allocated responsibilities for particular Executive Functions amongst the Cabinet, individual Members of the Cabinet (Portfolio Holders) and Cabinet Committees.

2.8 THE CABINET

Terms of Reference

The Leader and Cabinet will be responsible for providing leadership and direction to the Council.

The Cabinet will be collectively responsible for Executive Functions within the Authority which are not otherwise delegated by the Leader. Paragraph 2.10 below sets out the responsibility for Executive Functions exercised by the Leader and Cabinet Members. Paragraph 2.9 sets out the responsibilities of the Cabinet Sub Committees.

The plans and strategies listed in Article 4 of this Constitution, and which together comprise the Budgetary and Policy Framework, must be determined by the Council on the recommendation of the Cabinet after consultation, as appropriate, with the relevant Overview and Scrutiny Committee, the Licensing Committee and, in relation to the Local Plan documents, the Planning Committee.

The Cabinet (or Cabinet Member(s) where the function is delegated) will:

1) Lead the preparation of the Council's policies and budget and make recommendations to the Full Council on the statutory and strategic plans which form the policy framework, and the revenue and capital budgets and Council Tax.

2) Consult the appropriate Overview and Scrutiny Committee at an early stage in the development of the budget and the plans and strategies within the Policy Framework.

3) Submit annually, or otherwise as required, to the Full Council for approval the Council Plan and Budget, and the other statutory and strategic plans which make up the Policy Framework.

4) Take decisions within this Budgetary and Policy Framework approved by the Full Council, including Key Decisions unless these have been delegated to Cabinet Committees, Cabinet Members, Joint Committees or Officers.

5) Refer to the Full Council for decision any proposal involving a material departure from any of the approved statutory and strategic plans or the approved revenue and capital budgets.

6) Take any action, incur any expenditure or raise any income (including the fixing of fees and charges for works, services and supplies and the setting of the Council Tax.)

7) Approve Service Plans and monitor and review performance against such plans including the outturn of expenditure and income.

8) Subject to paragraph 7 above, take in-year decisions on resources and priorities, service delivery and operations to deliver the Council Plan and Service Plans as well as other approved policy plans and the revenue and capital budgets.

9) Set clear priorities which are consistent with the Council's policies and strategic objectives.

10) Ensure that resources are efficiently managed within allocations set by Full Council and that risk is properly managed.

11) Lead the community planning process and provide a focus for partnership working with other public, private and voluntary and community sector agencies.

12) Determine Local Infrastructure Fund funding allocations to Council schemes and grant applications over £250,000 each: the Deputy Leader and Cabinet Member Finance, Service Delivery and Improvement determining allocations up to £250,000 each, where appropriate, following consultation with any relevant Cabinet Member(s) and /or the Leader.

13) Determine the allocation of revenue grant funding to local organisations in accordance with agreed outcomes.

14) Authorise the acquisition of land, subject to the more specific delegations to Cabinet Members and Officers in Part 3 Section 3 of the Scheme of Delegation and to authorise the disposal of land, or interests in land, in accordance with the Council's Disposal Procedure for Land and Property set out in Part 4 of this Constitution.

[Note: Where this Authority is legally able to do so, Cabinet shall make all decisions relating to the disposal of land at less than open market value other than lettings completed under the Council's Rental Subsidy Arrangements for community/leisure uses of Council-owned property.]

15) Declare land or property surplus to requirements.

16) Make appointments to those outside bodies which carry out or relate to Executive Functions.

17) Provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services.

18) Consider, determine and report to the Council on matters on which there has been a finding of maladministration by the Local Government Ombudsman.

19) Authorise the commencement of, or defence of, any legal proceedings in any court of law or tribunal or the making of representations to any court, tribunal, inquiry or any decision-maker.

20) 'Local Choice' functions as set out in paragraph 2.5 of this Scheme unless reserved to the Council or delegated to Officers under Section 3 of this Scheme of Delegation.

21) Any other functions which are not specified in regulations as Council or Non-Executive Functions.

22) Where matters are to be discharged by the Cabinet then (unless the Leader directs otherwise) the Cabinet may exercise its discretion to delegate those matters to a Committee of the Cabinet or to an officer.

Procedures

The Cabinet and its Committees will operate in accordance with the Cabinet Procedure Rules, set out in Part 4 of this Constitution.

Public Participation

The Cabinet and its committees will operate a Public Participation Scheme as set out in Part 4 of this Constitution.

2.9 CABINET COMMITTEES

Where the Cabinet as a whole or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to an Area Committee (if any), via joint arrangements, or to an officer.

2.9.1 Functions of the Manydown Executive Committee

The Executive Committee will deal with the following matters acting as land owner in relation to the development of the Council's land holding known as the Manydown Land:

1) The development of the Manydown Land by and including (but not limited to):

   a) preparation and approving development strategies:

   b) promotion for submission into the Local Plan;

   c) preparation and approval of all applications for development and planning permission:

   d) approval and preparation and commissioning of surveys and inspections of the land;

   e) preparation and approval of infrastructure works;

   f) preparation and approval of development designs;

   g) approval of marketing and disposal; and

   h) the selection and approval of developers and contractors required to give effect to the above.

2) In respect of paragraph 1) above the Committee shall take into account:

   a) the provisions of the Joint Development Partnership Agreement dated 20 February 1996 made between the Council and Hampshire County Council (and any supplemental documents thereto);

   b) the interests of its partner, Hampshire County Council, under the said Joint Development Partnership Agreement;

   c) the Council's overall social, economic and environmental priorities as reflected in the Council Plan;

   the word "development" as referred to above relates to any actual (and proposed) physical works of construction etc. upon the

Manydown Land and not to any development control or forward planning decisions/functions (which will continue to be exercised by the Planning Committee, the Cabinet Member for Planning and Infrastructure and by Full Council, as appropriate).

3) Recommendations referred to it by the Manydown Joint Management Committee for decision.

2.9.2 Functions of Basing View Executive Committee

This Executive Committee shall deal**,** as landowner**,** in relation to regeneration of Basing View so as to:

1) Support the long term economic prosperity of the town and the Borough.

2) Promote the long term regeneration of Basing View to create a high quality sustainable environment and attractive destination for business.

3) Promote regeneration that makes a significant and positive contribution to central Basingstoke in terms of improvement to the appearance, environment and economic vitality of Basing View**,** raising the profile/reputation of the town as a whole, which serves to attract more occupiers to the town, reinstate Basing View as a vibrant business district and act as a catalyst for attracting future inward investment.

4) Take into account the Council's overall social, economic and environmental priorities, as reflected in the Council Plan.

5) Optimise the Council's financial return on its vacant sites in these areas within the context above.

6) Preserve/enhance the Council's current revenue income stream generated by its existing long term lettings in Basing View in the context of the long term regeneration strategy for Basing View, the Medium Term Financial Strategy and with regard to the Council's property investment strategy and economic priorities.

7) The Committee shall take into account the provisions of the Council's Development Agreement with Muse Developments Ltd dated 19 December 2012, including the approval of the Annual Business Plan and scheme proposals in so far as they are not delegated to the Cabinet Member for Strategy.

8) Approve the annual Basing View Business Plan.

2.9.3 Functions of Joint Manydown Committee (JMC) (with Hampshire County Council)

1) Basingstoke and Deane Borough Council (BDBC) and Hampshire County Council (HCC) hereby delegate to the JMC, so far as they are able, the discharge of their powers, functions, rights and duties in respect of the following Terms of Reference:

   (i) The Tenant's role pursuant to a 999 year Lease dated 20 February 1996 and made between the Manydown Company (and others) and BDBC.

   (ii) The Landlord's role pursuant to the Farm Business Tenancy dated 20 February 1996 and made between BDBC and the Manydown Company.

   (iii) For the avoidance of doubt:-

      a) the Tenant and Landlord roles referred to above shall include the power to deal with all routine issues of land management normally exercised by a land owner (including the power to comment upon planning applications and proposals affecting either the land referred to in the said 999 year Lease and Farm Business Tenancy ("the Manydown Land") or adjoining land); but

      b) the "Tenant role" shall not include powers, functions, rights and duties relating to the development of the Manydown Land, or the option to acquire the freehold referred to in the said 999 year Lease.

   (iv) Such other matters as may from time to time be jointly referred to the JMC by the respective Executives of BDBC and HCC.

2) Instead of exercising its delegated powers in respect of any matter, the JMC may make a recommendation to BDBC and HCC via their respective Executives.

3) The JMC shall also have the following additional delegated powers to:-

   (i) advise and make recommendations to BDBC and HCC through (at BDBC) Cabinet or a Cabinet Committee and (at HCC) the relevant Executive Member on the objectives which the JMC considers the Councils should pursue in respect of the matters delegated to it or in respect of other matters relevant to the Manydown Land.

(ii) consider and make proposals to implement the policy objectives of BDBC and/or HCC in respect of the specific matters delegated to it.

(iii) review progress towards achieving the policy objectives of BDBC and/or HCC in respect of the specific matters delegated to it and make such reports and proposals as should be required by BDBC and/or HCC.

(iv) incur such expenditure and raise such income as may have been approved by BDBC and HCC for the relevant financial year.

(v) authorise the commencement of or defence of any legal proceedings in any Court or the representation of BDBC and HCC before any Court or Tribunal in connection with the matters delegated to the JMC.

(vi) approve the payment of attendance, travelling and subsistence allowances as appropriate when arranging special meetings and visits prior to their taking place.

(vii) receive reports (for information only) with regard to:-

a) Activities in promoting the development of the Manydown land. (From HCC)

b) The Local Planning Authorities' progress with planning policy matters (such as Local Development Framework, Core Strategies, Site Allocation documents, etc. (From HCC or BDBC)

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2.10 LEADER AND CABINET MEMBER RESPONSIBILITIES

2.10.1 Functions of individual members of the Cabinet

a) **The Leader**

The Leader will perform the following functions:

1) Lead on implementing the Council's policy and budget decisions.

2) Provide leadership of the Council by setting the strategic direction and key priorities, and by overseeing the development of the financial strategies.

3) Represent the Council in the community and in negotiations with regional and national organisations.

4) Appoint the Deputy Leader.

5) Appoint at least two, but not more than eight members of the Cabinet.

6) Decide on Cabinet portfolios, including the determination of their number, name and content.

7) Allocate portfolios and delegate responsibility for taking decisions on Executive Functions to Cabinet collectively, Cabinet Committees, Cabinet members, joint arrangements and Officers.

8) Notify the Council, the Monitoring Officer and Chief Finance Officer of the allocation of responsibility for Executive Functions which s/he has agreed as part of the Leader's Scheme of Delegation and ensure that details are published appropriately.

9) Determine (within the Budgetary and Policy Framework set by Full Council) all matters relating to Executive Functions delegated to the Cabinet, Cabinet Committees, Cabinet Members or to Officers, where there is no convenient meeting of the Cabinet, Committee, or no individual available (or willing) to exercise their delegated power.

10) Provide leadership to the Cabinet and chair its meetings.

11) Where appropriate, require any decision proposed by one or more Cabinet Members to be taken by the Cabinet.

12) In the absence of a Cabinet member take responsibility for all relevant matters within the remit of the Cabinet.

13) Exercise discretion to personally discharge any Executive

Functions or make arrangements for their discharge by the Cabinet, another member of the Cabinet, a committee of the Cabinet or an officer.

14) All Executive Functions not expressed to be within the remit of the Leader or otherwise delegated by the Leader to the Cabinet, a Member of the Cabinet or a Committee of the Cabinet are delegated by the Leader to Officers.

15) Approve the write-off of bad debts in excess of £2,000 subject to consultation with the relevant Cabinet Member.

16) Where not related to bankruptcy/liquidation):

    a) approve the write-off of arrears of Non-Domestic Rates, Community Charge or Council Tax which are in excess of £10,000.

    b) approve the write-off of Housing Benefit-related bad debts in excess of £3,000.

17) Approve the policies for granting of Discretionary Rate Relief.

18) Approve the:

    a) grant and renewal of occupational leases of property at an open market value of more than £150,000 per annum and less than £500,000 per annum.

    b) grant of ground leases at an open market value of a rental up to the value of £300,000 per annum or up to a capital premium payment of £500,000.

    c) restructure of ground leases at an open market value of a rental up to the value of £300,000 per annum or up to a capital premium payment of £500,000.

    d) installation of telecommunications equipment on Council land in accordance with such procedures and policies as are currently approved.

    e) disposal of the freehold in land, at open market value

19) Approve the:

    a) Phase business plans under the Multi-site partnership agreement;

    b) Basing View Site-wide strategy reports;

c) Individual phase proposals under the Multi-site partnership agreement.

20) Make any other arrangements for Executive Decisions that are permitted by law.

b) **The Deputy Leader**

In the Leader's absence, where the Leader is unable to act, or where the office of Leader is vacant, the Deputy Leader will deputise in addition to carrying out portfolio responsibilities referred to in paragraph 3 below:

c) **Cabinet Members – Delegated Responsibilities**

All Cabinet members will be publicly accountable for the actions of the Council. This will include specific responsibility for matters within the scope of their portfolio.

1) Within their respective areas of responsibility, Cabinet Members shall make decisions:

a) consistent with the Council's approved policy framework;

b) within approved budgets and within the discretion permitted by virement limits; and

c) which do not compromise any existing or proposed policy.

2) Within their respective areas of responsibility and budgets, Cabinet members may approve:

a) the Service Plan for any operation or service;

b) any expenditure contained in approved revenue estimates;

c) the taking of any action to implement the approved Capital Programme of the Council;

d) the making of grants of up to £25,000 where established criteria have been met;

e) the publication of information about the Borough or the Council;

f) research into possible policy developments; and

g) appropriate consultation into possible policy developments or options for action.

h) disposal of the freehold in land, at open market value, subject

to that value being more than £250,000 but not more than £500,000

3) Cabinet members will be expected to:

a) Refer to the Leader any matter considered by the Cabinet Member, or the Leader, to be too sensitive or controversial to be decided within the portfolio.

b) Agree decisions with other Cabinet Members where a matter crosses the boundaries between two or more portfolios and to refer to the Leader any such matter which cannot be agreed.

c) Maintain clear communications with the Chairs of the Overview and Scrutiny Committees.

d) Represent the Council with external bodies and agencies in order to promote the work of the Council and the Council's interests.

e) Develop clear, affordable policies and strategies for services which are consistent with objectives.

4) Undertake specific projects as agreed with the Leader of the Council.

5) Where matters are to be discharged by a single member of the Cabinet then, unless the Leader directs otherwise, that member may exercise their discretion to delegate those matters to an officer.

d) Cabinet Members - Portfolios

The areas of responsibility ('portfolios') allocated by the Leader will be subject to change at the Leader's discretion and will be notified to the Council and appropriately published.

SECTION 3 – SCHEME OF DELEGATION TO OFFICERS

3.1 General Delegation

The Council and the Leader delegate to the Officers identified in Parts 2 and 3 (the Chief Executive, Directors, Heads of Service, the Regulatory Services Manager and Policy Managers) and authorise them, subject to the limitations and reservations of this scheme, to:

a) exercise the Council's functions (both Executive and Non-Executive) which relate to their area of responsibility described in Part 3 Section 2; and

b) exercise functions specifically delegated to them either by the Leader (under the Local Government Act 2000 and Localism Act 2011) or by the Council, a Committee or Sub-Committee (under Section 101 of the Local Government Act 1972).

This scheme of delegation comprises four parts:

PART 1 – The Overall Scheme of Delegation to Officers

3.2 General Conditions

The exercise of functions delegated to Officers under this scheme must comply with:

a) any legal requirements or restrictions;

b) the Council's Constitution;

c) the Council's Policy Framework and any other plans and strategies approved by the Council or Cabinet;

d) the in-year budget;

e) the Code of Conduct for Staff; the Bullying and Harassment Procedure; the Equality and Diversity in Employment Policy; the Health, Safety and Wellbeing Policy; and any other Policy or Procedure issued by the Council from time to time;

f) the Council's Human Resources policies and procedures including those relating to employment;

g) the Code of Recommended Practice on Local Authority Publicity;

h) Contract Standing Orders, Financial Regulations and Financial Procedures; and

i) the adopted Development Plan policies and any guidance issued by the Cabinet.

Where a function has been delegated to an Officer the decision may be taken in the name of (but not necessarily personally by) the delegated Officer or by another Officer in accordance with arrangements made from time to time by such delegated Officers for this purpose. For clarity, all Officers will keep written records of decisions taken under this scheme of delegation.

The Chief Executive and Executive Directors may exercise all the powers and duties of their respective Heads of Service. In the absence of a Head of Service, another Head of Service may be authorised in writing to exercise his/her powers and duties. Heads of Service may delegate to other Officers in their respective teams, in writing, certain of their powers and amend these as is necessary from time to time.

On occasion Officers may wish to consult the relevant Cabinet Member before taking a decision on a delegated matter or refer the matter to a Cabinet Member for decision.

The extent to which the functions described above have been delegated to Officers is set out in this section of the Council's Scheme of Delegation.

3.3 Reservations

This scheme does not delegate any function to an Officer which:

a) is reserved by law or this Constitution to the Full Council or any Committee of the Council or the Cabinet; or

b) may not by law be delegated to an Officer; or

c) is an Executive Function which the Leader has reserved to him/herself, an individual Cabinet Member, or the Cabinet for decision.

3.4 Limitations

Officers in the exercise of functions delegated by this scheme may not:

a) change or contravene policies or strategies approved by the Council or the Cabinet;

b) create or approve new policies and strategies;

c) take decisions to significantly modify public services without consultation with the appropriate Cabinet Member; or

d) take decisions on significant new powers or duties arising from legislation before the new powers or duties have been reported to the Council or the Cabinet as appropriate, (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chair).

3.5 Executive Decisions

Executive decisions taken by Officers which fall within the following categories must be recorded and published on the Council's website:

a) Any Key Decisions (as defined in Article 11.3 of this Constitution).

b) Decisions that would result in the setting up of a company or entering into a partnership arrangement with any other body.

c) Major individual service reorganisation decisions likely to involve 20 or more redundancies.

d) Decisions to waive the procurement rules in respect of contracts over the value of £75,000.

e) Any decision specifically delegated to an Officer at a Cabinet or Cabinet Committee meeting, or by an individual member of the Cabinet.

f) Urgent decisions on matters that are otherwise reserved to the Cabinet.

PART 2 – Delegation Structure

The Head of Paid Service may engage such staff (referred to as Officers) as s/he considers necessary to carry out his/her functions.

3.6 The Chief Executive

The Chief Executive shall:

1) Be responsible for the general management of the Council's workforce and the authority.

2) Make Proper Officer appointments in cases of urgency or expediency.

3) Exercise the powers of the Council under section 138 of the Local Government Act 1972 in the event of a civil emergency or disaster and may authorise in writing another Officer(s) to exercise these powers on his/her behalf as required.

4) Be the Electoral Registration Officer and Returning Officer and be responsible for the functions, staff and budget for elections and

registration, unless otherwise agreed by Council.

5) Sign the Summons to attend meetings of the Cabinet and Council Committees specifying the business to be transacted. If a Member of the Council desires that such agenda shall be sent to any address other than his/her place of residence s/he shall give notice in writing to the Proper Officer. The Local Government (Electronic Communications) (England) Order 2015 allows for electronic communication of agendas and reports.

If the Chief Executive is absent, unable to act or prevented from acting, the Deputy Chief Executive or one or all of the Directors shall, either individually or between them, exercise and carry out all of his/her responsibilities, powers, duties and functions.

3.7 Deputy Chief Executive and Directors

Subject to any statutory restrictions and/or any specific personal qualification requirements that may exist, the Deputy Chief Executive and Directors may exercise and carry out any of the responsibilities, powers, duties and functions of any Head of Service.

3.8 Authority of Heads of Service

Heads of Service are authorised to:

1) Delegate, in writing, any of their powers, duties and functions to any other officer or contractor of the Council as appropriate and amend such delegation as is necessary. This does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this scheme.

2) Discharge such Executive and Non-Executive Functions as are delegated to them by the Constitution, the Strategic Leadership Team or Full Council, its Committees/Sub-Committees, or the Leader and Cabinet.

3) Apply for planning permission on the Council's behalf.

4) Subject to sub-paragraph 5 below, take action to implement the decisions and policies of the Leader and Cabinet Members.

5) Approve and incur any revenue expenditure contained within Budgets subject to compliance with Contract Standing Orders and this Constitution.

6) Subject to an initial report to, and approval from the Cabinet or the relevant Cabinet Member, as appropriate, and (subject to compliance with the Councils Financial Regulations, Contract Standing Orders and all other provisions of this Constitution) to

incur any expenditure contained in Capital Budgets.

7) Take any action to implement an approved Service Plan.

8) Subject to the overall responsibility and direction of the Chief Executive, in consultation with the Head of Human Resources and Organisational Development and in accordance with the Officer Employment Procedure Rules, to appoint, discipline, dismiss, transfer, or second employees, or take any other action in relation to employees, in accordance with the approved procedures of the Council and the approved Staff Handbook.

9) Accept quotations and tenders for the acquisition and disposal of services, supplies and works, subject to the requirements of Contract Standing Orders.

10) Authorise Officers of the Council to enter any land for the purposes of any statutory powers of the Council.

11) Contribute to the corporate management of the Council, in particular through the provision of professional advice.

3.9 General Provisions

1) Where an Officer takes a decision under delegated powers on a matter which has significant policy, service or operational implications, or is known to be politically sensitive, the Officer shall first consult with the appropriate Cabinet Member(s) or the relevant Committee Chair before exercising their delegated powers.

2) An Officer may, at their discretion, consult the appropriate Cabinet Member(s) or the appropriate Committee, or its Chair, before exercising delegated powers; or not exercise delegated powers but refer the matter to the Leader, the Cabinet or a Committee for a decision.

3) In exercising their delegated powers, Officers will keep local Councillors informed of matters affecting their wards.

4) In exercising their delegated powers, decisions made by Officers should be taken, where appropriate, on the basis of due consultation and professional legal, financial and technical advice.

5) In order to ensure the smooth running of the Council, the effective deployment of resources and the efficient delivery of services, delegations to Officers (both in this section of the Constitution, and throughout) should be interpreted as widely as possible.

6) In the event that there are any doubts about the responsibility for the exercise of a delegated power, the Chief Executive (or whoever

the Chief Executive shall nominate) is authorised to act.

7) The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed

PART 3: Specific Delegated Powers

3.10 Head of Law and Governance

May:

1) Apply for an injunction restraining a breach of planning control.

2) Designate alternative polling places, after consultation with the Council's Returning Officer, in the event that an existing polling place becomes unavailable.

3) Shall, at the land owner's request, review the decision of the Head of Borough Development and Implementation to include land in the list of assets of community value, and any compensation decision of the Head of Financial Services and Commercialisation, pursuant to sections 92 and 99 of the Localism Act 2011.

4) Institute, prosecute, defend, participate in, or settle any legal or other proceedings whatsoever in any case where such action is necessary to give effect to the decisions and/or policies of the Council or in any case where the Head of Law and Governance considers that such action is necessary to protect the Council's interests.

5) Appear (or provide an appearance under delegation) on behalf of the Council in proceedings at any appropriate Court, Tribunal or Inquiry and to take any appropriate action in connection with such proceedings including settlement. In respect of Council Tax proceedings in the Magistrates Court, the Senior Financial Transactions Manager and the Head of Financial Services and Commercialisation may exercise these powers too.

6) Authorise the sealing of any document necessary to give effect to a decision of the Council (or Committee or sub-committee) or of the Cabinet (or committee or member of the Cabinet) or Officer acting under delegated powers.

7) Act as the custodian of the Common Seal of the Council, keep it in a safe place under lock and key, and determine the nature or type of documents to be sealed; and delegate (where appropriate) the authorisation to affix and attest the seal.

8) Keep a record of all documents which are sealed with the Common

Seal in a register with the authority therefor which shall be available for inspection by Members of the Council.

9) Have custody under secure arrangements of all title deeds, land certificates, leases, tenancy agreements and contracts and associated bonds under seal (and any other such documents).

10) Determine applications for dispensation from Councillors who may request one where they have a Disclosable Pecuniary Interest.

11) Make orders under section 91 of the Local Government Act 1972 to appoint temporary parish or town councillors where a parish or town council has become inquorate.

Powers

The above powers may be exercised on behalf of the Head of Law and Governance by any qualified lawyer (or – where appropriate - by a person authorised under Section 223 of the Local Government Act 1972) employed by the Council.

Shall:

(1) Oversee all of the Council's procurement systems, processes and activities, including training and issuing instructions and directions.

(2) Ensure that all contracts for services and supplies above the applicable Public Contracts Regulations 2015 thresholds currently £213,447 (including VAT), or for construction works above £5,336,937 (including VAT) or £663,540 for light touch contracts are advertised as appropriate.

(3) Record the results of the tender evaluation process.

(4) Maintain and publish a contracts register and record the Officers who act as a primary contact for all contracts over £75,000.

(5) Make minor amendments to the Procurement and Contract Management Strategy.

3.11 Head of Financial Services and Commercialisation

Shall:

(1) Countersign payments and sign instructions to the Council's bank.

(2) Agree and sign any contract agreement or other document with the Council's bank for the provision of banking services.

(3) Make all insurance arrangements.

(4) Deal with all matters connected with the administration of Council Tax, Business Rates Housing Benefits and the Local Council Tax Support Scheme excepting such matters as are expressly reserved by legislation for the Council to determine.

(5) Enter into leasing arrangements on behalf of the authority for items approved.

(6) Be responsible for the management and administration of the Invest to Grow Fund

(7) Take all actions that s/he considers appropriate for recovery of council debts.

(8) (Where appropriate) impose financial penalties for the recovery of debts owed to the Council.

(9) Approve the write-off of bad debts including Housing Benefit (or non-domestic rates) up to £3,000 in each case.

(10) As appropriate:

(a) determine applications for Certificates of Partial Occupation;

(b) object to or propose alterations to the Valuation List;

(c) approve the write-off of arrears of Non-Domestic Rates, or Council Tax of up to £10,000 in each case; and

(d) Assess Council Tax Support Scheme applications

(11) Grant mandatory, discretionary and hardship rate relief in accordance with relevant policy and legislation and any extraordinary ring-fenced grant in response to a civil emergency or otherwise.

(12) Incur expenditure outside the provision of estimates in accordance with the Financial Regulations set out in this Constitution.

(13) Make all payments within the Council's Financial Regulations and/or that are legally payable.

3.12 Head of Environment and Community Services

May:

(1) Issue notices under the land drainage legislation.

(2) Authorise action under the highways agency agreement for grass cutting and manage changes and improvements in relation to street name plates, lighting, bus shelters and other street furniture on highways and pedestrianised areas.

(3) Exercise agency powers in relation to highways to lop trees and cut back vegetation on land adjoining highways.

(4) Authorise the repair of roadside fencing.

(5) Take all steps necessary to make and implement Traffic Regulation Orders in circumstances where no objections have been received and where the Ward Councillors have expressed support for the advertised proposal; and

Take all steps necessary to make and implement Temporary Traffic Regulation Orders, and to develop, make and implement experimental traffic orders (and/or amendments during the first six months of operation), subject to consultation with the relevant Cabinet member and affected Ward Councillors; and, confirm experimental traffic orders (i.e. the making, amendment or removal of, six months after implementation) in circumstances where no objections have been received and where the Cabinet Member and the Ward Councillors have expressed support.

(6) Allocate the annual funding from the Environmental Initiatives revenue budget (Biodiversity Advice Fund).

(7) Authorise the making and revocation of Tree Preservation Orders and TPO Variation Orders; and where there are no unresolved objections, the confirmation of such Orders.

(8) Authorise the service and enforcement of a Tree Replacement Notice pursuant to Sections 207, 209 and 213 of the Town and Country Planning Act 1990.

(9) Grant dispensation from the requirement to plant replacement trees (Sections 206 and 213 of the said 1990 Act) provided that such decisions are in accordance with the Council's adopted Tree Policy.

(10) Determine Schedule 2 applications for consent under Tree Preservation Orders in accordance with the Council's adopted tree policy unless such an application passes the Gateway Test following the Rules for Operation of the Planning Scheme of Delegation set out in Part 4 of this Constitution and the Nominated Member and Nominated Officer or their authorised substitute(s) have referred such application to Planning Committee.

(11) Authorise the investigation of unauthorised works and the issue of legal proceedings under:

(a) sections 209(6) 210, 211, 214A and 214D(3) of the Town and Country Planning Act 1990 in respect of contraventions of a Tree Preservation Order.

(b) sections 7, 8, 9, 11, 12, 13, 14, and 16 of the Hedgerows Regulations 1997.

(13) Authorise the request of particulars of persons interested in land under Section 16 Local Government (Miscellaneous Provisions) Act 1976.

Shall:

(1) Manage the Council's tree resource.

(2) Deal with dangerous trees on third party land in accordance with sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976.

(3) Control the Council's car parks and enforce on-street and off-street parking restrictions, including having the power to waive charges and to agree rights of way over them.

3.12.1 Regulatory Services Manager – Licensing Matters:

May

(1) Licence and regulate hackney carriage and private hire vehicles, their drivers and operators.

(2) Authorise suspension and revocation of licences.

(3) Determine non-contentious licensing applications.

(4) Approve applications for performances of hypnotism.

(5) Approve licences of dog breeders, animal boarding establishments, pet shops, keepers of dangerous wild animals and keepers of riding establishments, and operators of zoos.

(6) Permit and regulate street and house to house collections.

(7) Grant or refuse all street trading consent applications.

(8) Determine all applications for registrations of acupuncture, tattooing, electrolysis and cosmetic piercing.

(9) Determine all applications for scrap metal dealer and collector licences.

(10) Determine all applications for authorisations under the Act, to include the authority to grant, review, refuse and impose conditions on such authorisations except where Section 10(4) of the Licensing Act 2003 provides that such function must be discharged by a Committee or Sub-Committee.

Shall:

(1) Determine all applications for authorisations under the Act, to include the authority to grant, review, refuse and impose conditions on such authorisations except where Section 10(4) of the Licensing Act 2003 as applied to the functions under the Gambling Act by S154(4) provide that such functions must be discharged by a Committee or Sub-Committee.

(2) Determine applications made under section 115E of the Highways Act 1980.

3.12.2 Regulatory Services Manager - Environmental Health Matters:

The Regulatory Services Manager (RSM) is:

(1) responsible for the effective delivery of a comprehensive environmental health service, licensing, parking and engineering which includes:

(a) Environmental Protection – includes environmental offences such as fly tipping and dog fouling, abandoned vehicles, air quality management, private water supplies, gypsy and travellers, contaminated land and statutory nuisances.

(b) Food Safety.

(c) Health and Safety.

(d) Licensing.

(e) Private Sector Housing – includes delivering housing grants/loans, licensing HMOs, licensing park home sites, enforcing housing standards.

(f) Pest Control and Stray Dog Service.

(2) authorised to enforce the legislation set out under, but not limited to, (ix) below, and subordinate legislation made thereunder and any amendments thereto.

(3) authorised to carry out the activities in (i) to (viii) below and to delegate these responsibilities as appropriate to;

(i) make charges, agree contracts, incur expenditure, authorise work in default, and approve and allocate financial assistance in accordance with the Council's Private Sector Housing Renewal Policy, as permitted within approved budgets and environmental health legislation.

(ii) respond to consultations relating to technical and legal matters which are delegated.

(iii) promote and publicise compliance with legislation, good health and good environmental practice.

(iv) exercise the Council's powers and duties (including any related enforcement action and recovery of costs) relating to Environmental Health and Licensing matters, as permitted under the relevant legislation set out in (ix) below and subordinate legislation made here under including any amendments thereto.

(v) carry out investigations and to obtain, issue, give or publish notices or orders for the control of infectious disease as permitted under the relevant legislation.

(vi) grant (with or without conditions), refuse, vary, suspend and/or revoke registrations and licences/permits as are applied for under the legislation set out in (ix) below and to maintain appropriate registers.

(vii) prepare reports for legal proceedings in the event of contravention of the legislation set out in (ix) below and issue instructions to the Head of Law and Governance to take legal proceedings.

(viii) authorise Officers and/or appoint Inspectors to enter land, or premises, and to carry out any act authorised by the legislation (including the authority to serve notices and fixed penalty notices and the 'laying of information' in consultation with the Head of Law and Governance) set out in (ix) below and subordinate legislation made there under and any amendments thereto.

(ix) The Legislation

Building Act 1984
Caravan Sites and Control of Development Act 1960
Mobiles Homes Act 2013
Housing Acts 1957 to 2004
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Housing Grants, Construction and Regeneration Act 1996

Local Government and Housing Act 1989

Prevention of Damage by Pests Act 1949

Public Health Acts 1875, 1936 to 1961

Clean Air Act 1993

The Road Traffic (Vehicle Omissions)(Fixed Penalty) (England) Regulations 2002

Control of Pollution Act 1974

Noise Act 1996

Environment Act 1995

Environmental Protection Act 1990

Noise and Statutory Nuisance Act 1993

Water Industry Act 1991

The Private Water Supplies Regulations 2009 Hampshire Act 1983

Public Health (Control of Disease) Act 1984

Refuse Disposal (Amenity) Act 1978 and associated Regulations

National Assistance Act 1948

Litter Act 1993

Pollution Prevention and Control Act 1999

The Environmental Permitting (England and Wales) Regulations 2010

The Anti-social Behaviour, Crime and Policing Act 2014 (as amended)

Clean Neighbourhoods and Environment Act 2005 Chapter 1, Part 7

Animal Boarding Establishment Act 1962

Breeding and Sale of Dogs (Welfare) Act 1999

Breeding of Dogs Act 1991

Dangerous Dogs Act 1991 (as amended)

The Dogs Act 1871

Animal Welfare Act 2006

Microchipping of Dogs (England) Regulations 2015

Dangerous Wild Animals Act 1976

Riding Establishment Acts 1964and1970

Crime and Disorder Act 1998

Police and Criminal Evidence Act 1984

The Criminal Justice and Public Order Act 1994 – Part V

Equality Act 2010

The Food Safety Act 1990 and Orders or Regulations or other instruments made thereunder, or relating thereto; and assimilated EC legislation having effect by virtue of Retained EU Law (Revocation and Reform) Act 2023

The Food Safety and Hygiene (England) Regulations 2013

Animal By-Products (Enforcement) (England) Regulations 2011

Food Labelling Regulations 1996

General Food Regulations 2004

Official Feed and Food Control Regulations 2009 (as amended)

The Food Information Regulations 2013

Food and Environmental Protection Act 1988

Natural Mineral water, Spring Water and Bottled Drinking Water Regulations 1999

The Transmissible Spongiform Encephalopathy (England) Regulations 2002

The Official Feed and Food Controls (England) Regulations 2009 (as amended)

The Trade in Animals and Related Products Regulations 2011

Civil Contingencies Act 2004

The Contaminants in Food (England) Regulations 2013

Quick Frozen Foodstuffs Regulations 2007

The Health and Safety at Work etc. Act 1974 and Orders or Regulations or other instruments made thereunder

The Health and Safety (Enforcing Authority) Regulations 1998

Asbestos at Work Regulations 2012

Factories Act 1961

Offices, Shops and Railway Premises Act 1963

Animal Health Act 1981

Health Act 2006 – Smoke free provisions Part 1 Chapter 1

Gambling Act 2005

Police and Crime Act 2017

Housing and Planning Act 2016

Highways Act 1980 – Section 115E

Scrap Metal Dealers Act 2013

Town Police Clauses Act 1847

Renters Rights Act 2026

The Management of Houses in Multiple Occupation (England) Regulations 2006

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

The Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020

Housing and Planning Act 2016

Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

3.13 Monitoring Officer (or Deputy Monitoring Officer)

Shall:

(1) Maintain an up to date version of the Constitution and ensure that it is widely available for Councillors, officers and the public.

(2) Establish and maintain a register of interests of Councillors and co-opted members of the Council and ensure that copies of the register are available for inspection by the public at all reasonable hours.

(3) After consulting with the Head of Paid Service and Chief Finance Officer, report to Full Council, or the Cabinet in relation to an Executive Function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given, or may give, rise to maladministration.

(4) Provide advice on the scope of powers and authority to take decisions, on maladministration, probity and propriety issues to all Councillors.

(5) Ensure that Executive Decisions, together with the reasons for those decisions and relevant reports and background papers are made publicly available as soon as possible.

(6) Advise, as required, on whether Executive Decisions of the Cabinet, its Committees and individual Cabinet Members and Officers are within the Policy and Budgetary Framework.

(7) Contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee and Councillors generally.

(8) Disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council, to the Standards Committee for the purposes of the investigation or determination of a complaint against a Councillor.

(9) Arrange for the conduct of investigations, agree a local resolution where possible to any complaint of breach of the authority's Code of Councillor Conduct, and make reports and recommendations in respect of them to the Standards Committee (or instruct another person to undertake this role.)

(10) Agree a local resolution, if possible, to any complaint of maladministration, in consultation with the Chief Executive and the

Chief Finance Officer (Section 151 Officer) and the relevant Portfolio Holder, including power to agree a compensation payment of up to £10,000 in any one case;

(11) Investigate any application for a dispensation and make a report and recommendations to the Standards Committee.

(12) Conduct investigations into matters and carry out any other actions as required by the arrangements agreed by the Council.

(13) Consult regularly with the Head of Paid Service and the Chief Finance Officer (Section 151 Officer) in order to identify any areas where the probity of the authority can be improved or better protected, and take appropriate actions.

(14) Ensure that Councillors and Officers of the authority are fully aware of their obligations in relation to probity.

(15) Report to the Cabinet and the Full Council on the resources which the Monitoring Officer requires for the discharge of his/her functions.

Resources

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

a) The right of access to all documents and information held by or on behalf of the authority, including documents and information held by any Officer or Councillor of the authority. This right does not extend to documents and information held by or on behalf of any political party represented on the Council.

(b) The right of access to any meetings of Officers or Councillors (or both) of the authority, whether or not such meetings include any other persons. This right does not extend to any meetings held by or on behalf of any political party represented on the Council.

(c) The right to request any Officer or Councillor of the authority, or any contractor of the authority, to provide an explanation of any matter under investigation.

(d) The right to report to the Council, the Standards Committee, and the Cabinet and to attend and advise orally.

(e) The right to require the assistance of any Officer of the authority (or external appointment) to carry out an investigation and to delegate to that Officer any of the powers of the post of Monitoring Officer.

(f) The right of access to the Head of the Paid Service and Executive

Director of Corporate Services and Assets.

(g) The right, after consultation with the Head of the Paid Service and the Chief Finance Officer(Section 151 Officer), to notify the police, the authority's auditors and other regulatory agencies of his/her concerns in respect of any matter and/or to provide them with information and documents in order to assist them with their statutory functions.

(h) The right to obtain, at the authority's expense, legal advice, either internally or from an independent external solicitor or barrister, on any matter which s/he believes may be a reportable incident, provided there is sufficient financial resource to enable him/her to do so.

3.14 Executive Director of Corporate Services (Section 151 Officer)

Shall:

(1) Undertake the allocation and control of the Council's financial resources in accordance with approved policies.

(2) After consulting with the Chief Executive and the Monitoring Officer, report to the Full Council or the Cabinet as appropriate and the Council's external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(3) Have responsibility for the administration of the financial affairs of the Council.

(4) Provide advice on financial matters, including financial impropriety, probity and budget and policy framework issues to all Councillors and support and advise Councillors and Officers in their respective roles.

(5) Contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(6) Provide financial information to Councillors, the media, members of the public and the community.

(7) Have the authority to make special payments, whether or not provision has been made in the approved estimates, in the following cases:

(a) payments specifically required by law;

(b) payments under a Court Order;

(c) payments under agreements entered into by and on behalf of the Council;

(d) payments made on the advice of the Chief Executive in the settlement of any action, complaint, or claim against the Council; and

(e) payments made on the advice of the Chief Executive in settlement of any complaint investigated by him/her or any maladministration identified by the Local Government Ombudsman.

May:

Appoint a Deputy Chief Finance Officer for purposes of Section 151 of the Local Government Act 1972.

The Council and the Chief Finance Officer will operate in accordance with the Section 151 Officer protocol contained in the Constitution

(1) Be responsible for the execution and administration of treasury management policies, strategies, practices and activities including:

(a) determining the delivery methodology for, and implementation of, the Treasury Management Strategies;

(b) deciding on the amounts to invest and the instruments to invest in within the limits set out in the Investment Strategy;

(c) selecting suitable lending criteria that fulfil the requirements of the Investment Strategy; and

(d) the invest to grow fund and property investment strategy.

(2) Exercise borrowing powers contained in the Local Government Finance Act 2003, as amended, in accordance with the prudential framework and Council approved limits.

(3) Set the Council Tax base for the Basingstoke and Deane area.

(4) Approve the annual National Non Domestic Rates returns to Central Government.

(5) Approve the following transactions and actions in relation to the Council's land and property holdings and sign the appropriate documentation in respect of them (including all commercial property and leases, operational buildings, the civic campus and all buildings used for leisure and community purposes):

(a) Repair, maintenance or improvement of land or buildings within approved estimates;

(b) Grant of licences, temporary lettings, easements, rights of way, wayleaves and tenancies-at-will;

(c) Approval of tenants;

(d) Grant of occupational leases of premises at open market value up to a rent of £250,000 per annum;

(e) Renewal of occupational leases of premises at open market value up to £250,000 per annum;

(f) Outside the Property Investment Strategy and the Invest to Grow Strategy (11 below) the disposal of the freehold in land at an open market value subject to that value not being more than £250,000 and to no objection from ward Councillors or adjoining ward Councillors, Cabinet Member(s);

(g) Revisions of rent and rent reviews;

(h) Building works or alterations;

(i) Assignment, Sub-letting, Surrender and Changes of Use;

(j) All detailed terms for the acquisition or disposal or use of land or interests in land where the principle of the acquisition, disposal or use has been duly approved including the fixing of fees;

(k) Subject to achieving the best consideration that can reasonably be obtained, all variations and rectifications to the terms of assignments, sub-lettings, surrenders and changes of use; and

(l) Subject to receiving the best consideration that can reasonably be obtained, to lift or restructure restrictive covenants on land previously disposed of by the Council.

(6) Authorise the following actions in relation to the Council's land holdings:

(a) Forfeiture of leases in the event of non-payment of rent or breach of covenant;

(b) Termination of leases and licences including issue of Notice to Quit;

(c) Securing vacant possession of land or buildings;

(d) Paying statutory compensation;

(e) Making arrangements for re-letting, where necessary;

(f) Pursuing appeals in respect of rating assessments; and

(g) All action to secure the dedication of, and the diversion and stopping up of public highway (in circumstances where this is essential to the delivery of the estate management functions of the Council's property portfolio);

(7) Authorise the following actions in relation to land occupied, or to be occupied, by the Council under lease or licence:

(a) Taking leases, licences or other appropriate interests;

(b) Approval of all terms, including rental and revisions thereof;

(c) Approval of building works or alterations; and

(d) Agreement and settlement of schedules of condition and dilapidations.

(8) Authorise an election for Value Added Tax on Council properties.

(9) Manage the Council's markets (and licencing of markets) including approving uses, repair, maintenance and improvement as required, collecting rent or fees and pursuing arrears.

(10) Be responsible for the appointment of external consultants to advise and/or act for the Council in negotiations and/or transactions relating to property matters, subject to the Council's Financial Regulations and Contract Standing Orders.

(11) Following receipt of advice from the Officer Investment Panel and external property specialists and consultation with the Portfolio Holders for Property and Development and Finance, Service Delivery and Improvement, to make investment decisions in accordance with the Property Investment Strategy and the Annual Property Plan subject to any single transaction not exceeding 7.5% of the portfolio value.

(12) To make investment decisions as the Investment Manager in consultation with the Portfolio Holders for Property and Development and Finance, Service Delivery and Improvement, for the Invest to Grow Fund within the terms of the Invest to Grow Fund Investment Strategy.

(13) To authorise as appropriate the appropriation of land from one Council function/Service in which it is held to another.

3.15 Head of Planning and Infrastructure

Shall:

(1) Prepare and update the Local Plan and undertake the statutory stages of the Local Plan preparation including providing evidence at the Local Plan Inquiry.

(2) Commission, prepare and publish research and evidence based documents in support of the Local Plan, Supplementary Planning Documents, Development Plan Documents and related planning policy documents.

(3) From the date that the council decides to commence plan making under the Levelling -Up and Regeneration Act 2023, in consultation with the Cabinet Member for Strategic Planning and Infrastructure, undertake all actions necessary to prepare, progress, examine and complete the preparation of any local plan, supplementary plan or other development plan document, including but not limited to:

a) commissioning, approving and publishing evidence base documents, technical studies and supporting material;

b) undertaking stakeholder, community and statutory consultation and engagement activities;

c) preparing, revising and publishing draft plan documents, supporting documents, consultation material and evidence base material;

d) undertaking and publishing Sustainability Appraisal, Strategic Environmental Assessment, Habitats Regulations Assessment and any other statutory assessments;

e) undertaking all actions required in connection with the Gateway process and any equivalent process introduced by legislation,

f) making such amendments to plan documents, evidence base material and supporting documentation as are necessary provided that such amendments do not materially alter the strategic policy direction of the plan;

g) submitting plan documents and supporting material for examination;

h) undertaking all preparatory steps and all procedural steps in connection with representing the council at hearings, meetings and examinations

i) undertaking any required consultation on proposed modifications, or other amendments required during the examination process;

j) taking all procedural and administrative steps necessary to progress the preparation, examination and adoption process of the plan including making minor or non- material amendments.

(4) Prepare and publish performance data in the Authority Monitoring Report on an annual basis.

(5) Respond to consultations on planning policy and transport and related matters on behalf of the Council in liaison with relevant Ward Councillors and Cabinet Members.

(6) Provide planning policy, affordable housing delivery, conservation, urban design advice, and other material planning advice to be used in the determination of planning applications.

(7) Agree tenure and other mix on affordable housing schemes proposed within the Councils area in accordance with the Local Plan and Housing Strategy of the Council.

(8) To provide support and assistance at the appropriate stages in the Neighbourhood Planning Process.

(9) Undertake the duties imposed by the The Town and Country Planning (Brownfield Land Register) Regulations 2017.

(10) Exercise all Building Control functions and associated matters under the Building Control Act 1984, Building Regulations 2010 and all associated legislation.

(11) In relation to Planning Applications, to

(3.1) determine all Schedule 1 Applications unless they fall within (11.4);

(3.2) Be the Nominated Officer for the purposes of the Gateway Test Meeting and consideration of the Gateway Test and Own-Interest Applications;

(3.3) In respect of Schedule 2 Applications, to:

(11.3.1) apply the Gateway Test and take the Gateway Test Decision together with the Nominated Member in

accordance with the Rules for Operation of the Planning Scheme of Delegation set out in Part 4 of this Constitution;

(11.3.2) Subject to (11.5), determine Schedule 2 Applications unless such an application passes the Gateway Test following the Rules for Operation of the Planning Scheme of Delegation set out in Part 4 of this Constitution and has been referred to Planning Committee by the joint decision of the Nominated Member and Nominated Officer or their authorised substitute(s).

(3.4) Subject to (11.5), in respect of Own-Interest Applications, to:

(11.4.1) take a decision together with the Nominated Member in accordance with the Rules for Operation of the Planning Scheme of Delegation set out in Part 4 of this Constitution on whether an Own-Interest Application should be referred to Planning Committee for determination;

(11.4.2) To determine Own-Interest Applications unless such an application is referred to Planning Committee by the joint decision of the Nominated Member and Nominated Officer or their authorised substitute(s).

(3.5) If the Head of Planning and Infrastructure is minded to refuse a planning application made pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the application should be reconsidered by the Director for the responsible service which made the application and (if considered appropriate) the application will then be determined by Council, but only after Council has received the recommendations of the Head of Planning and Infrastructure.

(12) Respond to all consultations.

(13) Authorise the issue of a Breach of Condition Notice under Section 171A of the Town and Country Planning Act 1990.

(14) Authorise Enforcement Action (and the issue of a Temporary Stop Notice and a Stop Notice) where:

(i) Such action/issue has been notified in advance to the relevant Ward Councillors and such Councillors have not requested the action/issue to be dealt with by the Planning Committee by raising a material planning consideration; and/or

(ii) Development has commenced prior to the issue of a decision notice granting planning permission and with outstanding matters to be resolved.

(15) Authorise the issue of a discontinuance notice under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

(16) Authorise the issue of Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.

(17) Authorise the instigation of proceedings under Section 187B of the Town and Country Planning Act 1990, following consultation with and agreement from the Head of Law and Governance.

(18) Make screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015.

(19) Authorise the Council to enter into Section 106 agreements in connection with the determination of a planning application pursuant to paragraphs (11.1), (11.3.1) and (11.3.2) above.

(20) Following refusal of a planning application or an application for Permissions in Principle or technical details consent by Planning Committee, authorise the withdrawal of a reason, or reasons, for refusal after consultation with the Chair of the Committee.

(21) To take all actions, and make all such decisions and determinations under the High Hedges provisions of the Anti-Social Behaviour Act 2003 pursuant to that Act.

(22) Authorise the instigation of legal proceedings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

(23) Authorise the issue of notices under Section 215 of the Town and Country Planning Act 1990.

(24) Make highway diversions and closure orders.

(25) Determine all applications for Hazardous Substances Consent and to issue Hazardous Substances Enforcement Notices and Contravention Notices provided that:

(i) Councillors and Parish Councils and all statutory consultees have been notified of the application, site notices posted and the minimum period for receipt of comments has elapsed;

(ii) Copies of applications are available for public inspection and comment during the above period;

(iii) No unresolved objection remains; and

(iv) The determination is in accordance with the advice of the Health and Safety Executive.

(26) Exercise street-naming and building numbering powers in consultation with the developers, Ward Councillors and Parish Councils.

(27) Exercise all powers and functions in relation to the Community Infrastructure Levy.

(28) Enter into transport contract arrangements on behalf of the authority for approved routes.

(29) To prepare and publish a register under the Self Build and Custom House Building Act 2015.

(30) To determine applications for the modification of conditions relating to construction working hours pursuant to sections 74B, 74C and/or 74D of the Town and Country Planning act 1990 (as amended)

(31) To determine applications for Additional Environmental Approval relating to the extension of certain Planning Permissions pursuant to sections 93B, 93C, and/or 93F of the Town and Country Planning Act 1990 (as amended).

(32) To determine all applications under section 191 and 192 of the Town and Country Planning Act 1990 for Certificates of Lawful Use and Certificates of Lawfulness of Proposed Use or Development.

(33) To make an appropriate assessment of any plan or project which is likely to have a significant effect on a European site or a European offshore marine site and to agree the plan or project after having ascertained that it will not adversely affect the integrity of the assessed site as required by the Conservation of Habitats & Species (Amendment) Regulations 2017 (as amended) or any replacement regulations where the Council is the competent authority.

(34) To take all procedural steps and decisions in relation to the handling of appeals against a refusal or non- determination of an application under parts III VII and VIII of the Town and Country Planning Act 199 and the Planning (Listed Buildings and Conservation Areas) Act 1990 including the withdrawal of reasons for refusal which cannot be supported on appeal with relevant evidence.

3.15A Planning and Development Manager

(1) To be the substitute Nominated Officer for the purposes of the Gateway Test Meeting and consideration of the Gateway Test;

(2) In respect of Schedule 2 Applications, to:

(2.1) Carry out the process for Triage Applications and the Assessment of Significance in accordance with the Rules for Operation of the Planning Scheme of Delegation set out in Part 4 of this Constitution;

(3) In respect of Own-Interest Applications, to:

(3.1) Carry out the Own-Interest Assessment Process in accordance with the Rules for Operation of the Planning Scheme of Delegation set out in Part 4 of this Constitution.

NB the definitions for 3.15 and 3.15A are contained within the Rules for Operation of the Planning Scheme of Delegation in part 4 of the constitution

3.16 Head of Housing and Social Inclusion

Shall:

(1) Exercise all responsibilities in relation to homelessness including the implementation of the Housing and Homelessness Strategy.

(2) Provide technical responses to consultations from stakeholders and partners and requests from RSL's regarding views on stock disposals or mergers in consultation with the Portfolio Holder.

(3) Manage the Councils statutory Housing Register.

(4) Agree housing/tenure mix on Affordable Housing Schemes proposed within the Borough in accordance with the direction set out within the Local Plan and Housing Strategy.

(5) Agree Nomination Rights to social housing on Affordable Housing Schemes.

(6) Provide advice and assistance, including taking appropriate legal action in relation to the Protection form Eviction Act 1977.

3.17 Head of Human Resources and Organisational Development

Shall:

(1) Make and account for appropriate deductions from pay and to

make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.

(2) Implement all nationally agreed pay and related awards immediately.

(3) Apply the provisions of the Pay Policy Statement.

(4) Ensure that all appointments of employees are made in accordance with the Council Procedure Rules.

(5) Maintain a list of politically restricted posts in accordance with section 2 of the Local Government and Housing Act 1989.

(6) Make minor changes to the Pay Policy Statement as a result of any national pay awards and produce a report annually on the Pay Policy Statement that will go to Full Council.

(7) Consider and approve requests for early retirement on the grounds of ill health and agree the release of preserved pension benefits in accordance with the Local Government Pension Scheme Regulations 2014.

(8) Monitor and oversee:

(a) requests for paid or unpaid leave of absence in accordance with Council policy.

(b) the Health and Safety arrangements within all service areas.

(c) all disciplinary action taken in accordance with the Council's disciplinary procedures.

(9) Receive notices of:

(a) Appointments, resignations, dismissals, suspensions, secondments and transfers.

(b) Absences from duty for sickness, leave or other reason.

(c) Information necessary to maintain records of service for superannuation, income tax and national insurance.

(d) Additional work of employees such as overtime.

(e) All employees in receipt of taxable benefits.

3.18 Head of Borough Development and Implementation

Shall:

(1) Take any decisions in relation to community safety and anti-social behaviour including the submission of all funding bids, approving projects relating to community safety and anti-social behaviour, authorising enforcement action, including the service of Fixed Penalty Notices and other activity contributing to the Community Safety Partnership Plan.

(2) Make decisions on whether to add nominated land to the Council's list of assets of community value, following consultation with local Ward Councillors and in liaison with the relevant Cabinet Member, pursuant to sections 89 to 91 of the Localism Act 2011.

(3) Manage the allocated services and facilities including developing strategies and action plans; approving allocation of capital and revenue resources for repair, maintenance and improvement as required; and fixing and collecting fees or charges and pursuing arrears.

(4) In consultation with the Chief Executive and relevant Cabinet Member, oversee the delivery of EU funded projects.

(5) In consultation with the relevant Cabinet Member, commission, prepare and publish research and other evidence based information to support economic development and other services.

(6) Offer discounts or price variations to achieve priority outcomes relating to outdoor sports facilities.

(7) Undertake initiatives to raise awareness and contribute to climate change adaptation (in liaison with the relevant Cabinet member).

3.19 Policy Managers

Policy and Performance Manager

Shall:

In consultation with the relevant Cabinet Member, commission, prepare and publish research and other evidence based information to support corporate policy development.

PART 4 – Proper Officer Appointments

Proper Officer Functions

Under various acts of parliament, this Local Authority is required to appoint a designated Officer to carry out certain statutory functions, known as Proper Officer appointments. The "Proper Officers" for various statutory Council functions are set out below. Each such Proper Officer shall appoint a deputy to exercise the functions in his/her absence.

Local Government Act 1972

Chief Executive

Section	Act	Purpose
83	Local Government Act 1972	Officer to whom persons elected shall make and receive declarations of acceptance of office.
84		To receive written notice of the resignation of Councillors.
88(2)		To convene, if necessary, a meeting of the Council when the office of Mayor is vacant. (With the Head of Law and Governance).
89(1)(b)		To receive written notice from two local government electors of a casual vacancy in the office of Councillor.
248		To keep a roll of Freemen of the City or Town.
Schedule 12 (4)(2)(b)		To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.
4	Local Government & Housing Act 1989	Head of Paid Service.
34		Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.
67		Giving public notice of the appointment of an Election Agent.
131		Providing accommodation for holding election court.
	Local Elections (Principal Areas)	All Functions.

	(England and Wales) Rules 2006	
	Regulation of Investigatory Powers Act 2000	

Head of Law and Governance

88(2)	Local Government Act 1972	To convene, if necessary, a meeting of the Council when the office of Mayor is vacant. (With the Chief Executive)
100B(2)		To decide whether part or the whole of a report should be excluded from public inspection before a meeting if the meeting is likely not to be open to the public.
100B(7)(c)		To supply to the press additional material supplied to members of the Council in connection with the item to be discussed.
100C(2)		To prepare a written summary of proceedings taken by a Committee in private (i.e. disclose exempt information).
100F(2)		To identify which documents contain exempt information which are not required to be open to inspection by Members of the Council.
210		To exercise functions relating to charities.
225		To receive and retain documents deposited with the Local Authority, makes notes or endorsements and receipts.
229		To certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original document.
234		To sign any notice, order or other document on behalf of the Authority, any document purporting to be so signed being deemed to be issued by the Authority.
236		To send to the County Council a copy of every byelaw made by the Council and confirmed by the Secretary of State (and Parish Councils).
238		Certification of copy of byelaws as true copies.

	Regulation of Investigatory Powers Act 2000	
Schedule 12 (Para4(2)(B)) and The Local Government (Electronic Communications) (England) Order 2015		To sign and send to all Members of the Council the summons to attend meetings of the Council, specifying the business to be transacted.
Schedule 12 (para4(3)) and The Local Government (Electronic Communications) (England) Order 2015		To receive notice from a member of the address to which a summons to the meeting is to be sent.
30(5)	Local Government Act 1974	Giving public notice of receipt of a report by a Local Commissioner (Ombudsman).
41	Local Government (Miscellaneous Provisions) Act 1976	Certification of copy resolutions, minutes and documents.
5	Local Government & Housing Act 1989	Designation of Monitoring Officer.
Reg. 7(2)	Local Government Act 2000: Section 22: Access To Information Etc. Local Authorities (Executive Arrangements) (Meetings and Access To Information) (England) Regulations 2012 (2089)	Exclusion of whole or part of any report to the Executive where meeting is likely not to be open to the public.
Reg. 7(7)(c)		Provision to the press of other documents supplied to members of the Executive in connection with the item discussed.
Reg. 10		Publication of the intention to take a Key Decision.
Reg. 12		Producing a written statement of Executive decisions made at meetings.
Reg. 13		Producing a written statement of Executive decisions made by individual Members.

Reg. 14		Making a copy of written statements of Executive decisions and associated reports available for inspection by the public.
Reg. 15		Making available for inspection a list of background papers.
Reg. 16		Decision on the disclosure of exempt information and political assistants advice in Executive papers.
Reg. 20		Determining whether documents contain exempt or confidential information.
	Regulation of Investigatory Powers Act 2000	Maintaining of RIPA authorisations Authorising surveillance activities: Benefit Fraud.
29	Localism Act 2011	Establish and maintain a Register of Councillors Interests.

Monitoring Officer

36	Freedom of Information Act 2000	Acting as "qualified person" in respect of the duties under the Section.

Executive Director of Residents Services

35	Representation of the People Act 1983	Returning Officer

Executive Director of Corporate Services (Section 151 Officer)

115(2)	Local Government Act 1972	To receive from every officer of the Council all money committed to his/her charge in connection with their employment.
146		To sign statutory declarations and certificates to enable the transfer of securities in the event of a change in the name or status of the Council.
151		Responsibility for the proper administration of the Council's financial affairs.
228		Accounts of any proper Officer to be open to inspection by any member of the authority.
114,115, and 115A	Local Government Finance Act 1988	Responsibility for Finance Officer Reports to the Chief Executive.
116(1)		Responsibility for notifying the external auditor for a meeting to consider a report from the "Chief Financial Officer" under this Act.

Various	Local Government Act 2003	All finance related Officer duties.

Head of Environment and Community Services

23 and 24	Local Government (Miscellaneous Provisions) Act 1976	Power to deal with dangerous trees on private property and recover costs.
198	Town and Country Planning Act 1990	Power to make Tree Preservation Orders.
210		Penalties for the non-compliance with a TPO (Unauthorised work investigations.
211		Preservation of trees in a conservation area including penalties (unauthorised work investigations).
4		Receive complaints and make reports on the condition of houses.

Head of Human Resources and Organisational Development

Schedule 1 Part II Para 1	Local Government Act 200: Local Authorities (Standing Orders) (England) Regulations 2001	Notifications to the Executive concerning appointments and dismissals.

Head of Planning, Sustainability and Infrastructure

191	Local Government Act 1972	To receive applications made under Section 1 of the Ordnance Survey Act 1841 for assistance in surveying disputed boundaries.

Planning and Development Manager

234	Local Government Act 1972	To sign the LLC 1 and Con 29 forms on behalf of the Council.

Officers Named in the Report

100D	Local Government Act 1972	To compile a list of background papers for every report to the Council, Committee or Cabinet.

Each Head of Service

16	Local Government (Miscellaneous Provisions) Act 1976	Request particulars of persons interested in land.