

The Constitution of South Norfolk Council

PART 3

RESPONSIBILITY FOR FUNCTIONS

Part 3 - Responsibility for Functions

1. The Decision-Making Process

1.1 Introduction

1.1.1 In the decision-making structure, there are four types of bodies:

- (a) the main decision-making bodies;
- (b) advisory bodies;
- (c) regulatory bodies;
- (d) partnerships.

1.1.2 The main decision-making bodies are the Council and the Cabinet.

- (a) The full Council decides the Council's annual budget and policy framework. It appoints the Leader; and decides which councillors will serve on the bodies other than the Cabinet. It makes the final decision in disputed matters (other than licensing, appeals, complaints and planning applications).
- (b) The Cabinet consists of the Leader; together with at least one and up to nine other councillors from the majority political party, who each act as lead councillor for portfolios of council activities. The Cabinet implements the Council's policies and budget, and manages the performance of the Council's services, on a day-to-day basis. It presents a report to each meeting of the full Council. The Cabinet also prepares the draft budget and policy framework for recommendation to the full Council.

1.1.3 The Council and Cabinet are assisted by advisory bodies:

- (a) The Scrutiny Committee holds the Cabinet to account and advises the Council on the Council's performance and the pursuit of best value. The Scrutiny Committee does not make decisions, but it can make recommendations and ask for Cabinet decisions to be reconsidered through the "call in" mechanism (see Section 1.6 in this part and the Terms of Reference and Procedures of Scrutiny Committee set out in Part 4.1). It will also investigate particular areas of the Council's activities, and make recommendations to the Cabinet and Council.
- (b) Overview Sub Committees also advise the Cabinet on the effectiveness of different parts of the Council's policy framework, and are consulted on relevant policy matters.
- (c) The Neighbourhood Boards act as consultative bodies for the Council on issues falling within their terms of reference.
- (d) Cabinet or Scrutiny Committee may from time to time appoint task and finish groups to undertake detailed work in the development of policies and procedures.

- 1.1.4 Decisions on individual planning and licensing applications and certain appeals are made by regulatory committees:
- (a) The Planning Committee decides planning applications and similar applications.
 - (b) The Local Planning Steering Group advises the Cabinet and through it, the Council on the preparation of the Local Development Framework and guides all the formal stages of its preparation; other local planning matters and will advise the Council on responses to consultations on regional and national planning guidance.
 - (c) The Licensing, Appeals and Complaints Committee decides all applications for licences not the subject of the Licensing Act 2003 or the Gambling Act 2005 and will hear appeals on the merits against internal Council decisions (where there is no other method of appeal on the merits provided by law).
 - (d) The Licensing and Gambling Acts Committee will agree general arrangements for the exercise of the Licensing Act 2003 and the Gambling Act 2005. Sub Committees will hear and determine after a full hearing all those applications made under the act, which are not the subject of delegation to officers.
- 1.1.5 The District Council works in partnership with other organisations, which deliver public services in South Norfolk, through a local strategic partnership known as the South Norfolk Alliance. The Alliance develops and approves the Sustainable Community Strategy. (See 1.9.2 below.)
- 1.1.6 The Council operates with its partners in the South Norfolk Alliance a system of Neighbourhood Boards. These panels meet at public meetings which are points of contact between our residents, the Alliance partners and there they decide priorities for local action.
- 1.1.7 Other partnership bodies, including the Crime and Disorder Reduction Partnership, also operate under the auspices of the Alliance

1.2 Cabinet Decisions

- 1.2.1 Except for planning, licensing appeals and standards issues, the Cabinet is responsible for all routine decisions within the Council's policy framework and approved budget. The Cabinet can authorise minor changes to the budget, up to a limit agreed by the full Council.
- 1.2.2 The Cabinet is primarily responsible for implementing the Sustainable Community Strategy, the corporate Business Plan and the Council's other policies; and managing the Council's own services to achieve best value and to meet performance targets. The Cabinet will also manages the process of consultation on the preparation of the annual budget.
- 1.2.3 The Cabinet publishes a forward plan of key decisions it expects to make over the forthcoming 4 months.
- 1.2.4 The agenda for each meeting of the Cabinet is published and notified to all members of the Council. For each item, the agenda gives:

- (a) a summary of the main points of the officer report;
- (b) a summary of the report's conclusions and recommendations;
- (c) the responsible Cabinet member and specific ward(s) affected;
- (d) a contact officer.

1.2.5 A record of the decisions made at each Cabinet meeting is published and notified to all members of the Council within two working days. The record gives details of each decision.

1.2.6 Agendas for Cabinet meetings, and the records of the Cabinet's decisions, are published electronically on the Council's website. A standard format for these documents has been introduced, to make them suitable for electronic publication.

1.3 Reviews of policy and budget

1.3.1 Each year, the Council must adopt its annual budget. The Cabinet will prepare the draft budget and will update the medium-term financial and corporate plan each year. The Cabinet will consult all the overview bodies to a fixed annual timetable, before recommending the draft documents to full Council for decision.

1.3.2 There are also a number of policies relating to the Council's own services, which are reviewed annually or over a longer period, including, for example, the Capital Programme, the Asset Management Plan and the Scheme of Member Allowances.

1.3.3 The detailed work of reviewing each of these policies is undertaken by the relevant Overview Sub-Committee, including consultation with the community and our partners. On the basis of the advice from the Sub-Committees, the Cabinet prepares a revised policy and recommends the policy changes to full Council.

1.3.4 The work programme of the Scrutiny Committee and the Overview Sub-Committees is set out in an Overview and Scrutiny Plan.

1.3.5 The formal stages of preparing, consulting on and reviewing the Local Development Framework, are the responsibility of the Cabinet, advised by the Local Planning Steering Group.

1.3.6 The Council may decide that arrangements to consult specified committees, Panels or Forums may be waived for all or part of the process of reviewing other policy documents.

1.4 Cabinet decisions within policy/budget

1.4.1 This category is likely to include most routine decisions of the Cabinet, and is therefore most likely to be the subject of "call-in" (see Section 1.6, below). If such decisions are not called in within the period allowed, they are deemed to have been endorsed, and are to be implemented.

1.5 Cabinet decisions contrary to policy/budget

1.5.1 When the Cabinet is considering the options for action on a particular matter, it may decide that it prefers an option which would be significantly at variance with the Council's policy framework, or would involve a change from the approved budget which exceeds the allowed limit. In that case, the Cabinet cannot decide the matter unless it complies with the urgency procedure set out in 1.2.7 above. It must instead recommend its preferred option to the full Council, who will make a final decision.

1.6 Scrutiny "call in"

1.6.1 Any three members of the Council can, within eight days of the Cabinet's decision, "call in" any decision of the Cabinet for scrutiny, indicating whether theirs is a "suspensive" or "non-suspensive" call in.

1.6.2 For "called in" items, the Scrutiny Committee is supplied with the officer report which was considered by the Cabinet, and the record of the Cabinet decision. The Cabinet member(s) and the Director(s) or other officers concerned attend the Scrutiny Committee as witnesses, to explain the Cabinet decision, and answer questions.

1.6.3.1 When considering a matter which has been called in, the Scrutiny Committee has five possible courses of action:

- (a) to endorse the Cabinet's decision (which will then be implemented);
- (b) to refer the matter back for reconsideration by the Cabinet. The Scrutiny Committee may suggest that the Cabinet should consider a different option, or it may for example suggest that the Cabinet should carry out additional consultations or obtain more information;
- (c) with the agreement of the Cabinet*, to refer the matter to one or more Overview Sub-Committees for review, usually involving the community and partners;
- (d) with the agreement of the Cabinet*, to refer the matter to full Council for a decision;
- (e) to authorise its Chairman or one of its members to negotiate with the responsible Cabinet member(s).

1.6.4 *To avoid delay, the Cabinet has given delegated authority to the Leader or the Relevant Portfolio Holder to agree that Scrutiny Committee may refer a Cabinet decision to Council or to an Overview Sub-Committee

1.6.5 A Cabinet decision cannot be implemented or take effect until one of the following circumstances has occurred:

- (a) there has been no valid suspensive call-in within the eight day period allowed;
- (b) the decision has been called-in but has been endorsed by the Scrutiny Committee;

- (c) following call-in and negotiations with the Cabinet, the Chairman of the Scrutiny Committee has confirmed that the decision is endorsed;
 - (d) on a matter called in and referred back, the Cabinet have accepted the recommendations of the Scrutiny Committee;
 - (e) the full Council has decided the matter.
- 1.6.6 The aim of these arrangements is to ensure effective decision-making by avoiding unnecessary delay. The arrangements therefore make provision for compromises to be speedily reached, in cases of disagreement between the Cabinet and the Scrutiny Committee. It should therefore not be necessary for any decision to travel round the “call in loop” more than once.
- 1.6.7 There will be occasions where the Cabinet does not wish to seek a compromise - for example if the decision relates to part of the majority party’s manifesto. To save time in such cases, the Cabinet can indicate in the record of the decision that it is “non-negotiable” and should be referred to full Council for decision, if Scrutiny Committee does not endorse it.
- 1.6.8 Cabinet recommendations to full Council on decisions which would be contrary to policy/budget may be considered by the Scrutiny Committee, which can add its comments.
- 1.6.9 The recommendations of the Cabinet to full Council on policy and budget matters can also be called in for scrutiny, but cannot be referred back to Cabinet - the Scrutiny Committee may add its comments, for consideration by full Council.
- 1.6.10 Any 3 members may request that a decision of the Cabinet, whilst not formally called in and therefore not suspended, be considered by the Scrutiny Committee.

1.7 Matters of Urgency for Key Decisions

- 1.7.1 If, in the opinion of the Monitoring Officer, Cabinet is minded to take a decision in a way contrary to the policy framework or contrary to/not wholly in accordance with budgetary provision because of urgency, it may only be taken by the Cabinet if the Chairman of the Scrutiny Committee agrees that that the issue is urgent.
- 1.7.2 If the Cabinet, for reasons of urgency, wishes to make a key decision which is not included in its forward programme, it must give the Chairman of the Scrutiny Committee at least five working days notice that it intends to consider the matter. If it is not possible to give this notice, the Chairman of the Scrutiny Committee must agree before the matter can be considered by the Cabinet.

1.8 Planning and licensing applications

- 1.8.1 Decisions on individual planning applications, licensing and appeals by the Planning Committee, or the Licensing, Appeals and Complaints Committee do not require approval by the full Council and are not subject to scrutiny “call in”.

1.9 Sustainable Community Strategy

1.9.1 The Council is one of a number of organisations which have joined together in partnership to draw up a Sustainable Community Strategy for South Norfolk, in consultation with the local community. The Sustainable Community Strategy draws together a wide range of separate plans and strategies operated by the partner organisations, and sets out a shared vision of how the quality of life in South Norfolk could change for the better over the next ten years. The Sustainable Community Strategy sets out how each organisation will contribute and work together to achieve this vision.

1.10 Delegation to officers

1.10.1 The Council, the Cabinet, and any Committee, Panel or Forum may delegate part of its functions to officers of the Council, either generally or for a particular matter. But key decisions can not be taken by officers under delegated powers. The terms of general delegations, including the responsible officer and any limiting conditions, is set out in a Scheme of Delegations approved from time to time by the Council and made available for public inspection. The principles of the Scheme to be operated are set out in Part 3 Sections 1.11 below and Part 3, Sections 3,4, and 5.

1.10.2 Decisions taken by officers, alone or in consultation with individual Cabinet members, must be recorded in the appropriate place as soon as possible after the decision has been taken, but are not subject to “call in”.

1.10.3 Officer decisions made in consultation with the whole Cabinet are recorded and published in the same way as Cabinet decisions, and can be “called in”.

1.11 Scheme of Delegation

1.11.1 With the exception of key decisions, each Director, the Deputy Chief Executive and the Chief Executive of the Council is authorised, within the Council’s policy framework and budget, to exercise all functions within their area of responsibility, as set out in the current List of Responsibilities for Services in Part 3.3 below. A Director, the Deputy Chief Executive and the Chief Executive may in turn delegate this authority to specified officers of the Council. In the absence of a Director, the Chief Executive or Deputy Chief Executive may arrange for duties to be carried out by an appropriate officer.

1.11.2 Any officer exercising or advising on the exercise of their delegated authority shall first consider, as a matter of judgement, whether to consult:

- (a) The Cabinet;
- (b) The member(s) of the Cabinet with responsibility for the matter concerned;
- (c) the ward councillor(s) or other local councillor(s);
- (d) the Chairman of a committee, Panel or Forum;

- (e) other officers of the Council or other agencies or partner organisations.
- (f) Any shadow Cabinet Member nominated by the largest opposition group or by that political group jointly with some or all other minority groups

1.11.3 The Cabinet Members and the Management Team (Chief Executive, Deputy Chief Executive and Directors) may meet together on a regular basis as a “Board”. The Board provides an opportunity for collective consultation as in 1.11.2 above. It is a non-executive body in which frank exchanges and briefings can take place on a confidential basis to assist with the development and implementation of policy. The Board has no decision-making authority as such and cannot assume any of the powers of the Council, the Cabinet, any other constituent body of the Council or the delegated authority of designated officers.

1.11.4 The two following sections are a summary of the procedures laid down by statute and should be used as general guidance only with any decisions being made in accordance with Statutory Instrument 2001 3384.

1.12 The Development of the Policy Framework

1.12.1 Where the Cabinet submits a draft plan or strategy to Council for consideration and the Council has objections to it, then the following process must be carried out.

1.12.2 Before the Council amends the draft plan or strategy, approves for the purpose of submission to the government any plan or strategy (draft or not), or adopts the plan or strategy, it must inform the Leader of any objections it has to the draft plan or strategy and instruct him/her requiring Cabinet to reconsider in the light of these objections the draft plan or strategy submitted to it.

1.12.3 Where the Council gives these instructions, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may -

- (a) submit a revision of the draft plan or strategy as amended by the Cabinet with their reasons for any amendments made to the draft plan or strategy, for Council’s consideration; or
- (b) inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and reasons for any such disagreement.

1.12.4 When the period specified by the Council, has expired, the Council must, when -

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Government for its approval, any plan or strategy (whether or not in the form of a draft or revised draft); or
- (c) adopting (with or without modification) the plan or strategy,

- 1.12.5 Take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and reasons for that disagreement, which the Chairman of the Cabinet submitted to the authority, or informed the authority of, within the period specified.

1.13 Preparation of the budget

- 1.13.1 The following shall not be the subject of these regulations:

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

- 1.13.2 If, before 8th February in any financial year, the Cabinet submits (NB for these purposes "submits" means the date of publication of the full Council agenda containing the Cabinet's recommendation for full Council) to the Council for its consideration in relation to the following financial year -

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out below.

- 1.13.3 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to above or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

- 1.13.4 Where the Council gives instructions in accordance with this, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which s/he may -

- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons

for any amendments made to the estimates or amounts, to the Council authority for its consideration; or

- (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

1.13.5 When the period specified by the Council referred to above, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the authority's objections; and
- (d) the Cabinet's reasons for that disagreement,

which the Chairman of the Cabinet submitted to the Council, or informed the Council of, within the period specified.

2. Committee responsibility for functions other than those reserved by statute for the council

2.1 All these functions except key decisions are eligible for full delegation to Staff under the scheme of delegations. For the purpose of clarity, they are recorded here as being executive functions unless shown otherwise.

Function	Decision making body	Membership	Delegation of functions
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
Any function relating to contaminated land	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The service of an abatement notice in respect of a statutory nuisance	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The passing of a regulation that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The inspection of the authority's area to detect any statutory nuisance	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.
The appointment of any individual: <ul style="list-style-type: none"> to any office other than an office in which he is employed by the authority 	Cabinet	Up to 10 members of the Council	Refer to the table of delegation in Section 3.3.

Function	Decision making body	Membership	Delegation of functions
<ul style="list-style-type: none"> • to any body other than the authority of two or more authorities or • to any committee or sub committee of such a body and the revocation of any such appointment 			
The determination of planning applications and other matters within the terms of reference of the Planning Committees.	Planning (See also Area Planning Committees in Articles 8 and 10)	11 members of the authority	Refer to Planning Committee's Scheme of delegation in Part 3.4
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Planning	11 Members of the Authority	Refer to Licensing, Appeals and Complaints Committee's Scheme of delegation in Part 3.5
Taxi, gaming, food and miscellaneous licensing Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations. See also Constitution and terms of Reference of the Committee.	Licensing, Appeals and Complaints	15 members of the authority, of which any 3 (normally including the Chairman or Vice Chairman) will be drawn in rotation to determine individual qualification	Refer to Licensing, Appeals and Complaints Committee's Scheme of delegation in Part 3.5
Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council's capacity as	Licensing, Appeals and Complaints	15 members of the authority, of which any 3 (normally including the Chairman or Vice Chairman) will be drawn in rotation to determine	Refer to Licensing, Appeals and Complaints Committee's Scheme of delegation in Part 3.5

Function	Decision making body	Membership	Delegation of functions
employer		individual qualification	
Appeals	Licensing, Appeals and Appeals	15 Members of the Authority who will sit in sub committees of 3 to hear appeals and to determine applications	Refer to Planning Committee's Scheme of delegation in Part 3.5
Functions relating to the Licensing Act 2003	Licensing and Gambling Acts Committee	15 Members of the Authority who will sit in sub committees of 3 to determine applications	Refer to Scheme of delegation in Part 3.5
Functions relating to Audit matters and approving the Final Accounts	Accounts, Audit and Governance Committee	6 Members of the Authority and 1 independent member. Leader, Portfolio holder for Resources and Leader of Opposition are ex-officio members for considering final accounts	Refer to terms of reference of the committee in Part 4.1.
The provision of a Joint Museums Service for Norfolk	Norfolk Joint Museums Committee	9 members of the County Council, 3 Members of Norwich City Council and 1 member each from Breckland, Broadland, North Norfolk, South Norfolk, Great Yarmouth and Kings Lynn and West Norfolk Councils	

Function	Decision making body	Membership	Delegation of functions
The provision of a records service for Norfolk	Norfolk Records Committee	3 members of the County Council, and Norwich City Council and 1 member each from Breckland, Broadland, North Norfolk, South Norfolk, Great Yarmouth and Kings Lynn and West Norfolk Councils	
The provision of a Joint Building Control Service for participating Norfolk District Councils	Norfolk Building Control Joint Committee (known as CNC)	1 executive member each from the participating Councils.	

3. CABINET MEMBERS/PORTFOLIO OF RESPONSIBILITY AND THE RESPONSIBILITIES OF SENIOR OFFICERS

3.1 Leader and External Affairs Portfolio

Activity	Responsible Officer
Communications	Chief Executive
Economic Development, including:	Chief Executive
➤ Broadband for the Community	
➤ Regeneration	
➤ Tourism	
Elections and Electoral Registration	Chief Executive
External Affairs	Chief Executive
Risk Management	Chief Executive

3.2 Community Empowerment and Building the Big Society Portfolio

Activity	Responsible Officer
Arts and Culture, including	Director of Communities
➤ Arts Development and coordination	
➤ Cultural Events/Activities	
➤ Culture and Heritage	
Community Empowerment including:	Director of Communities
➤ Community Cohesion	
➤ Community Engagement	
➤ Community Grants	
➤ Community Safety and Restorative Justice	
➤ Community Transport	
➤ Neighbourhood Management	
➤ Older People's Forum	
➤ Youth Engagement	
Every Child Matters	Director of Communities
Leisure and Sport including	Director of Communities
➤ Community Sport Network	
➤ Leisure Centres	
➤ Leisure Development	
➤ Olympic Games 2012	
➤ Play Development	
➤ Sport Development	
Reprographics including	Director of Communities
➤ Post	
➤ Printing	
South Norfolk Alliance	Director of Communities

3.3 Public Protection and Development Control Portfolio

Activity	Responsible Officer
Burials	Director of Development & Environment
Car Parks and Parking Enforcement	Director of Development & Environment
Design and Conservation including	Director of Development & Environment
➤ Biodiversity/Ecology	
➤ Dangerous, ruinous or dilapidated buildings	
➤ Listed Buildings	
➤ Tree Preservation	
Development Control including	Director of Development & Environment
➤ Building Control – Client Functions	
➤ CNC Building Control	
➤ Planning Applications	
➤ Planning Appeals	
➤ Planning Enforcement	
Drainage Improvements including	Director of Development & Environment
➤ Surface Water & Sewerage	
Emergency Planning and Business Continuity	Director of Development & Environment
Environmental Enforcement including	
➤ Dog Control	
➤ Health and Safety	
➤ Neglected Sites	
Gypsies and Travellers	Director of Development & Environment
Housing Standards including	Director of Development & Environment
➤ Care and Repair	
➤ Disabled Facilities Grants/Aids & Adaptations	
➤ High Hedges	
➤ Home Maintenance Advice	
➤ Housing Enforcement	

<ul style="list-style-type: none"> ➤ Renovation Grants ➤ Supporting People ➤ Unfit Houses and HMOs 	
Land Charges	Director of Development & Environment
Licensing, including	Director of Development & Environment
<ul style="list-style-type: none"> ➤ Alcohol Licensing ➤ Animal Licensing ➤ Gambling Licensing ➤ Regulated Entertainment Licensing ➤ Taxi Licensing 	
Play Site Inspection and Adoption	Director of Development & Environment
Protecting the Environment including	Director of Development & Environment
<ul style="list-style-type: none"> ➤ Energy Advice and Assistance ➤ Environmental Awareness/Corporate Energy Efficiency ➤ Environmental Crime ➤ Environmental Health ➤ Environmental Licensing ➤ Pest Control 	
Public Conveniences	Director of Development & Environment
Public Health Protection including	Director of Development & Environment
<ul style="list-style-type: none"> ➤ Communicable Disease Control ➤ Food Safety ➤ Pollution 	
Street Scene including	Director of Development & Environment
<ul style="list-style-type: none"> ➤ Clean Neighbourhoods ➤ Countryside Management ➤ Grounds Maintenance ➤ Street Naming & Numbering/GIS 	
Waste including	Director of Development & Environment
<ul style="list-style-type: none"> ➤ Domestic Recycling ➤ Domestic Refuse Collection ➤ Mini Recycling Centres ➤ Trade Waste 	

3.4 Strategic Planning and Localism Portfolio

Activity	Responsible Officer
Benefits including	Director of Communities
<ul style="list-style-type: none"> ➤ Benefit Fraud ➤ Council Tax Benefit ➤ Housing Benefits 	
Housing advice including	Director of Communities
<ul style="list-style-type: none"> ➤ Homelessness and Homelessness Prevention ➤ Leased Properties and Hostels ➤ Housing Advances ➤ Housing Advice ➤ Housing Register & Home Options 	
Public Health Promotion	Director of Communities
Revenues including	Director of Communities
<ul style="list-style-type: none"> ➤ Council Tax Collection ➤ National Non Domestic Rates ➤ Rate Relief Schemes 	
Strategic Housing policy including	Director of Communities
<ul style="list-style-type: none"> ➤ Affordable Housing ➤ Housing Enabling ➤ Mortgages 	
Strategic Planning Policy including	Director of Communities
<ul style="list-style-type: none"> ➤ Community Infrastructure Levy ➤ Local Development Framework ➤ Joint Core Strategy ➤ New Homes Bonus ➤ Town Plans and Developer Guidance 	
Welfare Rights/Debt Advice	Director of Communities

3.5 Corporate Resources and Governance Portfolio

Activity	Responsible Director
Audit	Deputy Chief Executive
Finance including	Deputy Chief Executive
➤ Accountancy	
➤ Income	
➤ Payments	
➤ Procurement and Supply Contracts	
➤ Sundry Debtors	
Governance Statement	Deputy Chief Executive
Health and Safety at SNC	Deputy Chief Executive
Human Resources	Deputy Chief Executive
Information Rights including:	Deputy Chief Executive
➤ Data Protection	
➤ Freedom of Information	
Land and Property including	Deputy Chief Executive
➤ Asset Management	
➤ Building Maintenance	
➤ Commons	
➤ Community Right To Buy	
➤ Facilities Management	
➤ Heritage Site Management	
➤ Industrial Estate Management	
➤ Parish Land Management	
➤ Sewage Works Rehabilitation Programme	
➤ Street Lighting and Street Nameplates	
Legal Services	Deputy Chief Executive
Members Services including:	Deputy Chief Executive
➤ Committee Services	
➤ Member Support	
➤ Scrutiny	

3.6 Organisational Efficiency and Shared Services Portfolio

Activity	Responsible Director
Change Management	Chief Executive
Customer Services including:	Chief Executive
➤ Customer Information Centres	
➤ Equalities	
Information Technology and Telephony	Deputy Chief Executive
Service Improvement & Efficiency	Chief Executive
➤ Business Development	
➤ Business Improvement	
➤ Performance Improvement	
Shared Services	Chief Executive

4. Specific delegation of exercise of functions to officers: Planning Committee

4.1 The following functions of the Planning Committee are delegated to the Director of Development & Environment and to such officers as that Director may approve:

4.2 Applications made under the Planning Acts

4.2.1 To approve or refuse an application where comments or objections conflicting with such a decision are received from less than two premises.

4.2.2 To approve or refuse an application where the Parish or Town Councils approve/refuse comment and/or Local Member "request to refer to Committee for determination" comment is not substantiated with relevant material planning considerations and two other comments or objections conflicting with such a decision are received from less than two premises.

4.2.3 To refuse an application irrespective of conflicting views where a proposal is in conflict, in principle, (as distinct from upon application of criteria based policies) with the Local Plan and where no significant material considerations are raised by anyone.

4.2.4 To refuse an application where the decision is based on inadequate information/quality of application submission. (Note: applicant can resubmit the application without payment of a further fee).

4.2.5 To approve an application where no neighbour views are relevant to the determination of the application e.g. where they raise the question of a boundary dispute, loss of view, loss of value etc. or where plan revisions are judged to satisfy an original objection but their view persists and the objection is not withdrawn and comments conflicting with such a decision are received from less than two premises.

4.2.6 To refuse an application in default where amended plans are being sought to overcome a problem and they are not received.

4.2.7 To refuse an application where the proposal is in conflict with published design guidance and the views of the Council's Conservation Architect irrespective of any conflicting views from third parties.

4.2.8 To approve or refuse an application where a previous application proposal is being renewed, revised or resubmitted and the decision is consistent with a previous decision and where there has been no significant change in circumstances irrespective of any conflicting views from third parties.

4.2.9 Officer delegated power to refuse an application does not apply to those applications relevant to business proposals likely to generate employment. Recommendations for approval (or refusal) where there are material planning

objections (or support) from either local residents or a Parish or Town Council will be referred to Committee for determination.

- 4.2.10 In respect of isolated premises, the officer should consult with the Chairman as to whether to exercise the full delegation given under 4.2.1, 4.2.2 and 4.2.5.

4.3 Enforcement of Planning Control

- 4.3.1 To serve planning contravention notices and, subject to legal advice, to prosecute for non-compliance with such notices.

- 4.3.2 Subject to legal advice, to serve breach of condition notices and, subject to further such advice, to prosecute for non-compliance with such notices.

- 4.3.3 Where enforcement action has been authorised by a Planning Committee in a particular case.

- (a) to serve enforcement notice (which term shall also include listed building enforcement notices and special enforcement notices);
- (b) to serve stop notices;
- (c) to serve breach of condition notices;
- (d) to apply for injunctions and enforce them;
- (e) to arrange for the entry on land and the taking of steps required by such an enforcement notice and for the recovery of costs incurred in relation thereto;
- (f) to prosecute for any breaches of such enforcement notices, stop notices, or breach of condition notices;

Unless the taking of any such step has been specifically excluded by the Committee in the particular case.

- 4.3.4 When she/he considers that it is necessary to take urgent enforcement action before the next scheduled meeting of a relevant Planning Committee, to take any of the steps referred to in 4.3.3 above, after consultation with the Chairman or Vice-Chairman of the particular Planning Committee or, in their absence, the relevant Cabinet portfolio holder, subject to legal advice at the time and to reporting details of the action so taken to the next following meeting of the particular Planning Committee.

4.4 Other Functions Falling within the Terms of Reference of the Planning Committee

- 4.4.1 To exercise all other functions falling within the terms of reference of the Planning Committee whether by the service of notices, making or confirmation of orders, directions or dispensations, issue of determinations or certificates, lodgement of comments or objections, commencement of proceedings, lodgement of appeals, withdrawal or discontinuance of any matter or action, responding to any matters served upon the Council or otherwise.

4.5 Temporary Stop Notices

4.5.1 The Director of Development and Environment, the Development Control Manager, the Area Planning Officers and the Enforcement Officer are authorised to issue and serve a temporary stop notice.

4.6 General Principles against which all Planning Delegations are to be exercised

4.6.1 Despite the availability and extent of any delegated power in any particular case, any officer exercising or advising upon the exercise of such power shall first consider whether, in his or her judgement, the matter ought nevertheless to be referred to the Planning Committee or whether the Chairman or Vice-Chairman of the Committee ought to be consulted. The officer shall have a duty to act in accordance with his or her own judgement in that respect.

5 Specific Delegation of Exercise of Functions to Officers

5.1 Licensing Act 2003

Delegation of Functions – Food, Health and Safety Manager

MATTER TO BE DEALT WITH	FULL CTTEE	SUB CTTEE	OFFICERS
Application for personal licence		If a Police objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club registration Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If a police representation	All other cases
Application to review premises licence/club premises Registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases, initially with discretion to refer to the sub-cttee
Decision to object when local authority is a consultee and not the lead authority		All cases	

Determination of a Police representation to a temporary event notices		All cases	
Applications for minor variations with or without representations.			All cases

- (a) The Food, Health and Safety Manager has delegated authority to carry out all functions associated with the Licensing Act 2003, which are not covered within the scheme of delegation referred to above.
- (b) The Food, Health and Safety Manager has delegated authority to agree that a hearing in appropriate circumstances under the regulations is unnecessary, even when representations have been received and to instigate proceedings for contravention of the provisions of the Act.
- (c) The Food, Health and Safety Manager is authorised to approve applications for the grant or renewal of a permit for gaming machines in premises with a premises licence and that the Licensing and Gambling Act Committee is authorised to hold a hearing and determine applications for the grant or renewal of a permit for gaming machines in cases where an objection to the application has been received or the Food, Health and Safety Manager is minded to refuse the application. Furthermore, that the Food, Health and Safety Manager is authorised after consultation with the Chairman of the Committee (or in his/her absence the Vice Chairman) to instigate proceedings for contravention of the relevant parts of the Gambling Act or the terms of a permit issued by or under the authority of the Committee.

5.2 Gambling Act 2005

Delegation of Functions – Food, Health and Safety Manager

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premise gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

5.3 Hackney Carriage and Private Hire

The Food, Health and Safety Manager is delegated authority to carry out all functions associated with the Local Government Miscellaneous Provision Act 1976 and the Town Police Clause Act 18 47.